

1967 this was a habit which prevailed. It is a habit which has gone on for a good long time. We are now asking that the habit be broken. How will it be broken? As I was saying before the deputy leader so rudely interrupted me—

**Senator Frith:** As I said last time, interruptions are always rude. When did you last hear someone say, "Before I was so politely interrupted . . ."?

**Senator Gigantès:** I thought that most of the interruptions which were made during my long speech were extremely useful.

You are proposing to break a well-entrenched habit of students. If a lengthy work is involved, it may cost more to photocopy it than to buy it. Yet, there is a problem with the finances of students involved here. How do you propose to address that problem? What can be done when a student says, "In this collection of short stories, I need to study this particular one. The book costs \$25. Yet, the short story which is ten pages long will cost but \$1 to photocopy"? Admittedly, the student, technically, is stealing the royalties due to the author of the book. How do you propose to solve this problem? There are many students who do not have much money.

**Senator Frith:** The simple answer is by negotiating. The honourable senator raises the same questions as those raised about records. "How can we deal with them when we only play one cut, or this one or that one?" It can be done by negotiating and raising exactly the kind of questions which Senator Gigantès has raised. Incidentally, I am not proposing this. It is in place now. There are associations in existence which can start negotiations. They are called collectives. They are now legitimate, which they were not until this government brought in Part I. The answer is that you hold negotiations. You do what has been done in other fields: you make sure that all the difficult questions are raised—and Senator Gigantès' question is a classic example of the kind of question a user would raise. The creative collective would say, "We have an idea on that. We thought we would do this and make the adjustment this way or that way". If the matter cannot be worked out, it can be taken to the Copyright Appeal Board, which is exactly what is done elsewhere.

The shock of all this is that society has never really addressed this matter in the past. The question of performing rights has been addressed. Yet, the question of composition rights concerning music has not been addressed.

The essence of Senator Marsden's bill is not so much the question of exemptions, but her understandable impatience in this matter. I support her in her impatience, as do most government members, I believe. I know that Senator Poitras and other members of the government with whom I have spoken support fully Senator Marsden's impatience with the delay in the passage of Part II. It would deal with the exemptions. In effect, what she is asking for in Bill S-8 is an anticipatory exemption. In effect, she wants to say, "I want an exemption now". Speaking for the constituency which I represent in this small context—that is, the creators—I would say, "But you are going to take all my bargaining rights away

[Senator Gigant]

when I start to negotiate exemptions under Part II. It will already have been granted".

I would like to leave my remarks at that point as I adjourn the debate. I do so in order to avoid going over the background again. I will then tighten up the focus. The next time I deal with this matter, I will deal with the following questions: Why do we not have Part II yet? I ask this question now, because I hope the members opposite who are interested in this bill will consult their colleagues in the government, particularly the Minister of Communications, Marcel Masse, in order to join in the debate.

If Part II is passed in the near future, I think Senator Marsden will be satisfied. As long as she knows we will soon have Part II, we can sit down, and the educational community can negotiate exemptions. However, if she has to keep waiting and waiting for Part II, she will want to have her bill passed, which will, in effect, give her the something in advance. My problem with that, as I say, is that it might put the creators in the position of having their case settled before they even get down to the bargaining table.

For the other main point I want to address, I refer honourable senators to the very useful study done by Consumer and Corporate Affairs on the question of copyright. In fact, I cannot offhand think of any subject which has been so well researched, and which research is so available, as the research done by this government and the previous government on the question of copyright. There were a large number of proposals, drafts and suggestions. The one I refer honourable senators to on this particular question, namely, exemptions under the Copyright Act as enacted by Part I, is a study done by Dennis N. Magnusson and Victor Nabhan. It is part of a series called "Copyright Revision Studies." Its title is "Exemptions under the Canadian Copyright Act". Incidentally, Mr. Magnusson is at the faculty of law of Queen's University and Mr. Nabhan is at the faculty of law of Laval University. This part deals with exemptions.

I do not want to give away the plot and say the butler did it. However, essentially the result of the studies done by the department is that there should not be educational exemptions. However, that is something for negotiation under Part II, when it comes along.

I would like to tighten the focus of Bill S-8 on the question of educational exemptions under the Copyright Act as it now stands and the relationship between Bill S-8 and the studies which have been done on the subject of exemptions, particularly educational exemptions under the Copyright Act. Therefore, honourable senators, I move the adjournment of the debate on this order.

**Senator Bosa:** Would the honourable senator entertain a question?

The explanatory note of Bill S-8 states:

The purpose of this amendment is to exempt from copyright infringement certain activities that are carried out for educational purposes in circumstances where a