

one we are now facing; namely, that we can no longer continue to refuse to acknowledge that creative rights exist. We can no longer simply abuse those creative rights. It is in this larger social context that society wants to encourage creative rights, and it does so by giving protection to the creators and allowing them to receive a decent and fair compensation for their creative efforts.

However, this comes as a terrible shock to a lot of us, including many of us in the educational community. The educational community says such things as: "Do you mean that if I am in the middle of teaching something and I want to make a photocopy of a publication or write an excerpt from it on the board, I am breaking copyright?" The answer is: "Yes, unless you have the permission of the copyright owner, the person who created it, you are breaking copyright." That is why I come back to these arguments, which have such a familiar ring to me.

The essence of all of these arguments is the same as that of the arguments we heard years ago when radio and television stations took the position: "It would be nice to be able to protect copyright owners but it is too much trouble, it is too difficult, it is technically impossible" and so on. All of those things were said. The problem was solved through negotiation, and that is exactly what Part I of the Copyright Act is trying to elicit. But it does create these problems.

What does Senator Marsden intend to do with this bill? Let us look for a moment at what she wants to accomplish. All regimes or schemes for the collective enforcement of copyright contain exemptions, particular situations that require negotiation. What is the problem in this case? The problem is that essentially the exemptions are to be in Part II of this legislation, and Part II has not yet been passed. I do not even think it has been introduced in the other place.

Senator Marsden and the interests that she represents—and they are substantial and important ones, dealing directly with the education of our society—hope that there will be exemptions for educational use. Let me pause here for a moment to state the general problem with exemptions.

The argument that is made usually goes like this: "But you really can't expect our educational system to bear the costs of paying these creators their rights. We admit that they have these rights. We admit that they should be paid. We admit that they are entitled to a fair return for their efforts, but in the name of the education of our children, they ought not to be paid." What are we doing? We are saying to these creators, those who write the textbooks that are so important, for example, to our children, or other material that the schools decide to use: "Look, you have decided to create these written works for the benefit of society. We admit that they are for the benefit of society because we want to use them, but we don't want to pay you for them."

What we are saying, in effect, is: "Would you mind subsidizing the educational system? Would you mind our using your works for the education of society without our paying for

it?" We are really asking them to give up their right to be paid for their contribution to the educational system.

We would not say to the principal of a school that he should not be paid; nor would we suggest to a teacher that he or she should not be paid. We are not about to say to the contractors who build the schools or to the suppliers who supply them that, in the name of the education of our children, they should not be paid. We would never say to the contractor: "You don't expect us to pay for the school you built, do you? It is for our children." We would never say to a teacher: "How can you be asking for a raise? How can you ask to be paid at all? You are doing this for our children. You realize that we have to raise the money from the taxpayers in order to educate our children. You don't expect us to pay for it, do you?" Do the paper companies ever say: "Oh, sorry, never thought of it—of course not. We don't expect you to pay for this." Do we ever think the contractor should say: "No, no, I won't even send you a bill"? Do we ever expect the teachers to say: "I never thought of it. When you put it that way, why would I expect a raise when what I am doing is for the education of our children?"

However, that is what we are asking the creative writers to do. We are saying to them: "Don't you understand how difficult it is to pay you? We have never paid you before. We have trampled all over your rights and have never paid you and now you are asking to be paid. Now we have to get this money out of the taxpayer in order to educate our children, and it is all because you insist on being paid like everybody else—full price for full services."

This brings us to the whole question of exemptions, which are supposed to be dealt with in Part II of the legislation. I can tell I am boring many of you with my remarks. However, that diminishes neither my enthusiasm nor my passion for the protection of the rights of our creators and the need for all of society as users to pay for the creative efforts and works of our authors and others, just as we pay everybody else for their contributions to society. Thus, I now wish to move the adjournment of the debate on this order.

Hon. Philippe Deane Gigantès: Before that is done, I wish to ask a question of Senator Frith. I fully sympathize with the point of view that he has raised. It is unfair to ask all authors, literary as opposed to textbook, since authors of textbooks generally make money—and I do not write literature so I am not involved in this—to permit works, or parts of them, which are discussed in a literature class. They may be copied by students to whom such works have been assigned.

Before the photocopier students would have to secure a copy somehow. Libraries never had enough copies for students, but they would secure a copy, read it, make notes and perhaps even use one another's notes. More copies of the book were not bought than they are now.

Once the photocopier came into being, students would go to a library and copy, for example, part of a collection of short stories. Their colleagues would then photocopy the photocopy, thus giving all a copy of the text to take home. You are asking them to break a very old habit. When I went to university in