

Government Orders

For instance, Paul Racine, Assistant Deputy Minister, Cultural Development, told the Canadian heritage committee: "—the fact is that the minister and the department set all copyright policies and oversee the drafting work—as was done in the past and will be done in the future with Phase 2. In other words, they do all the work from A to Z. As I told you, this was recognized by previous Prime Ministers through repeated formal ministerial delegation and it is, in my opinion, recognized in law for the first time through this amendment. It is a matter of fact. Whoever gets the ingredients, cooks and serves them may or may not be called a chef, but he or she certainly bears a close resemblance to one".

However, there appears to be several chiefs, as Mr. Von Finckenstein, Deputy Minister at Industry Canada, told the Standing Committee on Industry something quite different. He said: "Before the merger, copyright was in the Department of Communications and the Department of Consumer and Corporate Affairs, together with all other intellectual property, be it patent, trademarks or copyright. This whole division has now gone to Industry. It has not been broken up or changed. The people in charge of copyright are the people who once worked for CCA on this matter. As for their mandate, which is to develop copyright policy, the Minister of Industry is indeed ultimately responsible for the application of the law and for amending it, but policy decisions are obviously made at the cabinet level, where the Minister of Canadian Heritage, for instance, can put forward the cultural point of view". That is what Mr. von Finckenstein said.

Therefore it is total confusion, the department of tutti frutti, as my colleague from Rimouski—Témiscouata calls it. Even the officials do not know who really is responsible for the Copyright Act.

The government is supporting a myth and confusion by letting people believe that the heritage department plays the leading role with respect to copyright, when the real power clearly resides in the industry department.

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It must be noted that the deadlock blocking revision of the Copyright Act is partly due to conflict between two ideologies: protecting the creative artist vs. protecting the consumer. Performing artists, creative artists and copyright holders do not benefit from this division; rather it is those whose concerns have nothing to do with cultural development, values and identity.

Furthermore, it is totally unacceptable and far-fetched to put the Copyright Act, which protects the economic and moral rights of creative artists and the holders of these rights, under the Department of Industry. It is ridiculous to put copyrights on the same level as trade-marks, patents, industrial designs and

integrated circuit topographies, as in paragraph 4(1)(h) of Bill C-46.

Those who propose that copyrights be under the sole jurisdiction of the Minister of Industry are wrong. Such a decision would greatly jeopardize cultural creativity in Quebec and in Canada. Obviously, the cultural sector is an industry, in the sense that it generates an important economic activity, but it is certainly not an industry like the other ones.

Cultural development depends on the Copyright Act, which allows artists to be associated with the economic life of their works. Consequently, if the current apathy persists, it could seriously hurt a very important cultural industry. The government approves enormous budgets to defend and promote Canadian identity. Is it not high time this government recognized the cultures which are part of that identity and are its very foundations, and show some respect for the artists who shape these cultures?

The government's apathy is all the more incomprehensible considering that the Liberal Party often insisted that even though culture generates economic activity, it cannot be treated like other industries. Moreover, the Liberals pledged, in their red book, to support production, marketing and distribution, so as to promote the circulation of Canadian books, films and recordings on the domestic market, to consider allowing investment tax credits to stimulate the production of such works, and also to consider the possibility of providing income averaging mechanisms in the Income Tax Act, for Canadian artists. However, the Quebec and Canadian cultural industries, and the artists, are still waiting.

Also, in answer to questions from the Canadian Conference of the Arts, the Liberal Party pledged, during the last election campaign, to review the Copyright Act and ensure above all that authors get their dues, while facilitating access to material protected by copyright. The Liberals claimed to understand the importance of copyright. It made a commitment to restructure the administrative organization and review the Conservative decision to split this jurisdiction between two departments. But again, our artists are still waiting!

These facts and the delayed amendment minister Dupuy put forward when he appeared before the committee show the lack of interest and the total lack of respect of the government for Quebec and Canadian artists and cultures. Allow me to describe the disrespectful attitude shown by Liberal members of the committee. I have already mentioned the last minute amendment put forward by the Minister of Heritage.

One of the committee members, a loyal and faithful Liberal, said that, when the amendment was proposed, everyone in the room applauded and commended the minister's decision. Not so, Madam Speaker! The members of the other parties did not applaud. The people representing the artists did not applaud.