

Government Orders

The wording of this change takes us back to the days of mechanical pianos. How, in 1994, can the government amend the Copyright Act and completely ignore the technological progress of the last few decades? This certainly does not make the government look like it is aware of the future challenges that await us. Yet, the government received numerous reminders.

I want to quote a few paragraphs from the brief submitted by the Union des artistes to the Standing Committee of Foreign Affairs and International Trade:

For almost eight years now, the Union des artistes and the Coalition of Creators and Copyright Owners have been asking for the rights regarding the fixation, the reproduction and the communication to the public of their performances in musical, literary, dramatic and choreographic works, known as neighbouring rights. Meanwhile, Bill C-57 recognizes the exclusive right of our people to fix the performance, or any substantial part thereof, by means of a record, perforated roll or other contrivance by means of which sounds may be mechanically reproduced. If Canada recognizes, in 1994, our exclusive right to the fixation of a sound performance by means of a perforated roll, how long will we have to wait for the recognition of our rights on performances fixed or reproduced by using optical discs, compact discs like CD-ROMs and other modern supports?

Clause 58 of Bill C-57 is not only totally disconnected from today's reality: It also creates a great danger for the future.

This government does not seem to realize that when Canada signs a commercial treaty such as the one resulting from the Uruguay Round of negotiations, it waives part of its sovereignty. This is true not only in the case of trade agreements, but also in the defence sector. Just think of the North Atlantic Treaty or NORAD.

So, it is essential for the government to recognize that section 58 limits its own future jurisdiction and that every measure must be taken, now and in the future, to minimize any negative impact.

We fear that, as soon as it is passed, this bill could in fact limit the performers' rights to the only rights recognized in this bill. This leads one to fear that restrictions set here and there in commercial agreements could be seen as absolute restrictions when the time comes to review our own national legislation in this area. This is why our amendment is crucial.

Members will recall that the Uruguay Round Agreement only dates back to December 15, 1994. When the government introduced Bill C-57, the Parliamentary Secretary to the minister of International Trade admitted that only 13 of the hundred or so countries which signed the agreement had already introduced their implementation legislation.

Since this bill was introduced, the race has begun. The Standing Committee on Foreign Affairs and International Trade is in a hurry. The number of witnesses has been limited and committee members are rushed off their feet. We have to cut corners, because an international agreement was signed.

Let us draw a parallel between the position of the Liberal and Conservative governments concerning the protection of the creative and performing artists' rights.

I would like to quote from the brief submitted by the Union des artistes:

The Berne Convention for the Protection of Literary and Artistic Works was concluded in 1886. Canada's Copyright Act, which was passed in 1926, forty years later, was not reviewed by Parliament until 1988.

As for the Rome Copyright Convention on the protection of performing artists, producers of recordings and broadcasting agencies, it was concluded in 1961 and is already obsolete because it applies only to sound productions.

Thirty-three years later, Canada has yet to sign the convention and adjust its own legislation to meet the minimum provisions of the convention. As a result, Canada, which takes pride in being one of the most progressive countries in the world, lags far behind in defending and promoting the interests of its creative artists.

Germany, France and Japan all signed the Rome Convention. In addition, these fellow members of the G-7 group, realized it was important to adjust their respective legislations to the current realities of artistic creation. Germany and France have passed legislation dealing with neighbouring rights. They also recognized the need for royalties on private copies, which is the case in Japan.

Meanwhile, Canada is proceeding in a haphazard way, through its legislation to implement trade treaties, to change its own copyright legislation.

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That is not the only paradox. I have another example. On November 14, Liberal majority members tabled in this House the report of the Special Joint Committee Reviewing Canadian Foreign Policy. Against the wishes of the Official Opposition, majority members made culture, a jurisdiction shared by the federal government and the provinces, the flagship of foreign policy. How can the government claim that culture, the result of the work of performing artists and creators, is central to its foreign policy, when it refuses to do what is necessary to promote and protect the work of those who create culture?

The cultural sector is an important one. The present government's failure to proceed with its review of the Copyright Act can only be explained by its failure to recognize a basic fact of our economic life. The government seems to be ignorant of the fact that in 1991, the cultural sector was responsible for jobs employing more than 300,000 Canadians and Quebecers, putting it ahead of the forestry, mining and insurance sectors in this respect.

It is almost miraculous that the cultural sector should play such an important role in our economy, no thanks to the federal government's reluctance to invest in this sector, which may have serious consequences. According to the Union des artistes, and I quote: "This minimalist and timid approach may jeopardize creative activity in this country. At a time when digital conversion has removed former distinctions between sound and audio-visual productions, at a time when direct broadcast satellites and the information highway are about to redefine the relationship between the consumer, the user and artistic productions, Canada still protects its creators and defends its culture by