

*Government Orders*

It is a very short bill. It is not going to answer the huge second phase that so many people have been waiting for since 1987. This is not part of the exemption section that we need for many other aspects of copyright or intellectual property.

As I said, the bill is to correct a drafting error or an omission that was made when amendments to the implementation of retransmission rights were before the House as part of changes made after the 1988 free trade agreement. This technical drafting error has to do with the redefinition of a musical work. It changes the 1924 definition that did not include the transmission right itself, only what you printed on paper, in essence.

So unfortunately we have been penalizing copyright owners and creators. They have not been able to earn royalties on some of their songs that are carried by cable systems because they are linked to satellites or to other delivery systems into our homes, as different from off-air or non-broadcast things.

To give an example, composer Hagood Hardy's work, *The Homecoming* or Luc Plamondon's songs which are carried on CTV or *Quatre Saisons* and are very popular, receive a performance royalty. Bryan Adams, who is a popular English-speaking song writer, if you look at what happens to his works with Rogers Cable or Videotron, on the one hand, versus PBS and NBC on the other, he earns a royalty on a cable retransmitted distant signal, and for those in copyright land they know that as a retransmission right. So that seems to be okay.

However, Roch Voisine, who is, by the way, at the top of the charts in France, an incredible earner for Canada and a very productive song writer as well as performer, if you look at his *Hélène* and *Pourtant* and *Avant de partir* which are carried on Videotron by Musiqueplus or on CF-Cable by Much Music, earns no royalties. I think anyone who listens to music and appreciates the intellectual vigour and the competence that is displayed in this intellectual property, would understand that this is not fair. They would expect this artist to earn a decent living out of the creative works that are appreciated by so many people.

The reason he is not collecting royalties is because of the unclear wording that is in the Copyright Act, and so

this is why this small minor amendment has been brought in.

There are cable companies that are arguing that they are following the Copyright Act which defines musical works as "those printed, reduced to printing or otherwise graphically produced or reproduced". It is sound on the telecommunications aspect. Well, you and I know that telecommunications today is the most pervasive force in our society and that is how it is transmitted, and it's only fair that we should make that correction.

I support what we are doing here and hope that this omission that will be addressed here in this Bill C-88 is favourably received and will move forward so that non-broadcasting services or satellite-to-cable services, which are being carried presently by Much Music, Musiqueplus, First Choice, Premier Choix YTV, Le Canal Famille, Super Channel and Super Écran will now have to pay copyright royalties to the rightful copyright owner, be it the composer, the author or the music publisher.

• (1520)

The position of our party is that we give serious and positive consideration to this bill and that it be referred to committee; that we hear from all of those who are impacted upon by this bill. We believe that because of past drafting errors that this committee study is key. It would be our hope that there will not have any further errors of this nature.

There are retail stores, restaurants, bars and the CCTA so I would suggest that when we are looking at the use of radio and big screen TV videos we will hear from them and know what the issues are so that we can come back and perhaps make any types of changes that will be required and then pass this bill.

In the interests of immediate benefits to those artists, we are told that if this bill goes through on time they would start at the beginning of September to place their requests before the Copyright Board and that payments could start as early as January 1993.

With that, I hope we will have these hearings soon so that we can be finished with this error that was committed and has caused undue hardship.