

Government Orders

Some observers noted that Canada's lack of involvement in the GATT multilateral negotiations was due to the fact that it considers its cultural sector as already protected by the FTA and NAFTA. But, as we know, this protection is limited by the fear of retaliation from the American giant, by verbal agreements that leave traces and by the Canadian government's unwillingness to stand up in promoting this country's culture.

• (1215)

Furthermore, Carla Hills told Congress that GATT had precedence over the FTA, that there was therefore no cause for concern about this concession to Canadians. I should point out that she said this to the U.S. Congress. In fact, the FTA has precedence over GATT. Still, this statement by the woman who was in charge of FTA negotiations for the American side says a lot about the relative importance given to this agreement by the U.S. and their intention of re-opening it in the future.

Let us go back to the last round of GATT negotiations, which addressed for the first time the issue of intellectual property. The bill before us today contains some 20 clauses on copyrights. As with the rest of the bill, these amendments are proposed to make our Copyright Act comply with the agreements in the *Trade Related Aspects of International Property Rights*, a document containing the rules of the World Trade Organization, including those related to copyright.

These changes are minor, to be sure. They create only one new right: they allow the performing artist to authorize or refuse to permit the recording and broadcast of his performance. The remaining clauses on copyright are intended to update our Copyright Act by including the agreements in *Trade Related Aspects of International Property Rights* and the provisions of the Universal Copyright Convention, to which this international agreement refers.

As examples of these changes, note the clarifications made to the definitions of "infringing" and "performance". Accordingly, industrial piracy and trade in illegally copied merchandise will be limited.

The changes imposed by international trade are commendable. Nevertheless, they put the Canadian government's inaction on copyright on the national agenda. Phase II of the Copyright Act review was planned for last spring. The Minister of Canadian Heritage, who appeared before the Standing Committee on Canadian Heritage on May 4, said this: "I have said right from the beginning, probably even when I became responsible for this portfolio, that our copyright legislation is out of date. There has not been any major change for many years. It is not even fully in keeping with the international agreements on copyrights. We need an overhaul. We are working on it. We have teams of people doing an examination of all this. They are doing the economic impact studies and extensive consultations—I am quite determined to see amendments to the Copyright Act before too long".

But like everyone in the cultural community in Canada and Quebec, we are still waiting for this Copyright Act. This delay is tragic. Of course, it is tragic for our working artists who for ten years or so have been calling for major changes to this law. It is also tragic because we suspect that this delay could be due to the difference of opinion between the Department of Industry and the Department of Canadian Heritage.

On December 22, 1993, the Union des artistes wrote this to the Prime Minister: "The Copyright Act is now being reviewed—Under the previous government, there was an obstacle to the harmonious review of that legislation: The sharing of responsibility between the Department of Canadian Heritage and the Department of Consumer and Corporate Affairs. That arrangement led to a dual vision which, more often than not, resulted in contradictory objectives. That act is the only one protecting the right of Canadian creators".

As for the Minister of Canadian Heritage, he said on CBC radio that he did not really know what the content of phase II of the legislation on copyright would be, and that there would probably be a phase III. It seems that the heritage minister no longer has any authority to impose his views on that issue. He finds himself in a weak and isolated position in his wrestling match with the Minister of Industry. This is truly tragic, considering that it is incumbent upon that department to protect the cultural interests of Canada.

The government resorts to a stopgap measure, namely Bill C-57, to make up for the tragic and unacceptable delay. The Department of International Trade is trying to ensure that the current act is in compliance with international agreements.

I want to emphasize the importance of cultural development for a society.

• (1220)

The role of the department in this issue is crucial and vital. Why? Because, as evidenced by the Ginn episode, as evidenced now by the government's apathy regarding the review of the Copyright Act, and as evidenced also by what observers called a very close call with GATT, the right to culture, on one hand, and economic considerations, on the other hand, are on a collision course. And if the Minister of Canadian Heritage does not start creating strategic alliances right now, it is not only Canadian cultural industries which will be in jeopardy, but also democracy itself.

To understand that, we have to define culture. We could, of course, quote several authors. Let us take the definition given by British sociologist Raymond Williams, whom authors Marc Raboy, Yvan Bernier, Florian Sauvageau and Dave Atkinson quote in their book *Développement culturel et mondialisation de l'économie*: "At various times and in various contexts, the term culture has been used in one of three ways. First, it may refer to a general process of intellectual, spiritual and aesthetic development; second, it may describe the way of life of a people or a