

Copyright Act

appeal board. With its new, more descriptive name, it will have certain new powers. It will have the power to set rates or to alter rates by copyright societies on musical performance rights. It will have the power to fix royalty rates for new societies when negotiations between the user and the owner of copyright fails, or when there is an appeal to it in effect.

The copyright board will have the right to license the use of copyright works when the owner of the copyrighted work cannot be located. There would be an appeal to the Federal Court on points of law from decisions made by the copyright board.

The chairperson of the board would be a judge. There would be two full-time appointees and up to three others, full or part time. They would not be public servants. I would hope they would be knowledgeable experts in the field of copyright.

Altogether the provisions for the board are very much those anticipated by the committee. They are certainly in the spirit of the recommendations of the Copyright Subcommittee as to its powers and composition. I very much look forward to seeing this copyright board established in the fashion proposed here.

Finally there is the question of piracy, the violation of copyright. Right now the provisions are far too inadequate. We know that there is an enormous amount of violation of copyright and that the technology available now for home copying and piracy in video and audio cassettes is extensive.

Right now the fines do not deter. Pirated video cassettes may be 15 per cent to 20 per cent of the legitimate market, which of course means an enormous loss in revenues to artists. Fines on summary conviction could go up to \$25,000 or six months. The penalties on indictable offence, or the really serious offences, could go up to \$1 million or five years in prison.

I remember the Copyright Subcommittee discussing what the penalties should be. I certainly remember arguing very strenuously for hefty financial penalties. We must have realistic deterrents if creators are to have full protection of their economic rights. We must have serious penalties, which will mean that it is not good business to violate copyright, that one is better off to pay the royalties than to pay the stiff fines which we would anticipate being meted out.

I want to raise a few objections about how the Minister has dealt with the issue. I am very concerned, as a member of the committee and as someone who has worked extremely hard on the issue, that I have been somewhat maligned. The Minister actually had the colossal gall to say in the House the other day that I have been holding up copyright. I even received a telephone call to the effect that the NDP was not being sufficiently vigilant and indeed was working against the interests of artists.

I sat on the committee and was there when it reported. On October 18, 1985, just shortly after the committee reported, I directed a question in the House to the Minister asking when the Government would bring in a Bill and received an answer

indicating that at the earliest possible moment the Government would give these 132 recommendations its consideration and would introduce legislation, subject to negotiations with the other House Leaders. We had been somewhat led to believe that there might be legislation within six months.

I raised the issue again on October 24, 1985, and referred to the subcommittee's report and urged that we have speedy action to implement it.

On January 28, 1987—and in the meantime I had raised it in committee with the Minister, indeed with more than one Minister, on a number of occasions—I indicated that artists had been waiting since the fall of 1985 for action on a new Copyright Act. I said:

They are beginning to be very disturbed by rumours that the Government is backtracking on the excellent proposals for reform unanimously made by the copyright committee.

We had even heard rumours that the legislation would not be complete, and of course it has not been complete.

I continued:

The only way for the Government to put to rest these most unfortunate rumours is to bring in a Bill soon with the important and comprehensive recommendations of the copyright committee in it.

• (1310)

Then on March 11, again in a question to the Minister of Communications (Miss MacDonald) referring to the long-standing injustice to composers, I asked when she was going to bring in legislation to remedy this injustice and to do so very quickly. Then, however, on June 15, 1987, we have the Minister stating:

Last week the Member was protesting when I brought in copyright legislation. That was long overdue as well . . . I hope the Hon. Member will not have the same negative reaction when I bring in the film legislation.

I have been urging film and copyright legislation. In the case of copyright legislation, I have been urging it for years now. This is a complete misstatement of my position. What the Minister was referring to was a letter that I had sent her on May 25 wherein I protested her plans to bring the Bill in on a particular day when the Standing Committee on Communications and Culture would be holding hearings in Saskatoon. This would have meant that the Liberal critic and I could not have been present.

Here we had a Bill that had been waiting for months and months and months. The Copyright Subcommittee's report was presented in October, 1985 and the Minister was planning to bring in the Bill on a day on which the two people most vitally concerned from the opposition Parties had to be at her own Department's committee hearings on another task force. What I did was not done to hold up the legislation. I have been urging that the legislation be brought in for years and I simply want to correct that situation for the record. I think it is quite reprehensible that that sort of misrepresentation should have been committed.