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(HANSARD)

Thursday, March 13, 1997

Speaker: The Honourable Gilbert Parent

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HOUSE OF COMMONS

Thursday, March 13, 1997

The House met at 10 a.m.

Prayers

[*Translation*]

PRIVILEGE

HEALTH CANADA ADVERTISEMENT—SPEAKER'S RULING

The Speaker: I am now ready to rule on the question of privilege raised on March 4, 1997 by the hon. member for Laurier—Sainte-Marie, concerning a Health Canada advertisement published in certain daily newspapers.

[*English*]

I would like to thank the members who spoke to this matter on the following day, the Parliamentary Secretary to the Leader of the Government in the House of Commons, the hon. member for Lethbridge, the chief government whip, the hon. members for York—South Weston, Joliette and St. Albert.

[*Translation*]

In his statement, the hon. member for Laurier—Sainte-Marie said that an advertisement placed by Health Canada, which appeared in Quebec's major newspapers on March 4, 1997 concerning the ''anti-tobacco law'', was false and affected the privileges of the House. He said that the advertisement assumed that the House had already enacted Bill C-71, whereas this was not the case. By unanimous consent, he tabled a copy of the advertisement.

I have carefully examined the advertisements in question. In their statements, the hon. members for Laurier—Sainte-Marie and Lethbridge drew a parallel between the case before us now and one that was the subject of a ruling by Speaker Fraser in October 1989. Although both cases concern advertising in relation to not-yet enacted legislative provisions, there are certain basic differences that make the comparison dubious. Before elaborating on these obvious differences, I would first like to remind the House of the circumstances surrounding the 1989 incident.

[*English*]

On August 26, 1989 the Department of Finance published an advertisement concerning the goods and services tax, the GST, in newspapers across the country. Although the GST legislation had not yet been given first reading the advertisement read as follows:

> On January 1, 1991, Canada's Federal Sales Tax System will change. Please save this notice. It explains the changes and the reasons for them.

[*Translation*]

On September 25, 1989, the then Leader of the Opposition, the right hon. John Turner, raised a question of privilege on this issue, arguing that the advertisement as published constituted a contempt of Parliament. On October 10, 1989, at pages 4457 to 4461 of the *Debates*, Speaker Fraser stated that the purpose of the advertisement was not intended to tarnish the dignity of the House and that, accordingly, there was no *prima facie* contempt of Parliament. He thought, however, that the advertisement was ill-conceived.

[*English*]

Similarly in a recent case before the Ontario legislature Speaker Stockwell dealt with a question of privilege concerning government advertising. It was alleged that whereas legislation had yet to be adopted by the assembly a pamphlet was issued by the minister of municipal affairs and housing regarding the government's program for reforming municipal governments in metropolitan Toronto.

On January 22, 1997 Speaker Stockwell considered that the contents of this brochure were worded in a very definitive way and conveyed the impression that passage of the required legislation was not necessary. Consequently, the Speaker determined that a prima facie case of contempt had been established.

[*Translation*]

On the basis of the two examples just examined and with particular attention to the wording of the advertisement published by Health Canada, I am of the view that this situation is quite different. On the one hand, the 1989 advertisement concerned specific provisions of the GST legislation and was worded a style that might be described as a categorical affirmation.

● (1010)

On the other hand, the Health Canada advertisement appears to me to be primarily of an informative nature: certain statements are

made about the use of tobacco in Quebec, ending with the slogan "J'appuie la loi anti-tabac—C'est une question de santé".

As has been pointed out in discussions on that issue, there is nothing that indicates that Bill C-71 has been enacted or even that a particular provision of it will come into force on a specific date. Also, the English version of the same advertisement refers to "anti-tobacco legislation". In my opinion, it cannot be concluded that this advertisement gives the impression that the House has already passed Bill C-71.

In the case before us, the Speaker's role is to determine whether the Health Canada advertisement constitutes a *prima facie* breach of the privileges of the House. Like the hon. member for Joliette, I have been unable to find "malicious intentions" or an attempt at "false representation" on the part of the government representatives.

Is this advertisement false and did it tend to diminish the authority of the House in the eyes of the public? In the light of the facts that have been presented to me, I do not think so and, in the absence of evidence to that effect, the Speaker finds it impossible to conclude that the advertisement in question is a *prima facie* breach of the privileges of the House.

In a decision handed down on June 12, 1996 concerning government advertising for Bill 33 on drug insurance, the Speaker of the Quebec National Assembly, Jean-Pierre Charbonneau, stated, at page 2094 of the *Journal des débats*:

> The constituted authorities are fully entitled, in our political system, to publish their decisions and choices affecting their area of jurisdiction."

I share the views of Speaker Charbonneau. The government has the right to communicate with the public and inform it of its policies and its programs. On the other hand, where the government issues communications to the public containing allusions to measures before the House, it would be advisable to choose words and terms that leave no doubt as to the disposition of these measures. The use of certain terms or, in the words of the Parliamentary Secretary to the Leader of the Government in the House, "colloquialisms that are not, strictly speaking, precise" may occasionally give rise to unwanted interpretations.

[*English*]

Those whose duty it is to approve the wording of communications to the public for a minister must surely be aware that the terms used in parliamentary language have a very specific meaning. Trying to avoid them or to use them for advertising purposes shows a lack of consideration for the institution of Parliament and the role of the members in the legislative process. If there is no ambiguity in the choice of terms the public will be better served and the House can get on with its work without being called upon to resolve the difficulty caused by such misunderstanding.

[*Translation*]

Once again, I thank the hon. member for Laurier—Sainte-Marie for bringing this matter to the attention of the Speaker.

ROUTINE PROCEEDINGS

[*Translation*]

GOVERNMENT RESPONSE TO PETITIONS

Mr. Paul Zed (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Madam Speaker, pursuant to Standing Order 36(8), I have the honour to table, in both official languages, the government's response to five petitions.

* * *

● (1015)

CUSTOMS ACT

Hon. Alfonso Gagliano (for the Minister of National Revenue) moved for leave to introduce Bill C-89, an act to amend the Customs Act and the Criminal Code.

(Motion deemed adopted, bill read the first time and printed.)

* * *

[*English*]

DEPOSITORY BILLS AND NOTES ACT

Hon. Douglas Peters (for Minister of Finance) moved for leave to introduce Bill C-90, an act respecting depository bills and notes and to make a related amendment to another act.

(Motions deemed adopted, bill read the first time and printed.)

* * *

CONSTITUTION ACT, 1997 (REPRESENTATION)

Mr. Pat O'Brien (London—Middlesex, Lib.) moved for leave to introduce Bill C-385, an act to amend the Constitution Act, 1867.

He said: Madam Speaker, it is an honour for me to propose a private member's bill. It seeks to impose a cap on the number of members of the House of Commons at 301, which will be the new number following the next election.

The bill respects all existing constitutional guarantees to such provinces as Prince Edward Island and does not seek in any way to ignore the reality of a place like Labrador where there are some 30,000 people on an enormous land mass. The bill proposes to limit the number or cap it at the new number of 301 following the next election because common sense would indicate that we simply

cannot continue to add members to the House of Commons continually as it would become an unmanageable size.

I am pleased to propose this bill today and I look forward to engaging in debate on it when that time comes.

(Motions deemed adopted, bill read the first time and printed.)

* * *

PETITIONS

NUCLEAR WEAPONS

Ms. Marlene Catterall (Ottawa West, Lib.): Madam Speaker, I have the honour to present a petition from a number of constituents who point out that the 30,000 nuclear weapons which exist in the world pose a threat to the health and survival of humanity; that the most safe, sure and swift way to deal with the threat of nuclear arms is to do away with them completely.

They ask that Parliament support the immediate initiation and conclusion by the year 2000 of an international convention for a timetable for the elimination of all nuclear weapons.

REFERENDUMS

Mr. Bill Gilmour (Comox—Alberni, Ref.): Madam Speaker, I am pleased to present two petitions on behalf of my constituents of Comox—Alberni.

● (1020)

The first contains 516 signatures, which brings the total number of signatures to over 6,000. This is significant since it represents over 10 per cent of the voters in my riding.

The petitioners request that Parliament allow Canadian citizens to vote directly in a national binding referendum on the restoration of the death penalty for first degree murder convictions.

SENATORIAL SELECTION ACT

Mr. Bill Gilmour (Comox—Alberni, Ref.): Mr. Speaker, the second petition contains 498 signatures.

The petitioners bring attention to the fact that British Columbia has a senatorial selection act which allows for the election of British Columbia senators. They also draw attention to the fact that British Columbia Senator Len Marchand will resign his Senate seat shortly.

Therefore, these petitioners call on Parliament to urge the Governor General to appoint a duly elected person to the forthcoming vacant British Columbia seat in the Senate of Canada. I fully concur with my constituents.

QUESTIONS ON THE ORDER PAPER

Mr. Paul Zed (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Madam Speaker, I ask that all questions be allowed to stand.

The Acting Speaker (Mrs. Ringuette-Maltais): Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*Translation*]

CANADA LABOUR CODE

BILL C-66. TIME ALLOCATION MOTION

Hon. Alfonso Gagliano (Minister of Labour and Deputy Leader of the Government in the House of Commons, Lib.): Madam Speaker, I move:

> That in relation to Bill C-66, an act to amend the Canada Labour Code (Part I) and the Corporations and Labour Unions Returns Act and to make consequential amendments to other acts, not more than one further sitting day shall be allotted to the consideration of the third reading stage of the bill and that 15 minutes before the expiry of the time provided for government business on the day allotted to the consideration of the third reading stage of the said bill, any proceedings before the House shall be interrupted, if required for the purpose of this Order, and in turn every question necessary for the disposal of the stage of the bill then under consideration shall be put forthwith and successively without further debate or amendment.

Some hon. members: Shame, shame.

The Acting Speaker (Mrs. Ringuette-Maltais): Is it the pleasure of the House to adopt the said motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mrs. Ringuette-Maltais): All those in favour will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mrs. Ringuette-Maltais): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mrs. Ringuette-Maltais): In my opinion the yeas have it.

And more than five members having risen:

[*English*]

The Acting Speaker (Mrs. Ringuette-Maltais): It has already been decided that any recorded division requested with regard to business pursuant to Standing Order 78 on March 13, 1997 be deferred until the conclusion of Government Orders on March 17, 1997.

COPYRIGHT ACT

The House proceeded to the consideration of Bill C-32, an act to amend the Copyright Act, as reported (with amendments), from the committee.

• (1025)

Mr. Ray Speaker (Lethbridge): Madam Speaker, just as a point of information, the hon. minister moved the motion on a point of order. I wonder if that is the proper place for this motion to be moved or whether it should be under government motions. Could you clarify that for me?

The Acting Speaker (Mrs. Ringuette-Maltais): The minister moved it at the appropriate time as per Standing Order 78(2)(b) which is during orders of the day.

SPEAKER'S RULING

The Acting Speaker (Mrs. Ringuette-Maltais): There are 60 motions in amendment standing on the Notice Paper for the report stage of Bill C-32.

The motions will be grouped for debate as follows:

Group No. 1: Motions Nos. 1, 8, 11, 39, 42, 43, 46, 48 and 49

Group No. 2: Motions Nos. 2, 3, 5, 50, 51 and 52

Group No. 3: Motion No. 4

[*Translation*]

Group No. 4: Motions Nos. 6, 44 and 60.

[*English*]

Group No. 5: Motions Nos. 7, 54 and 57

[*Translation*]

Group No. 6: Motions Nos. 12 to 15.

[*English*]

Group No. 7: Motions Nos. 16, 38, 58 and 59

Group No. 8: Motions Nos. 40 and 41

Group No. 9: Motion No. 45

[*Translation*]

Group No. 10: Motions Nos. 47, 53, 55 and 56.

[*English*]

The voting patterns for the motions within each group are available at the table. The Chair will remind the House of each pattern at the time of voting.

I shall now propose Motions Nos. 1, 8, 9, 10, 11, 39, 42, 43, 46, 48 and 49 to the House.

Mrs. Brenda Chamberlain (Guelph—Wellington, Lib.): Madam Speaker, I would like to withdraw a number of amendments that I have proposed. The government tabled its amendments this morning and they cover several areas in which I had made requests. Unfortunately, I could not do this until today when the government tabled its amendments.

I would like to withdraw Motions Nos. 16, 21, 22, 23 and 18.

• (1030)

The Acting Speaker (Mrs. Ringuette-Maltais): The hon. member has withdrawn all her motions.

(Motions Nos. 16, 21, 22, 23 and 18 withdrawn)

MOTIONS IN AMENDMENT

Mr. Guy H. Arseneault (Parliamentary Secretary to Deputy Prime Minister and Minister of Canadian Heritage, Lib.) moved:

Motion No. 1

That Bill C-32, in Clause 1, be amended by replacing, in the English version, lines 23 to 25 on page 2 with the following:

"wise include a copy made with the consent of the owner of the copyright in the country where the copy was made;"

Motion No. 8

That Bill C-32, in Clause 18, be amended by replacing, in the English version, line 5 on page 30 with the following:

"with motive of gain."

Motion No. 9

That Bill C-32, in Clause 18, be amended by replacing, in the English version, lines 25 and 26 on page 33 with the following:

"shall, in addition, mark the copy in the manner prescribed by"

Motion No. 10

That Bill C-32, in Clause 18, be amended by replacing lines 30 and 31 on page 35 with the following:

"if the newspaper or periodical was published more than one year before the copy is made."

Motion No. 11

That Bill C-32, in Clause 18, be amended by replacing, in the English version, lines 10 and 11 on page 36 with the following:

"who is one of its patrons, but the copy given to the patron must not be in digital form."

Motion No. 39

That Bill C-32, in Clause 19, be amended by replacing, in the French version, lines 18 to 21 on page 42 with the following:

"droit d'auteur le fait pour une personne agissant à la demande d'une personne ayant une déficience perceptuelle, ou pour un organisme sans but lucratif agissant dans l'intérêt de cette dernière, de se livrer à l'une des activités suivantes:"

Motion No. 42

That Bill C-32, in Clause 20, be amended by replacing line 28 on page 53 with the following:

"ferred to in section 67 may only make"

Motion No. 43

That Bill C-32, in Clause 20, be amended by replacing, in the English version,

(*a*) lines 28 and 29 on page 54 with the following:

''has reproduced the work, a maximum''

(*b*) line 34 on page 54 with the following:

''(*a*) under any agreement entered into with''

Motion No. 46

That Bill C-32, in Clause 45, be amended by replacing line 23 on page 69 with the following:

''in section 67 shall, on or before the''

Mr. Strahl: Madam Speaker, is it necessary when withdrawing motions to require unanimous consent of the House to withdraw those motions?

The Acting Speaker (Mrs. Ringuette-Maltais): They are just motions and they are the possession of the hon. member until they are moved. Therefore she can withdraw them.

We also have Motion No. 48 in the name of the member for Edmonton—Strathcona who is not here.

Mr. Strahl: Madam Speaker, we have an unfortunate situation with a very ill member who has not able to attend the House today for the debate.

I wonder if there would be unanimous consent of the House for the motions presented in the name of the member for Edmonton—Strathcona to be moved by the member for Kootenay East, our critic in the area who is leading the debate for our party. Would there be unanimous consent for those motions to have been deemed moved and seconded?

● (1035)

Mr. Arseneault: Madam Speaker, before giving consent, I understand the hon. member for Edmonton—Strathcona is ill. We accept that point. I hope the same spirit of co-operation the government is showing will prevail. We would not be in favour of many of those amendments and by not agreeing to the consent it would be a very easy way of disposing of them.

For the sake of debate and under the circumstances we would agree. We hope the same consideration and co-operation will be shown during the debate and that there will not be any attempt to delay the bill unduly today.

The Acting Speaker (Mrs. Ringuette-Maltais): Is there unanimous consent?

Some hon. members: Agreed.

Mr. Jim Abbott (Kootenay East, Ref.) moved:

Motion No. 48

That Bill C-32, in Clause 45, be amended by deleting lines 17 to 43 on page 71, and lines 1 to 37 on page 72.

Mr. Guy H. Arseneault (Parliamentary Secretary to Deputy Prime Minister and Minister of Canadian Heritage, Lib.) moved:

Motion No. 49

That Bill C-32, in Clause 45, be amended by replacing, in the English version, line 6 on page 72 with the following:

''royalties, in respect of each of the first three''

He said: Madam Speaker, I do not plan to debate this grouping at any length because it mostly involves technical amendments by the government with regard to technical language and whether the French and English versions correspond.

I have a few remarks to make about the bill in general. Bill C-32 has gathered some publicity in the hearings and in public. The government the bill is balanced. It takes into consideration the creators and the users. It went before committee where there were many witnesses. We received almost 200 briefs. I am sure members of the committee received an equal number of letters touching on the bill.

I take this opportunity to single out the role of the committee in this regard. Considering the way the bill was handled members of all parties exhibited consistency in the committee hearings. The members showed up consistently, asked quality questions, listened to the witnesses and dealt with some issues. There was a lot of movement from the beginning of the hearings to the end. I congratulate members from all parties.

All the amendments in Group No. 1 are technical amendments. Some are consequential and result from changes made by the standing committee. We made many amendments and might have missed a little word here or there along the way. Other amendments are required to maintain consistency between the English and the French texts.

[*Translation*]

I will not discuss these amendments in detail. These amendments concern technicalities. I can assure you that the government support these amendments, and I believe that, if opposition members take a close look at them, they will see that these are only technical amendments.

Mr. Gaston Leroux (Richmond—Wolfe, BQ): Madam Speaker, it is with considerable pride that I rise to speak today as official opposition critic for heritage and culture. I am proud because this is a bill which sets politics aside and addresses copyright. It addresses the moral and economic rights of creators over their works.

● (1040)

I would remind members that Bill C-32 is the second stage in an effort to update a law drafted in 1924, which was amended for the first time in 1988. This bill affects creators and authors who have

waited years to see their rights finally modernized and brought into line with the economic and cultural activities of modern society, including the use of new technologies.

In 1988, phase I of the bill, the review phase, extended copyright protection to computer programs. It also gave creators additional moral rights over their works. In addition, it modernized the Copyright Appeal Board, now known as the Copyright Board.

Finally, in 1988, an extremely pivotal development took place: collective societies were recognized. There was recognition of the right of authors and creators to be represented by an organization that, through its efforts, would oversee the use of authors' and creators' works, collect royalties and levies and distribute them to artists. This recognition of collective societies is becoming important. We will see in the latest phase, Bill C-32, how this collective society was an issue when the bill was being studied.

Between 1988 and 1994, there were several amendments to the Copyright Act so that the government could meet its obligations under the free trade agreements, NAFTA and the World Trade Organization.

Finally, last April, the government, in response to pressure from the official opposition, tabled Bill C-32 in phase II of the review process and, in so doing, introduced some new and very important rights called neighbouring rights, which are granted to performers and producers. Performers' rights had not yet been recognized, although they are recognized in 50 countries which signed what is known as the Rome Convention. Canada dragged its feet but finally decided in the course of this session to table this bill and introduce neighbouring rights.

It also set up what is referred to as a private copying compensation system. When the committee held its hearings, many groups came to submit their briefs and talk to committee members. As we all know, tape-recording for personal use is common practice. Even the Consumers' Association of Canada agreed. Everyone copies music and songs on tapes. Everyone records tapes, people pass them along, and so forth. Everyone agreed this was common practice.

In its bill, the government introduced a compensation system for private copying, which finally recognizes the rights of creators and authors by collecting a levy directly from the manufacturer. This levy will be redistributed as a kind of basic salary among all creators and authors, which we think is only fair. Later on I will tell you how many millions of dollars performers lose as a result of pirating alone.

● (1045)

The bill also establishes book distribution rights for Canada, thereby strengthening the position of our book distributors, which is most welcome as a way to protect our culture. Finally, it improves procedures with respect to the avenues of legal recourse available to performers and to the applicable sanctions in case of fraud or if users refuse to comply with the law and pay royalties to the authors and creators who need this income to survive.

The average performer's salary is between $7,000 and $14,000, depending on whether the performer is a performing artist, a singer, a composer, an author or something else.

So this was a much needed improvement. However, there was a big black cloud hovering over this bill: the exceptions.

When copyright legislation is drafted so that authors and creators can make a living wage by collecting royalties, that is fine. But when the bill goes on to explain for pages and pages that authors and creators are not entitled to royalties in the case of cegeps, colleges, educational institutions, libraries, and many other sectors that are exempted from paying copyright, I think this is a very black cloud indeed. I will get back to this later on when we consider the amendments.

Bill C-32, phase II, is most welcome. It is welcomed by the entire artistic community, particularly in the case of neighbouring rights, by performers, including Quebec performers, whose work is played in francophone countries and who receive no royalties because Canada is not one of the 50 signatories of the Rome Convention.

With respect to neighbouring rights, let us recall that the Bloc Quebecois had called upon the government to table this bill and made a commitment to support it, provided it made specific reference to neighbouring rights.

We have respected that commitment and will continue today to support the government's bill, with its extremely important dimension for all artists: neighbouring rights.

As for private copying, and all this piracy using blank tapes, let us recall that what the government is introducing in the bill is a royalty charged directly to the manufacturer, which eventually becomes a salary for the artists.

This measure will enable artists, who are literally being robbed by illegal copying, to receive what is termed a fair share of what is owed to them.

I would like to remind you that, throughout the committee stage, the Bloc Quebecois brought in a series of amendments. I wish to congratulate my committee colleagues, for we accomplished a huge task. First of all, we received, heard and exchanged views with over 65 groups, who came to testify before the committee. I must say that all of my colleagues on the committee listened to the evidence and asked questions with a very open mind, particularly in the search to enhance the objectives of the bill. I wish to again congratulate them on their work in committee.

I would, however, like to draw the government's attention to the amendments presented by the Bloc, and to point out that it would be important to support the amendments we are presenting at the report stage, simply because they concern the interests of authors and creators, not the political interests of one party, but the interests of authors and creators.

I invite the government to support the Bloc Quebecois amendments.

[*English*]

Mr. Jim Abbott (Kootenay East, Ref.): Madam Speaker, the Reform Party fully acknowledges the necessity of the revisions for the Copyright Act. As a matter of fact, the Reform Party would be very supportive of a well thought out process which would achieve that objective. Unfortunately this bill does not represent that well thought out approach.

• (1050)

The bill was initially tabled on April 23, 1996. It had second reading on June 4, 1996 and there was a briefing meeting with officials from industry and heritage on June 18, 1996. It was at that meeting that we had our first indication that the bill, indeed this entire effort on the part of the heritage minister, was in great trouble.

There were a number of questions that I had posed at that briefing meeting that it seemed to me the officials, with all due respect, were completely unprepared for. Many parts of the bill, unfortunately, had not been thought through at all.

When the minister made her presentation to the committee, which I believe was in September 1996, she was basically working from briefing notes and had not grasped the implications or the problems which the bill she was proposing would create both for the creators and for the users of the work that comes under copyright legislation.

The process, unfortunately, went further off track in my judgment in that the committee also decided, against my protestations, to have the selection of witnesses in camera. There was a deletion of concerned parties to the bill. There was a period of time when there was a tremendous amount of unhappiness about that.

I must say that during the process of the crammed committee hearings there developed a tremendous spirit of co-operation among the members of the committee.

As with the member who spoke before me, I would like to pay tremendous respect to the members of the committee from all parties who worked in that spirit of co-operation. I would particularly like to say that the work of the parliamentary secretary and the work of the chair of the committee aided the process, and I commend them for that.

It was unfortunate that the spirit of co-operation, although it was leading to a very productive process of making necessary changes and improvements to the bill, ended up being seriously side tracked. As a matter of fact, it was fully derailed in a massive train wreck by the heritage minister.

It seems to me that basically what happened was she came to the conclusion that since becoming heritage minister she really had not accomplished anything and suddenly decided—

Mr. Arseneault: Madam Speaker, I rise on a point of order. In the spirit of co-operation and in the spirit of the rules and regulations of the House the hon. member has some flexibility. However, to openly get into a debate and criticize other hon. members of the House with respect to the process I do not believe is fair. I do not think that is called for at report stage. It is more of a political debate and I think we should address ourselves to what is on the table.

Mr. Abbott: Madam Speaker, what I am trying to say is that the process we are now in, unfortunately, is being driven by the government and the procedures of the House. Opposition members have to have their motions in place by 6.00 p.m. the day prior to debate at report stage whereas, by virtue of the standing rules, the government only has to show the motions at the very last minute.

• (1055)

I would like to quote from the Ottawa *Citizen* dated December 13, 1996 concerning our situation in committee: "However, because most of the amendments were only circulated to committee members and not to the media or a room full of lawyers and lobbyists that have been following this bill since April, exact details will not be known until February, heritage officials said on Thursday".

With deference to the parliamentary secretary I will try to defuse this simply by quoting what Michael McCabe, president of the Canadian Association of Broadcasters, said on Thursday. He said last minute amendments could cost his industry $6 million or more and accused the heritage minister of going back on her word and so on and so forth.

The point is I have seen for the very first time in my short parliamentary career since 1993 a committee and a process that was working and was being productive. I have commended all the members as well as the people who came and the officials of the respective departments. This should be an non-partisan issue. This should be a non-partisan bill because it has so much impact on so many people in Canada.

However, the fact that there were last minute amendments, the fact that there were behind the curtain discussions between certain people in that committee process, the fact that only this morning were we made aware of the number of changes being proposed by the government, this basically creates a situation where this bill is so badly fouled up and flawed that I do not see we are ever going to make any sense of it.

Furthermore, if we are going to patch this bill back together at all we simply must have more time to digest what the government has brought forward. We simply must have more time to have intelligent debate on this issue. It is far too important to far too many Canadians.

As a consequence, I move:

That the debate be now adjourned.

The Acting Speaker (Mrs. Ringuette-Maltais): Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mrs. Ringuette-Maltais): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mrs. Ringuette-Maltais): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mrs. Ringuette-Maltais): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mrs. Ringuette-Maltais): Call in the members.

● (1125)

After the taking of the vote:

Mr. Vanclief: Madam Speaker, on a point of order, I think there were some members who came into the House after you read the question and they voted. There were others who came into the House after you read the question who did not vote. I would suggest that those who came in, took their seat and voted after the question was read have their name removed from the list.

Mr. Comuzzi: Madam Speaker, I was one of those who came in late and did not vote and I would like my vote recorded with my party.

Mr. Harvard: Madam Speaker, on account of the vote being held ahead of schedule, I missed the vote. Had I been here I would have voted with my party.

Ms. Bethel: Madam Speaker, had I been in the House when the vote was taken I would have voted with my party.

Mr. Maloney: Madam Speaker, I also came in late. I guess the vote was moved up a bit. Had I been here I would have voted with my party as well.

[*Translation*]

Mr. Nunez: Madam Speaker, I was late, but had I been here I would have voted with my party.

Mr. Dubé: Madam Speaker, I am in the same situation as the member for Bourassa.

● (1130)

[*English*]

Mr. McClelland: Madam Speaker, had I been here on time I would have voted with my party on the motion.

Mr. Solberg: Madam Speaker, I arrived here on time and I did vote with my party.

Mr. Ramsay: Madam Speaker, when I arrived at my seat, the whips were just passing by. In view of the technicality that I may not have been in my seat at the proper time, I did vote in support of the motion but if I was late then I would stand on record as having supporting this motion.

Mr. White (North Vancouver): Madam Speaker, I was here on time. I just want to make sure you know I did vote with my party.

Mr. Morrison: Madam Speaker, since a 30 minute bell is now a 24 minute period I would like to go on record as supporting this motion.

Mr. Strahl: Madam Speaker, a further problem we have compounding this vote is that some members who voted before the announcement of the vote have left the Chamber again. The Minister of National Defence is one but there are perhaps others. I do not think that is in order. I am not sure what we should do about that.

The Acting Speaker (Mrs. Ringuette-Maltais): In order to vote, members have to be in their seats at the moment that the question is put and stay in their seats until the result of the vote is pronounced by the clerk.

Mr. Gouk: Madam Speaker, due to the confusion because of the timing of the bell and the early walk by the whips and because it appears that some members voted who were not in their seats in accordance with the directive you just put, and that some members left after voting before the results were read, I move that we vote again.

Mr. Strahl: Madam Speaker, I know it is your duty of course to maintain order and to make sure things are done in an orderly fashion. There is some problems with members having left before the vote was announced.

The Acting Speaker (Mrs. Ringuette-Maltais): On that point of order I have already clarified. There are some members who have left and there were some members who were not in the House when I called the question and still they did not rise. We will now go to the result of the question.

● (1135)

Mr. Strahl: Madam Speaker, I appreciate the clarification of the rules. I would like now to ask you what we do if the rules have been contravened. What do we do if several people have voted on the motion and have left the House? If we know of such people, or if

there are such people, how will you know who they are? I know the rules, but how will you know who they are if they have left the House? What do you do about that?

The Acting Speaker (Mrs. Ringuette-Maltais): I will now ask the clerk to read the results of the vote and thereafter we will proceed with any other points of order.

(The House divided on the motion, which was negatived on the following division:)

(*Division No. 259*)

YEAS

Members

Abbott
Blaikie
Chatters
Duncan
Epp
Gilmour
Gouk
Grubel
Hermanson
Hill (Prince George—Peace River)
Mayfield
Ramsay
Solberg
Speaker
Strahl
Taylor
Thompson
White (North Vancouver)—18

NAYS

Members

Arseneault
Bélanger
Bélisle
Bellehumeur
Bellemare
Bertrand
Brien
Brown (Oakville—Milton)
Brushett
Bryden
Canuel
Catterall
Chamberlain
Chrétien (Frontenac)
Collenette
Collins
Comuzzi
Copps
Cullen
Dalphond-Guiral
de Savoye
Debien
Deshaies
DeVillers
Dingwall
Duceppe
Dumas
Dupuy
English
Fewchuk
Fillion
Flis
Gagliano
Gallaway
Godin
Guimond
Harb
Harper (Churchill)
Hickey
Jackson
Jordan
Kirkby
Landry
Lastewka
Laurin
Lavigne (Beauharnois—Salaberry)
Lavigne (Verdun—Saint-Paul)
Leroux (Richmond—Wolfe)
Lincoln
Loubier
MacAulay
Manley
Marleau
Massé
McCormick
McKinnon
McLellan (Edmonton Northwest/Nord-Ouest)
Ménard
Mifflin
Minna
Mitchell
Murphy
Murray
O'Brien (London—Middlesex)
O'Reilly
Patry
Peric
Picard (Drummond)
Pillitteri
Pomerleau
Proud
Reed
Regan
Richardson
Rideout
Rocheleau
Sauvageau
Shepherd
Tremblay (Lac-Saint-Jean)
Tremblay (Rimouski—Témiscouata)
Tremblay (Rosemont)
Vanclief
Walker
Young—84

PAIRED MEMBERS

Nil/aucun

The Acting Speaker (Mrs. Ringuette-Maltais): I declare the motion defeated.

Mr. Strahl: Madam Speaker, I still would like you to explain how we know for use if that vote was the vote which accurately reflected the vote of the number of people who stayed in their seats until the vote was announced. I mentioned one person specifically who left the Chamber before the announcement of the vote. That person, of course, cannot be counted. Because of what took place, I do not know if that person was counted or not. I brought it to your attention but I am not sure if it is included in the 84 or not.

I would like you to let me know how I can be sure who got called and who voted where because some people left in the middle of it.

The Acting Speaker (Mrs. Ringuette-Maltais): It is not a written rule but a question of convention and I think of respect for the responsibility of the House to be in your seat at the time the question is called and to remain in your seat. It is a question of respect and convention. It does not invalidate the results of the vote.

[*Translation*]

Mr. Duceppe: Madam Speaker, I would like to comment on the point of order raised by my colleague from the Reform Party. I think the only way to respond to his question is to see tomorrow who voted. And if they think someone was absent, they can then raise it in the House. I imagine that the person who is absent will say he was, and we will see whether that changes the outcome.

[*English*]

Mr. Blaikie: Madam Speaker, I think what we are seeing here today is the fruit of three years of sloppiness with respect to this rule. It used to be very hard and fast, even though not a rule but a convention, that people would have to be in the House and would not be able to leave until the results of the vote were read.

● (1140)

I have noticed that in this Parliament, and maybe even toward the end of the last Parliament, this rule became more and more relaxed. People were coming in and going out. We cannot decide, all of a sudden, that today we are going to enforce the convention that, frankly, almost everyone has been ignoring for three years.

If we want to restore that convention, I think it would be a good idea but we need to say collectively that we want to restore and respect that convention.

In the same vein there is another convention, that there is a 30 minute bell and the vote is taken after 30 minutes. If we want to start playing around with that convention, as we did today, through the collusion between the government and the official opposition, then we will have a real problem on our hands. I do not sit on committees, but for the sake of people who are on committees, who are hearing witnesses, they may proceed to hear a witness because they know they have 15 minutes, but when they get here they find the vote has already taken place. Do we want to introduce another

dimension of unpredictability into what is already an unpredictable place? I think that would be a serious mistake.

I ask you, Madam Speaker, to reflect on this but I also ask all members of the House to reflect on this. Once we start to play around with a convention it slips away and we have another layer of chaos on top of an already very chaotic place. I see what has happened today as being very regrettable.

The Acting Speaker (Mrs. Ringuette-Maltais): I thank the hon. member for his point of order. We will do some research on this convention and we will report back to the House on our findings.

Mr. Strahl: Madam Speaker, if the House would give its consent to refer the matter you just described to the Standing Committee on Procedure and House Affairs for examination, that committee could report back to the House about the convention and make a recommendation.

The Acting Speaker (Mrs. Ringuette-Maltais): I am informed that the committee does have the power to do that if it so wishes.

Is the House ready for the question?

Some hon. members: Question.

[*Translation*]

The Acting Speaker (Mrs. Ringuette-Maltais): The question is on Motion No. 1. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mrs. Ringuette-Maltais): All those in favour will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mrs. Ringuette-Maltais): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mrs. Ringuette-Maltais): In my opinion the yeas have it.

And more than five members having risen:

The Acting Speaker (Mrs. Ringuette-Maltais): The recorded division on the motion stands deferred. The recorded division shall also apply to Motions Nos. 8 to 11, 39, 42, 43 and 46.

The next question is on Motion No. 48. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mrs. Ringuette-Maltais): All those in favour will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mrs. Ringuette-Maltais): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mrs. Ringuette-Maltais): In my opinion the nays have it.

And more than five members having risen:

● (1145)

The Acting Speaker (Mrs. Ringuette-Maltais): The recorded division on Motion No. 48 stands deferred.

[*English*]

Mr. Strahl: Madam Speaker, did you call for debate on that motion? It seems that you read the motion and you just said, ''all those in favour''. Did you call for debate?

The Acting Speaker (Mrs. Ringuette-Maltais): It was debated. It was part of Group No. 1. There was a motion put to stop the debate, and Motion No. 48 is part of that vote. All the questions on the motions in Group No. 1 have been put.

Ms. Catterall: Madam Speaker, may I request clarification on Motion No. 48? You are correct that debate began after the motion was moved and after the House gave its consent to the moving of that motion as part of the first group. When you called the vote, I heard many nays. I did not hear one yea. Does that mean the motion was defeated?

The Acting Speaker (Mrs. Ringuette-Maltais): The division has been deferred until the end of the debate.

Mr. Arseneault: Madam Speaker, has Motion No. 49 in Group No. 1 been voted on?

The Acting Speaker (Mrs. Ringuette-Maltais): Motion No. 48 will be voted on separately and in consequence Motion No. 49 will be voted on according to the result of the vote on Motion No. 48. The vote on Motion No. 49 depends on the outcome of the vote on Motion No. 48.

Mr. Arseneault: Madam Speaker, we completed the vote on Motion No. 48 already. It was defeated unanimously—

The Acting Speaker (Mrs. Ringuette-Maltais): It was deferred. The entire group was deferred. Motion No. 48 was deferred. Motion No. 49 is deferred automatically.

Mr. Arseneault: Madam Speaker, I do not want to delay things but I have the report stage order from the Table. It says that the question on Motion No. 49 is put if the question on Motion No. 48 is negatived. Motion No. 48 was negatived but Motion No. 49 was not put.

Before we move on to Group No. 2, I would ask that the question on Motion No. 49 be put.

The Acting Speaker (Mrs. Ringuette-Maltais): I repeat to the hon. parliamentary secretary that the vote on Motion No. 48 has been deferred.

We will now move to Group No. 2.

● (1150)

Mr. Jim Abbott (Kootenay East, Ref.) moved:

Motion No. 2

That Bill C-32, in Clause 1, be amended by replacing lines 2 to 6 on page 5 with the following:

''(*a*) section 3, in the case of a work, or''

Motion No. 3

That Bill C-32, in Clause 1, be amended by deleting lines 1 to 6 on page 7.

Motion No. 5

That Bill C-32, in Clause 14, be amended by deleting lines 3 to 38 on page 16, 1 to 48 on page 17, 1 to 43 on page 18, 1 to 40 on.page 19, 1 to 44 on page 20, 1 to 14 on page 21, 6 to 45 on page 22, 1 to 44 on page 23, 1 to 40 on page 24, 1 to 44 on page 25 and 1 to 16 on page 26.

Motion No. 50

That Bill C-32, in Clause 46, be amended by replacing line 14 on page 76 with the following:

''do an act mentioned in section 3 or 21,''

Motion No. 51

That Bill C-32, in Clause 46, be amended by replacing line 20 on page 76 with the following:

''mentioned in section 3 or 21, as the''

Motion No. 52

That Bill C-32, in Clause 48, be amended by replacing lines 19 and 20 on page 77 with the following:

''person to do an act mentioned in section 3 or 21, as the case may be, the collective''

Mr. Monte Solberg (Medicine Hat, Ref.): Madam Speaker, it is a pleasure to speak to Bill C-32 and to reflect a bit on my own experience as a broadcaster.

An hon. member: Conflict.

Mr. Solberg: I want to declare my background right off the bat so that people do not suggest I am in conflict, which I thought I heard from across the way.

As someone who comes from a broadcasting background, it is important to point out that there are many aspects of Bill C-32 that do not reflect the reality of broadcasting across the country today. Indeed, in Bill C-32 we see all kinds of impediments to doing what I think the government is hoping to do through this legislation. The government seems to want to protect the rights of copyright holders and to ensure that ultimately Canadian culture is strengthened. Unfortunately some aspects of Bill C-32 actually prevent that from happening and I want to touch on some of them.

One of the concerns I have as a broadcaster by trade, and I think I can speak with a little authority on this, is the whole aspect of time shifting. One of the concerns that broadcasters have raised over and over again is that the legislation does not permit broadcasters to delay the broadcast of a television or radio program and replay it at a later date without incurring additional expense and seeking the permission from the holders of the rights to do that.

It makes it extremely difficult for a small radio station or small broadcast outlet to seek the permission of the various rights' holders to do that. It escapes me why when there has been such a strong lobby from people in the broadcast industry to make what is just a common sense change that the government has failed utterly to do that.

I know some members on the other side are trying to make that happen and some amendments have been proposed. We are very happy that members on the other side are trying to do that. For nine years this legislation has been in the works. For nine years people have made the same point over and over again to successive governments. Apparently their pleas have fallen on deaf ears. It is a common sense change.

● (1155)

If that type of change is not made, it is going to hurt Canadian content. It is going to hurt the ability of broadcasters to broadcast local parades on the community cable channel. It is going to hurt the ability of broadcasters to do the sorts of things that have made them an integral part of the Canadian cultural scene. That is one of the major problems that many broadcasters have with this legislation.

Something else that concerns me very much is the whole idea of transfer of format. A new reality in the broadcast industry—it has been a reality for a few years now—is that many broadcasters have to transfer a recording from, for instance, a CD on to the electronic format, to the computer.

One of the things the government has resisted forever is allowing broadcasters the right to make that transfer without subjecting themselves to a legal challenge. In fact, broadcasters have raised that over and over again. It is quite possible that, by going ahead and transferring something from CD on to computer, the rights'

holders will then ask that they be paid for the privilege of having their music transferred on to a computer.

The computer then plays it over the air. Under that circumstance, broadcasters will have to pay the right's holder already. Potentially radio and television broadcasters are being charged a couple of times for something that really has only the effect of being played once on the air. In other words, the holder of the rights suffers no commercial loss. However, it imposes a tremendous burden on the broadcasters.

That is something that needs to be pointed out. Broadcasters have been very patient with the government on this point. They have raised it over and over ad nauseam. Somehow the government has failed to see the value in this approach. All the broadcasters are asking for is a common sense exemption.

In order to make the point more fully, it is important to mention the role that broadcasters play in the Canadian cultural scene. For a number of years, broadcasters have had regulations imposed on them whereby they have to play 30 per cent Canadian content. They play thousands and thousands, really millions, of hours worth of music every year to promote Canadian artists and composers. Under previous legislation, the composers received all kinds of money back from the broadcasters through the current copyright legislation.

The artists made millions of dollars by selling their records. There was a quid pro quo exchange between the broadcasters who were able to give the artists all kinds of what amounts to free promotion on the air and the radio stations were able to use the music to attract listeners and, ultimately, to sell advertising and make a profit.

It was a system that worked extremely well. For reasons that escape me, the government has decided to change something that is not broken, to fix a problem that did not need fixing and has caused a firestorm of controversy.

That has been reflected not only in opposition from parties like the Reform Party but even among Liberal ranks where a number of people have great concerns about what is being proposed. A number of members on the other side have propose amendments and have spoken out quite strongly against this legislation.

That should not be lost on us because it takes considerable courage to do that in the Liberal Party, knowing that the government may slap sanctions on those members. Some of them will not be rewarded when it comes time for the Prime Minister to hand out some of the goodies that he is able to hand out. We should note that they have done this. It points to how serious they feel an assault it is on their community radio stations and ultimately on the cultural sector.

• (1200)

For a number of years radio stations in Canada have been in a perilous position. Many of them lose money today. Most AM radio stations are in a position where they simply cannot make ends meet. The government is somehow insensitive to this fact and is slapping all kinds of new regulations on broadcasters of various sizes. The ultimate result will be that they will be bearing new costs.

We have made a point of saying over and over and over again that high taxes and regulation kill jobs in the Canadian economy. I do not think we want to kill the jobs created by Canadian radio stations that provide tremendous services to their local communities, reflect the values of their local communities, and completely bring together all disparate strands in the local community in one place so that people understand what is happening on a daily basis, in fact every minute of every day. This is something that happens through no other media form.

We should be sensitive to this point and ensure that bills like Bill C-32 do not end up killing a very important institution like Canadian radio broadcasting.

Mr. Guy H. Arseneault (Parliamentary Secretary to Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Madam Speaker, I would like to enter into the debate to clarify a few points.

There was some concern in the Reform Party with regard to the ephemeral and transfer of format exceptions. That opinion was expressed in committee by a number of members. The government listened to the members, our caucus, the opposition and the witnesses, and they are in the bill. There is an ephemeral exception. There is a transfer of format exception. I take the member at his word. If they are in there he will support them and the process will be speedy. That is why they are there. That is part of the negotiation game.

After the amendments came out of the committee in December there were concerns that perhaps telethons and Santa Claus parades were not protected. We felt they were already in the bill, but the government decided to clarify them even more. The amendments are there.

With regard to whether they got the amendments late and did not get a chance to analyse them, to a certain extent that is fair game but in written form they only had them today.

Last evening I had a chance to indicate to the hon. member that ephemeral and transfer of format exceptions, telethons or whatever were there and that I would be available to meet with him after to explain the amendments.

We are parliamentarians. There should be respect and honour in this place. The bill is before the House. We were fair with the way

in which we handled a situation the Reform Party asked about this morning. We collaborated and we would like to see the same collaboration.

For instance, putting up speakers for the sake of speaking is not a way of collaborating. The hon. member who just spoke is very knowledgeable of the subject. He also spoke when it was first introduced in the House. I appreciate some of the comments he made. It gave me a chance to reflect.

However his comments would have been better placed in Group No. 7 which deals with ephemeral, transfer of format, telethons and radio stations rather than Group No. 2.

Mr. Solberg: I will speak then.

Mr. Arseneault: You have already spoken. I have heard that message.

We have clarified those aspects. There is ephemeral. There is transfer of format. I look forward to the support of the Reform Party on the bill rather than delay and delay and delay. The time has come to get on with it. There is other business of the House than Bill C-32 that we must get on with. This is a very important bill. The producers, the creators and the users have been waiting for the bill.

● (1205)

What damage are we doing to the relationship between the creators and the users if we continually say that this is here and that is there and it is not so? It is important to create a good working relationship. Both sides want this clarified now, right away.

That is what we are doing. We have put forward the bill. We have our amendments and we are putting them forward today. Let us clarify it and get on with the work of the House so that the creators and the users can get on with their business as well.

[*Translation*]

Mrs. Suzanne Tremblay (Rimouski—Témiscouata, BQ): Madam Speaker, I am pleased to take part in the debate today on Bill C-32.

The first time I spoke in the House, on January 24, 1994, I immediately announced where I stood. I said: "Moving to the complex issue of copyright, I would like to point out that creators are currently out in the cold and that the government will have to act quickly by tabling as soon as possible a bill to correct this unfortunate situation".

I am delighted that the government has tabled this bill, that we are now at report stage and that very extensive amendments have been made. We know that we will have to keep up our efforts, because the bill is not completely finished, there will be a Phase III, but I am very pleased to see Phase II being wrapped up.

I would urge the third party to give its co-operation so that we can proceed with debate on a non-partisan basis and move quickly to give creators in Canada a bill that will help them improve their living conditions.

I think it extremely important that we leave partisan politics behind in this issue, and it is upsetting that the member for Medicine Hat spent 10 minutes telling us that he comes from a broadcasting background and forgot to mention that the bill requires a radio station to make over $1.25 million in advertising revenue before it is required to pay royalties. In other words, the station is required to pay only $100.

He spoke for 10 minutes but did not mention this fundamental fact. It is an objective piece of information contained in the bill and I think the member for Medicine Hat acted in very bad faith by failing to mention it when he spoke in the House.

The purpose of Bill C-32 is to amend the Copyright Act, which was passed in 1924. The first review of this act, in 1988, solved certain problems, notably by increasing creators' moral rights over their works and recognizing the organization of copyright holders into collective societies. The mandate of these societies is to authorize, on behalf of their members, public performances and reproductions, and to collect and distribute royalties or levies payable in exchange for these authorizations.

Society has evolved considerably since then, and there have been artistic, technological and legal developments in the cultural industry. Internationally, intellectual property has become a resource just as important as money or natural resources. New techniques have led to an explosion in artistic distribution and it is our responsibility as legislators to ensure that creators are protected by law.

The Bloc Quebecois has resolutely supported creators in all sectors of the cultural industry. Our efforts seem to have been successful because a number of amendments proposed by the Bloc Quebecois have been adopted by the heritage committee in one form or another, and we are pleased that we have kept a watchful eye on this bill so that there is finally something to show for creators in Canada.

The bill's amendments to the Copyright Act deal primarily with recognition of performers' and producers' neighbouring rights, the establishment of royalties for private copies and the definition of exceptions to creators' rights.

● (1210)

I mentioned earlier that when radio stations broadcast music or songs, authors and composers receive copyright fees, while performers, musicians and producers do not. Bill C-32 provides a remedy in this respect. Now, musicians, performers and producers will also benefit from neighbouring rights.

These rights are recognized in the 50 countries that signed the Rome Convention. Once Parliament has passed this bill, Canada will be able to sign the convention, and our performers will also be able to benefit from this protection when their work is distributed abroad, and collect royalties as well.

According to a report prepared for the Department of Canadian Heritage, neighbouring rights are an important tool for the future, especially with the advent of digital cable radio which will broadcast good music, uninterrupted by radio hosts or commercials. This type of broadcast will be a major source of income for artist-performers and record producers if the neighbouring rights system is introduced. That is why it is so important to proceed diligently with this bill.

Most payments for neighbouring rights will indeed be made by radio stations. As I said before, the bill provides that their income must be in excess of $1.25 million before they have to pay royalties. Otherwise, the fee will be only symbolic, as it will be $100.

Another interesting point is that the bill provides for a legislative review of the act in five years, which will be an opportunity to make some adjustments based on our experience with this legislation. We believe, unlike the hon. member for Medicine Hat, that the concessions made to broadcasters are a little too generous and should perhaps be reviewed downward.

However, it is rather unfortunate that the government did not recognize this right in the case of creators in the audiovisual sector. I hope that in phase III, which will come as soon as possible, the emphasis will be mainly on the audiovisual sector and photography.

As for private copies, every year, millions of audio and video cassettes are sold in this country. Many customers use these cassettes to copy the works of creators without paying copyright, thus depriving them of their living.

For instance, out of 44 million blank audio cassettes sold in this country last year, it is estimated that 39 million were used to make private copies of sound recordings of composers or performers. These copies made at home apparently cost the audio recording industry as much as $324.7 million per year.

Fortunately, the bill provides some compensation by providing for a levy that will be collected from manufacturers or importers of blank audio tapes, and subsequently distributed among authors, composers, performers and record companies.

The Bloc Quebecois supports this kind of measure which already exists in 25 countries, and it has insisted that the amount of the levy be set by the Copyright Board, which is in a position to determine what is fair compensation for the creator, while allowing for the consumer's ability to pay. We appreciate the fact that the Copyright Board has been closely involved in the preparations for this bill and the follow-up, because so far, the board has shown that it is capable of doing an outstanding job.

However, we regret the fact that these rights do not apply as well to video tapes, which leaves creators in the audiovisual sector in limbo.

The bill provides that libraries, educational institutions, museums and archival services will, to a certain extent, be exempted from paying copyright.

The Bloc Quebecois believes that these exemptions which deprive the persons concerned of their due will be difficult to administer and may lead to court cases. Although the exempt institutions are concerned with education and culture, we believe that the support they need should come from government, and that authors who already pay taxes should not have to subsidize them by forgoing income.

• (1215)

The Bloc Quebecois would have preferred to see the legislator leave the question of copyright to the various parties involved. The agreements currently in place between collective societies and users prove that this type of mechanism does work.

Nevertheless, the heritage committee is to be congratulated for having made great strides in tightening up the numerous exceptions in the original version of the bill.

Finally, we must point out the heritage committee's efforts to bring the bill more in line with the concerns of the interested parties. The Bloc Quebecois has presented some 75 amendments, a number of which were accepted by the government, which has finally lent an ear to the artists' legitimate demands. Let us hope that, in future, the government will accept the beneficial influence of the Bloc Quebecois in other areas.

The government must continue to modernize its legislation, and must begin right away to identify the modifications required for Canada to recognize neighbouring rights on videotapes, and the mechanisms required to protect the rights of our artists as the information highway expands.

[*English*]

Mr. Ted White (North Vancouver, Ref.): Madam Speaker, I am pleased to speak to this bill and these clauses today.

This bill has created a lot of problems for many of my constituents, across the whole range of the clauses dealt with in the bill. In particular, I received yesterday a letter from a company in my riding. That company, for the last 75 years, has been supplying bookstores. As a result of the changes which are being made by this bill, which they see as a major distortion of the marketplace under the excuse of protecting Canadian culture, the book market will be disrupted and it will be very bad for consumers.

This company and my constituents have urged me to bring to the attention of the House the fact that this bill will be a major disadvantage to consumers. It will protect Canadian distributors of books when libraries and universities could have much better direct access to wholesalers in the United States. The protectionism in the bill will not protect Canadian culture at all, it will simply drive up prices and create a very restrictive market within Canada.

I wanted to get that on record. Not only in the many areas that have been discussed earlier but in the area of book distribution this bill is a major problem.

Amendments were introduced today at a moment's notice to the House. We have not had the time to review them properly. We are appalled at the speed at which this bill is moving through the House.

Mr. Jim Abbott (Kootenay East, Ref.): Madam Speaker, I would like to speak specifically to the issue of copyright performances, sound recordings and communication signals that are part of this clustering of motions we have.

Before I do that, however, I would say to the parliamentary secretary that there is within the parliamentary system the ability for members of Parliament to be able to converse with each other and to reveal what is coming so there is some prior notice. I respect that.

However, on the other side of the coin I would point to an obscure example but a very accurate one, that the Liberals would say they said they are in favour of an elected Senate and this is what they did with the Constitution and the Charlottetown accord. That measure fell far short of what we are asking for. To have said it is accurate, that the measure was there, but in fact it in no way reflected what we consider to be important.

While I respect and accept the hon. member's comment that there have been provisions put in place in response to some of the concerns that were expressed by me on behalf of our party and on behalf of users, on the other side of the coin the fact that I have not to this point had the opportunity to see what those things are and to pass judgment on what those things are is exactly the problem we are having at this time.

• (1220)

I accept that he would have said these things to me in good faith, that he would have said they have answered our concern. However, by the time this bill becomes an act, by the time it is law, there will be an interpretation either by the copyright board or by the courts.

On behalf of my party and people who have expressed their concerns to me, I want the opportunity to have even a couple of hours to understand the legal implications of the words the government is now coming forward with. It is for this reason that I have been as upset as I have this morning that at the very last minute the government has been trying to put patchwork on to this seriously flawed bill.

With respect to the motions before the House now, there are any number of issues we can speak about in terms of so-called neighbouring rights. For example, the end of clause 1 speaks of the Rome convention country. We do not share airwaves with people in Europe, nor do we share them with people in Australia and other signatories to the Rome convention.

My understanding is that drawing the performers in line with the Rome convention is very commendable. However, our radio stations are sharing airwaves with the people who border the 49th parallel. Until the U.S. decides, if it does decide, to go ahead with neighbouring rights, our broadcasters, in particular in the Windsor-Sarnia area, even in the Toronto area with the Buffalo and Rochester signals, in Montreal with the signals coming in from Vermont, will be at a serious disadvantage by comparison with their U.S. competitors. Many of their U.S. competitors are going after exactly the same advertising dollar.

In her presentation to committee the minister challenged me on behalf of my party. She said "you say your party believes in property rights, that you would see the enshrinement of property rights". A performance right is somewhat parallel to a property right. She was right.

This issue is a case of weighing out the advantage and the disadvantage. It is a case of weighing out who will be benefited or who will be hurt. We are taking a look at the value the performers actually receive from airplay. I grant there is a good argument but not an exceptionally strong argument. If I were to balance it out I would say it is probably 60 per cent in favour of the notion that performers who actually perform their works which are being broadcast should receive some direct recompense from the revenue driven by radio. In my humble judgment there is a 60:40 argument in favour of the artist.

Then I look at the entire picture of the value they receive of the airplay, which is the 40 per cent. People will go to the record store to buy the CDs or cassettes. There is a live performance factor that has been put into this by members of the Canadian Association of Broadcasters and there is a value that the performers receive. I see that we have close to a balance.

Then I look at the economic damage that will be done to the radio stations. I look at the fact that they are already paying over 3 per cent in copyright. We do not know what percentage they will be open to. Will it be 1 per cent, 2 per cent or 3 per cent? I do not know what the percentage is going to be for these neighbouring rights.

● (1225)

I looked at the people who are employed in the broadcast industry and the fact that there are many technologies including satellite where we can beam things up and down and have them broadcast at the local level. There are many labour saving devices such as being able to electronically file music that would normally be handled physically from CDs.

I looked at all the things that are happening electronically and if I were going to be investing in a broadcast facility I would be looking at the total picture. Where am I going to get this extra 1 per cent or 2 per cent that is going to be charged to me on my airplay for the performers? I would probably be driven to the conclusion in my decision making process, managing intelligently and well, that I would be better off to get some kind of electronic labour saving device that would probably remove some of the technical staff, some of the on air people.

In other words, this has the ability on one side of the coin to give a financial reward to performers but at what cost to the bottom line of the radio stations and particularly at what cost to the people who are working in those radio stations? I see this as being a well intentioned move, warm and fuzzy, but I see it as ultimately being very dangerous and very possibly a job killer.

I would invite all members to take a serious look at this and to follow the motions that have been put forward by the Reform Party and vote to repeal the neighbouring rights section of Bill C-32.

Mr. Chuck Strahl (Fraser Valley East, Ref.): Madam Speaker, it is my pleasure to rise in the House today to debate Bill C-32. Before I get into my presentation I think it is proper to mention once again that the procedure we are going through today is really an affront to people who like to do a good job of analyzing legislation, who like to go into detail and make detailed amendments. There are obviously several things wrong.

First, the bill is so hopelessly flawed that the Minister of Industry and the minister of neighbouring rights spend time in the papers decrying one another's position. There is not even unanimity in the cabinet on this bill. This bill is not the answer for the broadcasting industry in Canada.

Today we have had phone calls in Reform Party offices from both sides. The Canadian Association of Broadcasters has problems with neighbouring rights and with some of the provisions of the bill as originally tabled. SOCAN, the society of Canadian artists, also has concerns in favour of neighbouring rights. Between the two we find they are both against it for exactly the opposite reasons. One group is against it because it says it gives to much power or too much economic deterrent to playing Canadian content. Canadian artists are saying that this does not give enough power and coinage in the pockets of artists.

What do we take from this? I think we take from this that the government has botched this bill from the beginning to the end. The government does not have support in the broadcasting industry. It does not have support among artists. Who then is the government doing it for? What is the purpose of this bill?

● (1230)

Every time the Canadian heritage minister muses in the press about what she would like to see the broadcasting industry look like, the alarm bells go off from one end of the country to the other, for different reasons. When she muses, as she did a couple of week ago, that perhaps we should double the amount of Canadian content on the radio, what happens then?

I can tell members what happens. The broadcasters in my area tell me that there is a limited amount of Canadian content. What we have is pretty good stuff and people enjoy it. But if broadcasters are asked to play twice as much, they are going to take the songs which are already heavily played and play them every other time.

If we hear Celine Dion—and I like Celine Dion, I have her tapes and her CDs—her songs would have to be played every second time because there is not enough Canadian content to double the amount without causing chaos in the industry.

When you live in an area like I do, or like most Canadians do, within broadcasting distance of the United States, the government can only jack around the listener so much until the listener says: "You know, I do not have to listen to this. I have choices. I can crank my dial".

Advertising dollars are now going down to Bellingham because people are saying: "I just cannot put up with this any more. I do not have any say about what kind of stuff is going on the radio. There is so much government regulation and bureaucracy that I am not sure of the quality of the product. The regulations, the hoop-jumping is so onerous, what is the point?" Therefore, advertisers are not putting their money into Canadian markets, they are putting into neighbouring markets, taking it south of the border and it is being beamed back into Canada.

Our advertising dollars are flowing south when they should, in my case, be staying in Chilliwack and Abbotsford and recirculated there. A lot of the advertisers and broadcasters are losing heart.

When the minister starts musing in the press about doubling the amount of Canadian content it sends a shiver up everybody's spine. They wonder what on earth she is talking about. There is not enough content to do that.

Another musing by the minister is when she talks about Canadian content. The rules are so screwy that with stars like Celine Dion and Bryan Adams, their music cannot be played because it is

not Canadian enough. They are Canadians. They qualify as Canadians and I do not think anybody is going to deny that. However, they are not Canadian enough under the rules.

What happens? Bryan Adams, whose producer may not be Canadian, does not get the Canadian content benefit because he has too many banjo players or whatever who are not Canadians. He cannot meet the rules. That person is cut off and does not qualify as a Canadian artist. Again, that is a shame because a lot of Canadians identify Bryan Adams as a Canadian rock star and think they should be able to listen to him and call him a Canadian artist, as I do.

Furthermore, when the minister went so far as to say that if it was not for the kinds of rules we are debating today, Celine Dion would be picking berries in some backwoods somewhere, never having achieved stardom, well, I do not know. Every time I see Celine Dion or listen to her music, I think this superstar blows the socks off most of the world with some of the best selling CDs, records and tapes of all time. To think that the minister said there was no way she could have made it if we had not had these content rules or this kind of regulation is farcical. It is just not true. No one can possibly believe that Celine Dion would be anything but a superstar regardless. That is my second point.

• (1235)

The first point concerned her musing about doubling the amount of Canadian content that must be played. That is just not possible. I do not know what she is doing. It scares the pants off a lot of broadcasters in Canada and it is something I wish she would refrain from doing because of the sight that would be.

Furthermore, as I mentioned earlier, there is an inconsistency between what she is demanding and what the industry minister is demanding. The industry minister wants to strengthen the industry without getting into the malarkey that has been proposed in this bill and others. It is one thing to strengthen the industry but it is another to just throw rules in its way so they can neither do business or industry or broadcasting well.

The third thing I would like to mention is a concern of the broadcasters with regard to transferring music from CDs to digital computers. I have been through the Fraser Valley Broadcasting Group facilities a couple of times. It has had a complete technological revolution in the last three years. There has been a complete upheaval in the industry. It is an upheaval that involves the computer and digital recording. It also involves the opening up of a competitiveness between the players and the industry that are trying to play by the rules that this minister seems to dream up on her way to the coffee shop in the morning.

The industry needs stability. It needs to know that when it wants to transfer this stuff from CD to digital it can. It wants to know that it is not going to contravene some rules. It does not want to sort of get away with it when technically it is at fault. That is the problem with this bill. There are so many amendments, so many mistakes and it is so poorly drafted that everyone, from broadcasters to artists to consumers to legislators, are concerned enough that they are saying this bill should be stopped until it is cleaned up and the direction of it clearly given and that has not been done.

The minister should withdraw this bill until she has assured all the players that something proper is going to be done.

Mr. John Duncan (North Island—Powell River, Ref.): Madam Speaker, this bill as it is currently constituted is of great concern to broadcasters. It is of great concern in respect to neighbouring rights.

There is a reduction in the neighbouring rights phase-in period. It removes the criteria that would require that the value of air play and volume of music use be factored into neighbouring future rights tariffs.

There is a rebalancing in light of the ephemeral exception. Particularly the radio end of it sees it as being too narrow a proposal. Many of us in this arena certainly use radio to a fair degree. I know it is probably the major media, other than the print media, in many of our experiences.

Many small radio stations in the country perform a very valuable service. Indeed, those radio stations need to transfer their medium on occasion. Many of them are using 30-year old technology. As a consequence, they are trapped into making these ephemeral changes. It is a major upgrade to get away from that. It is certainly not doing anyone any harm that they continue with this.

• (1240)

I have a letter from the Canadian Association of Broadcasters that is worthwhile for me to operate from in this area.

Certainly these private radio broadcasters and some of the private television broadcasters wish to counter any suggestion that the proposed amendment meets broadcasters requirements as they have articulated them. This material has been conveyed to the government and there is still great concern about the present wording of the clause.

It was not very long ago when I was spending some time in my vehicle and heard an interview on CBC radio. Many Canadians enjoy CBC radio. I am one of them. The value of CBC radio to Canadian broadcasters in the development of Canadian recording artists and so on became readily apparent in the anecdotal evidence that was being presented by artists, by people doing the recordings, by promoters and by others.

Sometimes we lose sight of what is the key issue in levelling the playing field or developing Canadian artists. One of the other examples that the Canadian Association of Broadcasters talk about has to do with episodes of local talent or variety shows. These are

taped in clusters for broadcast throughout the season to make them economically viable.

This bill, as it currently reads, requires that these tapes be destroyed 30 days after taping rather than as it is in competing countries like the U.S. and the U.K. where time starts running after the first broadcast. This seems like a very legitimate concern.

Then the association gives some other specific examples. Very often, rather than talking in broad terms if we can actually look to examples, we can see the flaws in what is being proposed in legislative and other initiatives much better.

This letter talks about CKCO's Kitchener Octoberfest parade. This is recorded by a station and tape delayed for time zone purposes by corporate sister companies in the west, part of the Baton Broadcasting in this case. The exception only applies to stations in formal networks of which there are very few in Canada.

Mr. Arseneault: We have changed that. We clarified it.

Mr. Duncan: Thank you. Programs and program segments recorded without a public audience such as spots to promote Canadian musicians on CTV's ''Canada AM'' and so on state in this letter that because the exception tries to restrict itself to event programming and does so by requiring a public performance at the same time as a reproduction is made, this also constitutes lack of qualification for this kind of programming.

The broadcasters talk about some other absurdities, as they call them, in the bill. They are highlighted by a requirement that copies of these ephemeral reproductions can only be kept beyond 30 days if an official archive accepts their deposits on the basis of their exceptional documentary character.

● (1245)

Broadcasters really should be allowed to keep their own archival copies in house. I think this would be a great loss to Canadian society if we were to create this kind of concern. They would like to reuse them possibly in the future and they would be quite happy to pay a licence fee at that time. This would also of course create quite a burden for national archives should this kind of provision remain.

The bottom line of what the Canadian Association of Broadcasters is saying is that unless these flaws are corrected, programming would remain at risk because of the administrative burdens and the economic burdens through trying to clear this hurdle on rights clearance.

This would affect Canadian viewers who want to have a good look at programs about their local area. It would affect charities relying on broadcast based fund raising. It would have its impact on Canadian talent and there are other provisions that would be detrimental to French language music and programming. These would be the main people who would suffer the neighbouring rights provisions.

I find this whole episode this morning of most concern. I know this bill and these amendments are of great concern to many Canadians. Sometimes what goes on in this place ends up in the form of partisan gamesmanship or something quite non-productive. It is my hope and my wish that we can move forward, make the enlightened amendments that are required in order to make this a bill that Canadians will find progressive, productive and that will indeed assist Canadian broadcasting, Canadian artists, Canadian recorders and so on.

[*Translation*]

The Acting Speaker (Mrs. Ringuette-Maltais): Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mrs. Ringuette-Maltais): The question is on Motion No. 5 in Group No. 2. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mrs. Ringuette-Maltais): All those in favour will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mrs. Ringuette-Maltais): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mrs. Ringuette-Maltais): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mrs. Ringuette-Maltais): The recorded division on the motion stands deferred.

The recorded division shall also apply to Motions Nos. 2, 3, 50, 51 and 52.

● (1250)

Mr. Gaston Leroux (Richmond—Wolfe, BQ): moved:

Motion No. 4

That Bill C-32, in Clause 10, be amended by replacing lines 33 to 41 on page 14 with the following:

''(2) A person who for private and domestic purposes commissions the taking of a photograph or the making of a film has, where copyright subsists in the resulting work, the right not to have

(*a*) copies of the work issued to the public,

(*b*) the work exhibited or shown in public, or

(*c*) the work broadcast or included in a cable programme service, and a person who does or authorizes the doing of any of those acts, without the consent of the person who commissions the photograph or film, infringes that right.''

He said: Madam Speaker, I take issue with some of the comments made by certain members of the Reform Party, which I found to be in extremely bad faith, especially with respect to the danger radio stations will face with the introduction of neighbouring rights.

The aim of neighbouring rights is to afford performing artists and production houses the protection enjoyed by the citizens of the countries that signed the Rome Convention and to ensure that performing artists and producers receive fair and equitable royalties when they work, whether they are interpreting the works of creators or authors or producing their own works.

This has long been awaited and requested by artists. They were totally forgotten in Quebec and Canada when 50 countries signed the Rome Convention, which provides artists with a salary. I do not need to remind this House, and particularly my Reform colleagues, that the average annual salary of artists is between $7,000 and $13,000 per year.

Our objective was to ensure that the introduction of neighbouring rights did not penalize certain stations with lower revenues or facing difficult financial situations. We in the official opposition would have preferred the government leave the matter with the Copyright Board. The government preferred to set a floor or a ceiling in order to exempt a number of radio stations.

Our Reform colleagues make no mention of this important element of the bill, which provides that radio stations with $1.25 million or less in advertising revenues will pay only $100 a year in neighbouring rights. When I hear our Reform colleagues talking about the risk of stations closing and of jobs being lost, I think that is bad faith.

Neighbouring rights, I remind you, are those paid to performers and producers. They have been ignored for decades, although they are recognized by over 50 countries. We must at least understand that there is a whole category of artists called performers, who work and are not getting paid. They get no return on their work, because it is played on the radio or elsewhere.

These people are entitled to a fair income for their work, like everyone in society who works and is paid a fair wage. I have a hard time understanding the Reform Party's objection to people living or trying to live off their work as artists. The Reformers are defending the radio stations at all cost, crying wolf, saying that neighbouring rights will force stations everywhere to close, causing a loss of jobs.

● (1255)

This is crying wolf, because, after evaluation—and my own and others' discussions with representatives of radio stations—this significant $1,250,000 exemption means that the bulk of stations will simply be charged $100 annually, which does not jeopardize them in any way. Let us be clear on this: it does not jeopardize them in any way, contrary to what the Reform Party claims.

I would like to focus particularly on the Bloc's amendment in Group No. 3 of motions, reminding the government that it is merely intended to ensure that photographers are recognized as the author, on the same footing as other creative artists are by the bill.

I would like to point out this extremely important aspect, because the photographers themselves have been trying to gain recognition as artists for decades.

I invite the government to support my amendment on this. There is even a museum of photography here in the national capital. We know how the magazines use professional photographers for exhibitions. We know how some photographers have earned international acclaim as artists on the basis of their works. How can it be that the government has not yet lent an ear to the photographers, and included them in the bill and recognized them as artists?

In order to ensure proper attention to this, the Bloc motion provides that, when a person has a series of photographs taken of the family, the children, etc, it is clearly stated that the person who pays the photographer has ownership of the photos and therefore owns the work, and not the photographer.

In all cases, however, where photographers take pictures with a view to displaying them as works of art, it strikes me as completely logical in 1997, after decades of efforts to gain recognition, that photographic artists finally be recognized in the bill.

We moved this amendment because the bill lacked any clause recognizing photographers as artists and creators, and I hope the government will support our amendment and give recognition to photographers.

[*English*]

Mr. Jim Abbott (Kootenay East, Ref.): Madam Speaker, when this bill came forward, a tremendous number of people were concerned about it, including the photographers. One of their concerns was the lack of protection for their works. As I look at Motion No. 4 put forward by the Bloc member for Richmond—Wolfe, it seems that the Bloc Quebecois is infringing on ordinary contractual agreements that can be made between people.

The Bloc is really asking in this bill that there be a virtual interference with the ability of people to come to their own conclusions, arrive at their own agreements and work forward from that point. The member has brought forward a very restrictive motion. For example, Motion No. 4: ''A person who for private and domestic purposes commissions the taking of a photograph or the making of a film has, where copyright subsists in the resulting work, the right not to have copies of the work issued to the public'', and I do not understand the Bloc's thought process here, ''the work

exhibited or shown in public, or the work broadcast or included in a cable program service''.

● (1300)

The reason I am saying I do not understand the Bloc's thought process is that realistically there should be an agreement between two consenting parties. When I look at the inclusion of the clause by the government I find myself far more in agreement with the position of the government. The reason is simply that it speaks about the exchange of value for consideration. The consideration was paid pursuant to the order and in the absence of any agreement to the contrary the person for whom the plate or other original was ordered shall be the first owner of copyright.

It sets up a pecking order that would work well to resolve situations between contracting parties as opposed to the Bloc amendment which sets up restrictions that people would actually have to negotiate away.

This is a concern. Photographers made presentations to us in committee, to me personally and to, I am sure, many other members. They pointed out that in a lot of instances when they lose control of the negative their work has the potential of being compromised.

I think of a situation in my constituency where a chap has had a photograph reproduced many times in many magazines. As a matter of fact it was actually made significantly larger and reproduced in poster format. It was the picture of a helicopter soaring above the clouds in the mountains taken from the mountainside. It is very dramatic. Imagine his chagrin that he has no way to recapture it.

We have been critical and continue to be very critical of the way in which the government has handled Bill C-32. Many portions of the act have created imbalances in both directions. It is being held together with chewing gum and baling wire. Nonetheless this is a clause included by the government that I would see the Reform Party being able to support fully.

Mr. Chuck Strahl (Fraser Valley East, Ref.): Madam Speaker, I rise to speak to Motion No. 4 in the name of the member for Richmond—Wolfe which reads:

That Bill C-32, in clause 10, be amended by replacing lines 33 to 4 on page 14 with the following:

It goes on to describe different items. I would like to explain what I think is right about the several proposals of the member for Richmond—Wolfe. Also another serious flaw which the member for Kootenay East did not raise but may or may not agree with me on is a pretty obvious one.

This amendment would replace a part of Bill C-32 which, for the most part, seems well crafted. It mentions an exchange or a contractual agreement between two parties, which is a property right. It talks about the necessity of the arrangement and how one person can obviously enter into a contract on a photograph. It includes photographs as a piece of property and is a good amendment.

It has the support of most people. Professional photographers or someone who commissions a photograph should have some proprietary rights to it. It should not be used willy-nilly without their say. If there is not some kind of control professional photographers, except for the initial photograph, would have no protection from leeches who could steal their work, publish it in papers, copy it and make their pound of flesh from the artistic ability of the photographers in question.

● (1305)

The problem with the amendment is that it is written in the negative. They would have the right not to have. That is a poor way to describe a right someone has. The amendment is crafted backward. It should be crafted in the affirmative. It should talk about what the person has the right to do, not about what the person does not have the right to do. It is a poor way to describe that right of photographers.

To get into the body of the proposed amendment, where copyright subsists in the resulting work I am not sure if that is the same as what exists. I guess it means it can be or it could be copyrightable. I am not sure if that is wise. Copyright rules are designed so that one has to copyright something before one gets the rights to it.

Be that as it may, as we get into the body of the amendment we see that part A talks about copies of the work being issued to the public. The intent there is proper. It would protect someone from having a photograph in a gallery beside the Chateau or anywhere else in Canada retaken, recopied, sold as a work of art and profiting from it. I assume issued to the public would include things like issued for sale and not just for presentation or whatever they are doing to receive a benefit. There should be a contractual agreement. Part A is relatively easy to agree with.

Part B is the work exhibited or shown in public. This is a worthwhile amendment in that it protects people who may not want their works broadly distributed. It protects those who may want a limited audience for their photographs. It may have been very private or personal. It may be one of a kind. All photographs are but it may be something for their pleasure only.

Under that amendment they would think their work would not be shown without their permission. I think of everything from very personal photographs of babies or loved ones or some horrific pictures of car accidents they do not want rebroadcast for public gain, for propaganda purposes or for a dollar value. It is something

they do not want rebroadcast. It should be their right to step in and say they do not want that to happen.

Part C refers to the work broadcast being included in the cable program service. One concern about the Copyright Act that I have heard expressed by local cable companies is the infringement of their rights. I am thinking of a local cable service in my riding that does a good job of broadcasting public events. It is almost a public service. It works almost exclusively with volunteers. It rebroadcasts events of all kinds including parades, other public events and showings and local fairs. It takes its cameras to 4-H Club presentations. It is a real public service.

In towns such as mine with about 60,000 to 70,000 people the cable service becomes a community service. It is not a money maker per se. We count on the cable service broadcasting council meetings, for example, and all the other items I mentioned.

● (1310)

When such a work is included in a cable program service sometimes it is inadvertent. The broadcast of a 4-H demonstration or whatever could include original works of art or original photographs that are contest prizes. They could rebroadcast on the cable system, as paragraph (c) mentions, which could almost inadvertently infringe on somebody's rights.

In my riding these shows are often rebroadcast four or five times during the week to ensure they hit all the target audience. The concern expressed to me was about what would happen if the Santa Claus parade were rebroadcast and something copyrightable was infringed on.

There are no provisions. It is just thrown out that if the cable program services do it they are in trouble. If they repeat it four or five times they are really in trouble. They say that is unacceptable. They say they need the freedom as a community service to broadcast public events, public showings and so on. They feel that if people do not want their photograph or their product rebroadcast they cannot be expected to know that. They cannot stop the cameras, go up to someone and ask if it is all right to move past a painting or display. They cannot function in this way in a public event such as a fair, a Santa Claus parade or whatever. It is not possible.

They are concerned the Copyright Act does not give them the freedom they need to do their job as a community service. I have to agree with them.

Mr. John Duncan (North Island—Powell River, Ref.): Madam Speaker, the proposed amendment by the Bloc is a bit complicated. It amends a current amendment to the bill which amends subsection 13(2) of the act.

I have read the amendment several times. I have consulted with other people. I do not know if it is anything but what can be described as nebulous. The amendment is amending an amendment which is nebulous, to begin with.

I will try to explain what I mean. We are talking about engravings, photographs, portraits, plates and originals. The wording of the unamended amendment indicates that in the absence of any agreement to the contrary the person by whom the plate or original was ordered shall be the first owner of the copyright.

The question comes down to the "by whom". Is it the artist or the person ordering from the artist? Legal counsel would only be able to say that is unclear. It could be interpreted either way.

As a consequence we cannot build a concrete foundation on a sand foundation. It will not work. It is not that I wanted to compare the Bloc amendment to concrete necessarily, but I had a duty to point that out.

● (1315)

I assume that the intent of the Bloc's amendment is to empower the artist. However, we may already be empowering the artist with the original amendment. If it is an attempt to overturn that amendment, that is one thing. If it is an attempt to strengthen it, that is another thing. I am not at all clear in which direction we are going.

In any case, there is a flaw. It is an important flaw. We want to attempt to achieve clarity in our legislation. We have all been in circumstances in which we have seen draft legislation come forward, and the constructive readings of that draft legislation can come from the most unpredictable sources.

In one of the committees on which I sit a government bill was introduced that turned out to be so badly drafted when it got to committee that it was withdrawn and has yet to come back to committee. That was several months ago.

There are lots of precedents. We all know this can happen. It is important for us to look once again at this clause.

[*Translation*]

The Acting Speaker (Mrs. Ringuette-Maltais): Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mrs. Ringuette-Maltais): The question is on Motion No. 4. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mrs. Ringuette-Maltais): All those in favour will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mrs. Ringuette-Maltais): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mrs. Ringuette-Maltais): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mrs. Ringuette-Maltais): The recorded division on the motion stands deferred.

We will now proceed to the motions in Group No. 4.

[*English*]

Mr. Guy H. Arseneault (Parliamentary Secretary to Deputy Prime Minister and Minister of Canadian Heritage, Lib.) moved:

Motion No. 6

That Bill C-32, in Clause 15, be amended by replacing

a) line 29 on page 27 with the following:

''27.1 (1) Subject to any regulations made under subsection (6), it is an''

b) line 1 on page 28 with the following:

''(2) Subject to any regulations made under subsection (6), where the''

Motion No. 60

That Bill C-32, in Clause 62, be amended by adding after line 18 on page 96 the following:

''(3) Notwithstanding paragraph (1)(*d*), paragraph 45(1)(*e*) of the Copyright Act, as enacted by section 28 of this Act, shall be read as follows for the period beginning on June 30, 1996 and ending on the day that is sixty days after the day on which this Act is assented to:

(*e*) to import copies, made with the consent of the owner of the copyright in the country where they were made, of any used books.''

Mr. Jim Abbott (Kootenay East, Ref.) moved:

Motion No. 44

That Bill C-32, in Clause 28, be amended by replacing lines 22 to 26 on page 62 with the following:

''where they were made, of any used books.''

Mr. Guy H. Arseneault (Parliamentary Secretary to Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Madam Speaker, I would like to be on the record on these motions. There are in this grouping three motions, Motions Nos. 6, 44 and 60.

Motion No. 60 is a government motion. Motions Nos. 6 and 60 are both technical amendments. Motion No. 6, is a consequential amendment. It makes a correction to a subsection added to the bill by the committee.

● (1320)

Motion No. 44 by the member for Kootenay East in the name of the member for Edmonton—Strathcona is about used books. It claims that used books could not be imported and things of that nature. I would like to correct that perception.

The bill does not prohibit the importation of used textbooks. Rather, it provides a safeguard should the importation of certain used textbooks become a problem. The amendment made by the standing committee ensures that Canada can continue to maintain control over its own marketplace. It is a very solid safeguard and the concerns of members should be looked after with regard to that amendment.

Motion No. 60 in the name of the government is a consequential amendment, one that all parties will probably accept as well as the other one. It ensures that an amendment made by the committee will not be retroactive to June 30, 1996. I know many members have spoken against retroactivity in the past including members of the Reform Party, Bloc Quebecois and the independent members present. I suggest to them again that it would be wise to support this amendment.

With regard to Motion No. 44, the government will be indicating its decision but personally it is a no vote. We are not in favour of Motion No. 44 because the bill itself guarantees protection and there is a safeguard in there to make sure that our marketplace is not distorted when it comes to used books.

Mr. Jay Hill (Prince George—Peace River, Ref.): Madam Speaker, it is a pleasure to rise today to speak to Bill C-32, specifically to Group No. 4 amendments.

At the outset I wish I could share the confidence of the hon. parliamentary secretary that the clause I am going to speak on is not going to be a problem for students. I do not see that when I read the bill. I take exception to his confidence that it is not going to be a problem.

Motion No. 44 effectively deletes the second part of clause 45(e) which deals with import copies made with the consent of the owner and the copyright in the country where they were made of any used books. Then it goes on to say except textbooks of a scientific, technical or scholarly nature for use within an educational institution in a course of instruction. That is the clause which is the problem.

Clause 45 in the bill addresses the issue of exclusive distributors in Canada. If a copyright owner has selected a Canadian publisher to distribute his or her work in Canada, that publisher is an exclusive distributor. Clause 45(e) provides an exception to this and makes it lawful for individuals to import used books. That would be fine if this government had left it at that. Instead, the government has created an exception to the exception. It has specifically made it unlawful for individuals to import textbooks of a scientific, technical or scholarly nature for use within an educational institution such as colleges and universities.

What does this mean? The Liberal government has given into the pressures of the Canadian publishing industry at the expense of those who can at least afford it, the students. It is interesting to note that this amendment was pushed through at the last minute in

response to pressure from Canadian publishers. It is also interesting note that when the Canadian Booksellers Association appeared before the parliamentary committee considering Bill C-32 in October 1996 absolutely no mention was made of used textbooks. Instead, this amendment was added at a late date without any meaningful opportunity for interested parties such as booksellers and student associations to have input. That was shameful.

• (1325)

Time and again this government has said that it is committed to young Canadians. This government has tried to make us believe that it is investing in the futures of young Canadians. For many young Canadians the future starts with university or college. Books are one essential part of higher education. As a parent whose daughter is currently in university I am only too familiar with the costs involved, tuition, books, living expenses. They all add up quickly. In a northern riding such as mine, Prince George—Peace River, the expenses can be much more if a student is forced to relocate in order to pursue a higher education.

Luckily my daughter has parental support, but many students do not. One way they can defray the high costs associated with university or college is to buy used textbooks. Because there are few Canadian suppliers of used textbooks, bookstores and students rely on a supply of used textbooks imported from the U.S.A.

The average price of a brand new text book is about $75, and even that seems low. I am well aware that many students face costs of hundreds of dollars for textbooks. It is estimated that the cost to students of purchasing new rather than used textbooks will be $5 million annually if this amendment is passed. This will only worsen the student debt problems that we are currently facing. On an individual level the effect of this amendment will be to increase the total amount a student spends on textbooks over the course of his or her degree by as much as $1,600. This is a huge blow to students and their parents.

Sixteen hundred dollars would pay for a whole semester of college or university. Sixteen hundred dollars could help students from more remote areas who have been forced to relocate to travel home for Christmas or for summer jobs. Not only do students buy used textbooks to save money, they sell them back to campus bookstores in order to recoup some of their money.

These textbooks are exported to distributors outside Canada. Canada currently exports more used textbooks than it imports so there is a balance of trade there. By restricting the importation of used textbooks this government is affecting this export trade. We can expect that if the import of used books stops, so will the export. Demand for used texts will fall and students will no longer be able to sell their books back to campus bookstores. This will result in an estimated loss to students of $2 million in revenue each and every year from the sale of used textbooks.

Canadian universities and colleges are increasingly relying on revenues from the sales of used books. Campus bookstores benefit twice from the sale of used textbooks. They get a commission on the purchase of used textbooks by the students and they get a margin on the later sale of reused textbooks to other students.

It has been estimated that lost revenues for Canadian academic institutions and their bookstores as a result of this Liberal amendment would be almost $600,000 each year. As we all know, decreased revenues are always passed on to the consumer in the form of reduced service and higher costs. In this case I reiterate that the consumers we are talking about are students.

Who will this amendment really help? The Canadian publishing industry seems to think it will protect them. However, despite what we have been led to believe Canada is not being overrun by foreign used textbooks. In 1995-96, 29 per cent of the used textbooks that were exported from and reimported into Canada were Canadian material. Canada is in effect recycling its own used textbooks.

The effect of this amendment will be to force students to buy brand new textbooks, most of which are published by American companies. Therefore the protection of Canadian interests argument does not hold water. I submit that the true effect of this amendment is to protect the profits of foreign owned new textbook publishers.

Another effect of this legislation will be to encourage Canadian students to photocopy their friend's textbooks rather than spend money on new ones. Students who resent being forced to purchase new textbooks or who simply cannot afford them will no doubt pick the cheaper option and head to the photocopier. Who could blame them?

• (1330)

Surely this is a step backward for copyright protection. Not only does this raise concerns from the student perspective, it also raises concerns under NAFTA. The amendment would interfere with trade based solely on geography rather than content or intellectual property rights, thereby offending the national treatment provisions of NAFTA.

Clearly this amendment, which restricts the import of used textbooks into Canada, does little for anyone other than foreign new textbook publishers. All it does is unfairly penalize Canadian students, colleges and universities while at the same time failing to have any positive effects on the Canadian economy.

That is why I strongly urge this House to adopt the amendment proposed by my hon. colleague to delete this senseless restriction on used textbook importation.

Mr. Chuck Strahl (Fraser Valley East, Ref.): Madam Speaker, it is good to speak to this amendment today. It is an important one. I do not know if it slipped in without being noticed by the government but for some reason the government has seen fit to leave it in here.

It is concerned about one of those rising free trade issues of all times, the case where used textbooks could slip across the border in incredible numbers, flooding the market with cheap textbooks. It happens all the time that thousands of businesses go broke. Every day I get phone calls about this.

The reason it is a concern is that this specifically mentions university textbooks of a scientific, technological or scholarly nature. This provision is in there in case used textbooks become a problem. Again, I can hardly imagine that happening. Even if it were to become a so-called problem, what a delightful problem it would be.

I was in university for a while. The reasons I left will be left not discussed today. I was in university for some time. What does a person do when they get into university? The first thing they do is get courses assigned and textbooks.

People get their textbooks. They rush down because there is always a certain number of used textbooks available. They are available for first come, first serve. They are half price. If a person charges in there, they can get a scientific novel, a dissertation that is already highlighted and ready to go at half price.

When talking about a $1,600 bill for textbooks, what a plum to know there are plenty of textbooks, hopefully a plethora of textbooks, a cacophony, lots of textbooks all available at half price.

The member from Peace River asked what the number one priority is of a student. There is no doubt what the number one priority is. It is scholarly activity.

Jana is one of the many pages who serve us in the House of Commons. They do a wonderful job. I asked this young lady what her priorities are, what is catching her attention these days. They are getting near the end of term. They are here on a scholarly enterprise. They are here to learn and they also learn in university.

She said: "I live to work at my scholarly activities". I said: "You look a little tired this morning. Is it possible that you have been working too hard?" She said yes, she had been working too hard. She had been up to three o'clock in the morning studying some obscure topic that probably most of us would not even understand.

● (1335)

I am sure that with the use of a textbook and friends of both sexes they worked together to get to the studies at hand, using every asset at her disposal and pouring herself into her work. I was impressed. I am sure that at about one or two o'clock this morning she was thinking to herself "where are those used textbooks?" It was weighing heavily on her heart. I am sure she was thinking "if they cut off the supply of used textbooks, what shall I do, I will have no opportunity to further my education". She could be relegated to spending evenings in fruitless activities or who knows what.

I think of Jana when I think of this clause. I think what a sad thing it would be if this clause were to pass unamended. It would make it impossible for her to use any of these used books.

I jest somewhat of course. However, the intent of my remarks is sound. People going to university have a limited income, limited access to books. Almost all of them are striving to make ends meet and it is a tough job. These pages here are just like everyone else. They are trying to make ends meet as well.

Why would we want to restrict the access of used books to these people and others, that it could suddenly become a problem? I do not think people who are attending university need to be concerned about limited access. I say if used books can be found by the bus load, bring them in and sell them at half price, let the students benefit. After all, many scholarly books are only scholarly for that short university period. Let us recycle them, use them up and give the students a break.

Mr. Bill Gilmour (Comox—Alberni, Ref.): Mr. Speaker, I would like to continue in the vein of my colleague on used books.

The government is proposing a penalty on used books. Used text books which are largely used by college students or universities could not be imported.

An hon. member: That is false.

Mr. Gilmour: A member across is saying it is false. We do not share that opinion. We feel this clause should be deleted. It is redundant.

Who does this penalize? It penalizes the students. I also address my comments to the nine pages in the House. These students spend time in the House learning about our parliamentary system and at the same time they attend university. These pages should not have to pay double for textbooks.

However, there is a deeper picture here. Why is the government penalizing students? Why is it not letting business take place? Business should operate on its own and should not be subsidized by government. If it cannot do that, it will go under.

On the one hand the government is saying it is going to charge students $5 million more for books. On the other hand there is an $87 million gift to Bombardier. What kind of picture does this paint of the Liberal idea of business? It is absolutely wrong.

This will be pushed forward. The Liberals will have loaded up the Senate. There will be no restriction in the Senate because the Liberals will push it through, another dysfunctional system.

• (1340)

I would like to go back to my university days. When I was in university books were a major cost. The fact that I was able to sell those books the next year either back to the university or to other students was part of my accounting for going into the next year. If I was not able to sell those books it would have been an additional cost, a cost I could not afford.

I again go back to where the Liberals are coming from. Why penalize students? Look at the pages here. Why should they be forced to pay another $5 million because the government wants to penalize them? It is absolutely wrong.

There is nothing wrong with recycled books. A book can be used many times. Why should it only be used once? It is because these people across the way are saying they will subsidize the publishing industry. That is basically wrong. This motion is redundant, wrong and should be deleted.

Mr. Jim Abbott (Kootenay East, Ref.): Madam Speaker, I think it might be of value to take a look at part of the proposed act here that we are saying is redundant and wrong.

Clause 45 states that notwithstanding anything in this act, it is lawful for a person to important copies made with the consent of the owner of the copyright in the country where they were made of any used books. As far as that goes, that is fine, but the government is adding ''except where textbooks of a scientific, technical or scholarly nature for use within an educational institution in a course instruction''. How can the government say it is not relevant or not redundant?

It defies any logic to understand how even in a place like this where there is heckling from time to time, certainly not from our side, government members can possibly heckle and say that this clause does not have anything to do with textbooks. How can they say it does not have anything to do with the words I just read when those are the words they want to put into the act?

The result of this is going to be very detrimental not only to students but to businesses serving students who presently have a situation where there is a flow of textbooks back and forth. We have an open border situation that works very well. In fact, there are thousands of people who are either part time students or who are working on campus who are involved in this particular business. There is a business going back and forth. What the Liberals want to do, for whatever reason, is stop this business. The result is it will not only cost students many tens of thousands of dollars and perhaps millions of dollars additional to the cost of their being able to get themselves educated with the textbooks prescribed by their institutions, but it is also going to put in jeopardy literally thousands of jobs of either part time students or people working on the campus serving the students.

How in the world can government members turn around and say that it does not have anything to do with textbooks when the amendment states ''textbooks''?

To give the House an idea of where some of these concerns are coming from I will read from a news bulletin put out by the CAUT entitled ''Ambushed by the Heritage Committee'': ''Angst, combat, defeat and endurance, rather than terms describing warring nations or Olympic co-operation, have been the hallmarks of the proposed Canadian copyright legislation known as Bill C-32''. For those who are just tuning in to the copyright saga, angst refers to the cumulative facts of the CAUT, the Association of Universities and Colleges of Canada, the Canadian Association of Research Libraries, the Association of Canadian Community Colleges, the Canadian school boards and the Canadian Teachers Federation. These people are deeply concerned not only about this part of the copyright law but other parts of it. Let us just stay on this part.

• (1345)

What is the net result of the entire process? It is being held together with chewing gum and baling wire. As a matter of fact the scotch tape is starting to show. This entire process has been so flawed that the members cannot even read the bill where it says ''except textbooks of a scientific, technical or scholarly nature''.

These people who are after all educators or are involved in higher education in Canada state, as is pointed out in this article: ''The manner in which the amendments were pushed through the committee in just a few hours, many without prior consent from representatives of the jointly responsible Industry Canada, left onlookers aghast''.

We are involved in a process that the government does not seem to understand. I will admit to a degree of partisanship when I speak about the heritage minister and the way that she has handled this, but really this bill has nothing to do with partisanship. This bill has everything to do with attempting to create a balance between the creators and the users of material, whatever that material is, whatever those creations are.

To give the House an idea of what I am talking about, there was some discussion in committee about another section of the bill and the term ''commercially available''. This has a real impact as well on universities and teaching institutions.

For example, under educational institutions, section 29.4, because of the committee amendments to commercially available, would impact educational institutions if they were to photocopy a poem or any document created by Margaret Atwood for an

overhead projection in a high school class. That would be an infringement of copyright.

If an educational institution was to make a photographic slide of a painting by Alex Colville, a living Canadian artist, that could be projected on to the screen for purposes of teaching an art class, that would be an infringement of copyright.

If that institution was to photocopy a chapter from a very hard to find book and the class was asked to write a short literary criticism or an explanation of that document, that would be an infringement.

If, as part of an examination students were required to translate a poem into French, this invokes both reproduction and translation under section 29.4(2).

Libraries and archives or museums are being impacted if they make a cassette production for use by patrons of an original recording of a Canadian artist, now deceased, reading his own poetry in the early sixties, the condition of the original is such that it could not be handed directly to the patrons. This entire bill is patchwork and many of those patches, many of the holes do not even line up any more.

I return to my original thesis. I do not know the reasons why this clause was inserted into the bill. It is going to create a very serious situation for students. We will be increasing the costs to people getting an education as a result of the oversight or the accidental inclusion of this clause. There does not seem to be any particularly good reason for the inclusion of it.

The problem is that the entire bill from stem to gunnel is a patchwork that is falling apart and the scotch tape is not going to do the job.

● (1350)

[*Translation*]

Mr. Gaston Leroux (Richmond—Wolfe, BQ): Madam Speaker, I wish to intervene because what I am hearing is totally wrong, and people should not be allowed to say such utter nonsense.

First of all, this morning I took great pride in being in this House to consider Bill C-32 which concerns phase II of the copyright modernization process. For many years, the performing arts community has been waiting for this bill, and the government had to do something to update the existing legislation.

As I said this morning, in committee we worked long hours and heard more than 65 groups of witnesses from across Canada, people representing performers, radio, television and various educational institutions and museums. We did a very thorough job in committee because we felt that all the groups and associations that appeared before the committee had important things to say and some very specific recommendations to make.

We made a point of carefully listening to and considering what was said, bearing in mind the objective of Bill C-32 on copyright, which is to introduce new rights, including neighbouring rights, for performers, to add other mechanisms and forms of legal recourse for artists, and, as far as book distribution is concerned, to make some major changes to prevent parallel imports.

We also did a major job in committee when we considered this bill with all the amendments. The Bloc Quebecois alone proposed 75 amendments. The government also worked very hard on proposing amendments after hearing all these groups. However, I must say that while the committee worked very hard on this bill, the Reform Party members were conspicuous by their absence. They did not attend the discussions on the amendments, and were absent throughout the process of determining what was useful and what should be included in the bill. Today, they stand up and say that this bill was hastily cobbled together and that there were some last minute amendments.

I may recall that this bill goes beyond political considerations. This bill concerns performers and the very important cultural industry, and the official opposition will not tolerate members in this House criticizing the work of a committee and its approach, while they were conspicuous by their absence.

Today, people who worked with very specific objectives in mind are being accused of proceeding with undue haste and proposing amendments at the last minute. Speaking for the official opposition, I say no, that is not what happened.

I wanted today to be a memorable day in this House when, at last, the Copyright Act, which goes back to 1924, was revised the first time in 1988 and is aimed at serving the interests of creators and authors as well as the interests of those who use their works, will now follow the legislative process and move on to third reading.

I strongly urge the Reform Party to rise above its own partisan considerations and this attempt at obstruction, and work on this bill, instead of trying to make political mileage at the expense of creators, young people, students and our pages, no less. Talk about rhetoric!

● (1355)

[*English*]

Mr. Abbott: Madam Speaker, a point of order. I realize I am listening to the English translation, but I believe the member used an unparliamentary word which was translated as demagogues. I wish he would withdraw that word.

The Acting Speaker (Mrs. Ringuette-Maltais): My understanding is that it was said in a general context and not directly at a member in particular.

[*Translation*]

Mr. Leroux (Richmond—Wolfe): Madam Speaker, I would like to point out that the Standing Committee on Canadian Heritage held nearly 25 meetings, heard 68 witnesses, spent a total of 85 hours on committee work, analyzed in excess of 190 briefs. It is unacceptable for Reform Party members to accuse committee members from the government and the official opposition alike of having done a poor job, of having botched this bill, especially when the hon. member saying so chose to absent himself from the committee and to practice empty-chair politics.

He has just voiced concerns about the amendment relating to photographers. I would remind him, since he had difficulty understanding that amendment, that I took my inspiration from the British copyright legislation. There has been much reference to copyrights in other countries. He ought to try to understand the amendment in the light of the British copyright legislation.

Today we must refuse any attempt to dispose of a major bill in its second review phase, which must be revised in five years.

This bill refers to collective societies, which represents authors and creators. We worked very hard on this major instrument, which is aimed at making it possible for these societies to speak with users and reach agreements with them. There is also a copyright board to govern the mechanisms.

I invite the Reform Party to rise above partisan politics and to give this bill a chance to survive, for the good of creators and users both.

This will be a great day if we manage to rise above political interests and to work strictly on behalf of authors and the cultural industry.

The Speaker: My colleagues, we will get back to this if necessary after Oral Question Period.

It being almost 2 p.m., the House will now proceed to Statements by Members.

STATEMENTS BY MEMBERS

[*English*]

VIOLENCE

Ms. Paddy Torsney (Burlington, Lib.): Mr. Speaker, this morning we all awoke to the horrifying news that six youngsters in Israel were murdered in an ambush today. Our hearts go out to the families, friends and those who were injured. So too our hearts are heavy with the knowledge that on this day one year ago 16 children and their teacher were massacred in Dunblane, Scotland.

While these incidents and others such as the massacres in Montreal and Tasmania are always heart wrenching, they are even more so when children are the targeted victims. Innocent children

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in Israel and in Scotland were in the wrong place at the wrong time. The world lost unrealized potential and some of its innocence.

We much each make a renewed commitment to ending violence in the world and in our own backyards.

* * *

[*Translation*]

THE LATE PAUL-ÉMILE ROBERT

Mr. Maurice Dumas (Argenteuil—Papineau, BQ): Mr. Speaker, Montreal has just lost one of its leading citizens, with the death at age 76 of Paul-Émile Robert, the "figurehead of the nationalist movement", as he was referred to in yesterday's *Le Devoir.*

I had the honour to know Paul-Émile Robert when he was president of the Société Saint-Jean-Baptiste de Montréal in the early 1960s. I held the same position for Saint-Jérôme, so we had occasion to meet regularly.

In 1965, this ardent nationalist spearheaded the Société Saint-Jean-Baptiste de Montréal's commitment in favour of Quebec sovereignty.

● (1400)

His militancy in defence of the French fact led him to create a foundation for the defence of francophones outside Quebec, the Fondation J.-Donat Langelier. He was also involved in the Montreal municipal scene, where he was a municipal councillor for close to 15 years.

I extend my most sincere personal condolences, as well as those of the Bloc Quebecois, to those who mourn the passing of Mr. Robert.

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[*English*]

ENDANGERED SPECIES

Mr. John Duncan (North Island—Powell River, Ref.): Mr. Speaker, Canadians of all walks of life and persuasions agree on a vision which includes protecting endangered species.

When the government first proposed endangered species legislation last year it entered into consultations and a committee process. The consultative process excluded rural Canada and Canada east of Ontario.

The way the bill has been amended in the most recent version has changed the thrust of the legislation so significantly that original supporters are now in open revolt.

A grand coalition including business, workers and communities in British Columbia is appealing for the bill to be scrapped and replaced with responsible endangered species legislation. It feels strongly that species protection must be designed both by scientists and democratically accountable officials and not in the courts.

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We do not want to obtain the same results that were obtained south of us where there has been massive social and economic hardship and 25 years of ongoing litigation.

I ask the minister to scrap the bill.

* * *

RURAL DEVELOPMENT

Mr. Len Taylor (The Battlefords—Meadow Lake, NDP): Mr. Speaker, I thank members of the Standing Committee on Natural Resources who participated in the preparation of the report on rural development tabled yesterday in the House.

The report identifies a fairly well defined road down which we can travel to restore economic health to rural communities. The problem is that the prescription is three years too late.

Even the Liberals understand that their own policies during the last three years have taken a lot out of rural communities. For us on the prairies the loss of the $720 million annual contribution known as the Crow benefit means that every rural elevator point on the prairies loses about $1 million in local farm income every year.

Liberal government decisions like that one have made it difficult for rural communities to maintain the jobs they currently have let alone work to create new ones. It is important to acknowledge how valuable rural Canada is to the overall well-being of our nation. We must work toward rebuilding it, but let us not forget that the Liberals created a lot of the obstacles we now have to jump over.

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CHAPLIN FAMILY YMCA

Mr. Janko Perić (Cambridge, Lib.): Mr. Speaker, I congratulate the city of Cambridge, the Ontario government and the many individuals and businesses that worked together to complete the new $10 million Chaplin Family YMCA in Cambridge.

Citizens and local businesses generously contributed a total of $3.1 million toward the project. The Chaplin family of Cambridge alone contributed more than $500,000.

This co-operative effort shows the people of Cambridge are in touch with the concerns of the greater community and that notions of civic responsibility and giving back to the community are what make Cambridge a great place to live.

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JOHN CRAIG

Mr. John O'Reilly (Victoria—Haliburton, Lib.): Mr. Speaker, I take this opportunity to congratulate John Craig, a student from Haliburton Highlands High School.

At the age of 16, John has started his own business. John's business is a fitness facility in the village of Haliburton, Ontario. Along with the business, John gets great grades, plays on the football and cross-country teams, participates in drama and works weekends at an electronics store.

The idea for the business came when the old fitness facility in Haliburton closed. John leased the facility, brought in weights from his house and purchased additional ones. All this cost him $5,500 and if he gets an aerobics class it will cost him another $700.

His brother, Dan, has helped him considerably, along with his friends. His rent is considerably less than that of the last tenant but the most important factor will be his client base. John is working on that by placing flyers around the community and placing ads in the local paper.

I wish John all the best with his small business endeavour.

* * *

HEALTH

Mr. Paul DeVillers (Simcoe North, Lib.): Mr. Speaker, I am pleased to address the House about the impact of the Harris government's decisions on health care and hospital closures in Ontario.

I feel obliged to dispel certain falsehoods about the issue, namely about the reduction in transfer payments to the Ontario government from 1993-94 to 1998-99, which amount to only 11.4 per cent. This represents at most 2.5 per cent of Ontario's revenues.

[*Translation*]

In the light of these statistics, the Harris government cannot say logically that the cuts in transfer payments are behind the cuts to health care and the closures of hospitals like the Montfort. The real reasons for these cuts and hospital closures is no doubt the decision of the Harris government to cut taxes, including personal income tax.

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● (1405)

ORGANIZED CRIME

Mrs. Christiane Gagnon (Québec, BQ): Mr. Speaker, the Bloc Quebecois has long called for action against motorcycle gangs. The people of Quebec are now calling for help as the innocent victims of government inaction.

Only a few days after their father was hit by a stray bullet at a Quebec City restaurant, the Lagrange family has gathered more than 1,000 signatures from people calling for government action.

People are not prepared to let stray bullets threaten their own, their family's or their neighbours' life. They will not permit the law of the jungle to prevail in their neighbourhood. It is high time this

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government used the resources at its disposal for the welfare of our community rather than waste them in an effort to come up with some harebrained scheme or other to create the utopian dream of national unity.

The Minister of Justice must listen to the cries for help from the people of Quebec.

* * *

[*English*]

FIBROMYALGIA

Mr. Ted White (North Vancouver, Ref.): Mr. Speaker, I have mentioned before in the House the lack of research funding for a disease which affects a large proportion of the population of Canada, particularly women. That disease is fibromyalgia.

On April 12 of this year the first International Fibromyalgia Conference for western Canada will begin at the Sheraton Landmark Hotel in Vancouver. This conference will bring together fibromyalgia suffers and experts from around the world to share information about the disease and how to cope with its effects.

I urge members on the health committee of the House to make themselves familiar with the disease of fibromyalgia and the impact that it has on the lives of its sufferers and their families, and to ensure that representatives of the fibromyalgia sufferers are invited to be witnesses in any future considerations of funding or bills which may have an impact upon them.

For further information about fibromyalgia or the upcoming conference members can call 604-540-0488.

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YOUTH INTERNSHIP PROGRAM

Mr. Roy Cullen (Etobicoke North, Lib.): Mr. Speaker, I recently had the pleasure of attending a ceremony in my riding to congratulate 14 graduates of a youth internship program in tool and die making.

This youth internship program is funded by Human Resources Development Canada. The program is a result of a partnership of Humber College, 14 corporations, and George Webber and Associates. It provides entry level training to young people between the ages of 15 and 24. The training is given in high growth sectors and occupations in demand and involves on the job and in class training in combination with job specific and basic employability skills.

At a time when youth unemployment is unacceptably high I take this opportunity to congratulate all those who have helped create this very important bridge into the workforce for our young people. Often young people starting off in their careers get caught in the trap of not being able to find a job because they do not have the experience and of not being able to develop the experience because they cannot find a job.

I would like to offer a special recognition to Humber College for—

The Speaker: The hon. member for Cumberland—Colchester.

* * *

TAXATION

Mrs. Dianne Brushett (Cumberland—Colchester, Lib.): Mr. Speaker, on April 1, three provinces in Atlantic Canada will implement a harmonized sales tax which will simplify tax collection, provide a greater input tax credit for business and thereby stimulate the Atlantic economy.

The blended rate of 15 per cent will effectively reduce the tax rate by nearly four percentage points in Nova Scotia and New Brunswick and nearly five percentage points in Newfoundland.

The harmonized sales tax will finally put an end to consumers paying tax on tax. Books will be exempt from the provincial portion of the tax, as they have always been, and books for public schools, colleges and university libraries will be tax free.

A harmonized sales tax will not only benefit Atlantic Canada; it will benefit the entire country. I sincerely hope that as other Canadian provinces realize the value of a single national sales tax system they too will sign on very quickly and then we will have a tax—

The Speaker: The hon. member for St. John's East.

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LAND MINES

Mrs. Bonnie Hickey (St. John's East, Lib.): Mr. Speaker, this week the Minister of Foreign Affairs has been nominated for the Nobel Peace Prize in the effort to achieve the worldwide ban on the use and production of anti-personnel land mines.

The United Nations estimates that there are approximately 100 million active land mines in 65 countries and another 100 million in storage. The tragic fact is that there are an estimated 26,000 casualties each year resulting from the use of land mines.

● (1410)

Minister Axworthy's leadership is truly a remarkable effort toward achieving peace.

The Speaker: The member should refrain from mentioning any of our names.

Mrs. Hickey: He has also asked every country in the world to show their commitment to this goal by coming to Canada in December of this year to sign a treaty that will ban the use, transfer, production and stockpiling of anti-personnel land mines.

I fully applaud the minister's efforts. I am very proud of the fact that such a remarkable initiative has been spearheaded by one of our colleagues—

The Speaker: The hon. member for Laval Centre.

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[*Translation*]

STATUS OF WOMEN

Mrs. Madeleine Dalphond-Guiral (Laval Centre, BQ): Mr. Speaker, ten years after its first forum on women, the Centrale de l'enseignement du Québec is organizing its second gathering, this week, under the theme: ''Power, a non-traditional job''.

Aware of women's limited access to the various forms of power, the participants will cover four themes: women's ability to act in their personal lives, their perception of autonomy, political power and the economy.

Despite the vitality of the women's movement, women have yet to be recognized as a social force that cannot be ignored. Thérèse Casgrain deeply believed that women's power had to be gained alongside and not in opposition to men's. So, men will be invited to attend on the final day and take part in special workshops.

Women's power to be, act and imagine is a major asset to the development of our society. Women must take their rightful place.

* * *

[*English*]

MEMBER FOR BEAVER RIVER

Mr. Ken Epp (Elk Island, Ref.): Mr. Speaker, today is a most significant anniversary for it was on this date in 1989 that the hon. member for Beaver River was first elected to the House.

She has led the way in proclaiming that MPs are elected to represent their constituents, taking their voting orders from them and not from the party hierarchy in Ottawa. She has led the way in showing that there can be politicians who serve the people and not themselves by denouncing and opting out of a self-enriching, lavish MP pension plan. She has led the way in showing that women can compete with men for nominations and can win on merit and ability instead of bearing the insult of unelected appointment.

She suffered the loneliness of being the sole Reformer here for nearly five years, supported briefly by Canada's only elected senator, Reformer Stan Waters.

We salute the member for Beaver River today. She truly is a leader among leaders, a friend among friends and a mentor who leads by example. May she continue to inspire us all. We wish her continued success and happiness.

[*Translation*]

CYCLING

Mr. Mark Assad (Gatineau—La Lièvre, Lib.): Mr. Speaker, Bromont has just been named the site of the eastern Canada sports cyclist national training centre.

The primary purpose of this training centre is to promote the development of optimal conditions for the training and development of top level athletes in road, track, cross country and mountain bike racing.

The corporation that managed this centre is already considering the possibility of building a velodrome, to further add to the facilities available in this region for development of this sport. It also plans to offer young people a program of sports combined with study that will help develop our next generation of athletes.

This is very good news for the Bromont region and for cycling in general. The government is pleased to be involved in this undertaking through Sport Canada.

* * *

LIBERAL PARTY OF CANADA

Mr. Mac Harb (Ottawa-Centre, Lib.): Mr. Speaker, our Prime Minister's recent announcement that he will, where he deems it necessary, appoint women as Liberal candidates during the next election has raised a great deal of interest.

Overall, this initiative has been well received. It should help to reduce the unjustifiable discrepancy between the number of men and the number of women running for and elected to office in Canada's general election.

The few truly negative comments we have heard come solely from opponents who are frustrated by the political audacity and courage of our leader.

● (1415)

Although 54 women were elected to Parliament in the 1993 election, today they still occupy only 18 per cent of the seats in the House of Commons. Our leader feels it is time to do something about this under-representation and we heartily congratulate him on his determination.

ORAL QUESTION PERIOD

[*Translation*]

SOMALIA INQUIRY

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the Somalia inquiry has been eventful from the word go. We saw generals suspected of a cover-up, we heard witnesses contradict themselves, we saw a minister make a hash of things and

in the end lose his job. We even saw an operation to look for lost documents; the whole army on alert to look for documents hidden by the chief of staff.

Nevertheless, a number of things are clear. First of all, there was at least one murder in Somalia. Not unfortunate accidents but a murder. Second, senior army officers and senior officials with the Department of National Defence tried to hide these facts. And finally, now that the Commission of Inquiry on Somalia is winding up, we still do not know exactly how many people were involved in the cover-up.

Considering that the Commission of Inquiry on Somalia will not be able to offer full clarification of this case and all the consequences within the time frame it was given, why does the minister persist in refusing to extend the commission's mandate so that it can do a good job?

Hon. Douglas Young (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, today it will be nearly two years since the commission of inquiry started investigating the events that took place in Somalia.

The government gave the commission three extensions, including the last one. However, we have asked the commissioners to submit their report no later than the end of June. We could have continued this inquiry for another year or two or three, and by the end of this whole exercise, the conclusions and recommendations would probably have had some historic value.

As the hon. member is aware—I was going to say ''Leader of the Opposition'', but this may be a bit premature—I am to report to the Prime Minister of Canada and the government on the future of the armed forces and how we should proceed. The former chief justice of the Supreme Court, Brian Dickson, has agreed to investigate and report on the whole military justice system as well as on the way investigations should be conducted.

I am sure it would probably have been impossible to obtain full clarification of all the events that occurred before, during and after the situation in Somalia.

I think that for the sake of the Canadian Forces and for the sake of the future of this institution which is very important for Canada, we had to wind things up. As soon as a report has been submitted to the government and the Commission of Inquiry has made its recommendations at the end of June, I hope Canadians will realize why it is important to turn the page.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, if we are celebrating the commission's second birthday, I am not sure the word celebrate is particularly apt, it is because their people are responsible for the situation. We would not be in this mess if people had not run around hiding documents. That is what happened at army headquarters. At that level, we have an establishment that protects its own and prevents the truth from coming to light.

To restore credibility within the armed forces, would it not be preferable to finish the inquiry and, if necessary, produce a preliminary report in June, let the minister do some house cleaning and then continue this inquiry into a number of major events, to identify who was responsible for what?

Hon. Douglas Young (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, I fully understand the hon. member's concerns. The incidents that occurred in Somalia are absolutely intolerable. The way the institution reacted to these incidents is entirely unacceptable. That is why we promised to try to find ways to prevent such incidents from recurring, but in a less than perfect world, we know it is always a possibility. We had to find a way to set up mechanisms for dealing appropriately with all eventualities.

● (1420)

I never commented on the way the commission decided to do its job of hearing witnesses, on its work schedule or on the testimony as such.

But I can say to the hon. member that I believe Canadians realize that for the past two or three days, we have heard witnesses who were directly involved in the incidents that occurred in Somalia. They are being heard two years later. I am just stating a fact. This is not a comment.

If two years later, we now hearing testimony from two people who were involved in the incident in Somalia, I think it says quite a bit about the time it would have taken to receive conclusions and recommendations that would be useful, in the current context, to try to deal with the problems and the challenges facing the Canadian Forces.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, surely the minister would agree that had there not been a cover-up, we would not have the problems we have today. If senior officers had co-operated instead of trying to sabotage the inquiry, we would not be where we are today. If the minister's predecessor had not spent his time protecting senior officers instead getting the army to do what it is supposed to do, we would not be in the mess we are today. There are guilty parties. If certain acts, certain criminal acts were committed, surely there are people who are guilty.

Considering that this commission will not be able to finish its work, does the minister realize that soldiers will have trouble identifying who among their superiors was innocent and who was guilty? And that is a serious matter.

Hon. Douglas Young (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, the hon. member is referring to a situation in which there may be certain

things that prevented the commission from doing its job or that meant the commission needed more time to do its job than would have been the case had the circumstances been different.

However, some allegations regarding purported cover-ups and all the rest have been checked by other institutions. I may remind the hon. member that for instance, in the case of allegations concerning the former chief of staff, a government institution conducted an investigation and found that General Boyle was not responsible for doing things which, according to the commissioner, were unacceptable.

The important thing for us is that by the end of March, when we will have reported to the Prime Minister and Canadian people, people will be able to evaluate the work we have been doing for three months. At the end of June, Canadians must be able to analyze—

The Speaker: The hon. member for Témiscamingue has the floor.

* * *

HAITI

Mr. Pierre Brien (Témiscamingue, BQ): Mr. Speaker, my question is for the Minister of National Defence.

Three weeks ago, a number of Canadian police officers and soldiers stationed in Haiti stated that their lives were endangered by the lack of co-operation by local authorities. Today the situation has not improved. On the contrary, Canadian patrols are the victims of repeated attacks by Haitians throwing stones.

Does the minister agree that these statements are troubling, and can he tell us whether his department has initiated an inquiry to cast some light on the situation?

Hon. Douglas Young (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, we are not in the process of investigating who is throwing stones in Haiti. But I can tell you, as I stated yesterday to those concerned about these statements by two members of the Canadian Forces, which were picked up by the press, that when our people are sent into a situation like the one in Haiti at the moment, it is obvious that they are not being sent to the local Club Med.

They have gone to a dangerous spot, one where there is danger not only for our troops, but also for the President of Haiti. We are not there in a babysitting role. This is a military situation in which military personnel will certainly be exposed to a certain degree of danger.

● (1425)

Make no mistake: when Canadians go to a country like Haiti that has been torn apart by internal strife for years, it is not a comfortable situation. There is, of course, some level of danger, but I believe that the military personnel who are there, as well as the police officers, and the Canadian public in general, consider that the objective of the mission is a valuable one, in light of the realities they face daily.

Mr. Pierre Brien (Témiscamingue, BQ): Mr. Speaker, can the minister explain to us why the two soldiers who dared reveal the truth concerning the increasingly dangerous situation in Haiti, for both police officers and the military, have been moved to administrative positions?

Hon. Douglas Young (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, the two soldiers expressed concerns about their safety.

If the two persons in question were uncomfortable with the mission they had been asked to carry out, it was important not only that they say this to the general public, but also that they discuss it with their colleagues who are also there to fulfil the objective of this very important mission.

They have not been disciplined. They were nervous where they were, close to the President of Haiti, and so they have been put in a position where, I hope, they will feel more at ease.

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[*English*]

THE ECONOMY

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, the Liberal government is collecting more taxes than any other federal government in the history of Canada. It has the record.

Not surprisingly, Canadians have suffered a $3,000 pay cut in the last three years. What do they get in return? They get 1.5 million Canadians unemployed, 800,000 people having to moonlight just to make ends meet and the highest number of young Canadians dropping out of the workforce since the 1960s.

My question is for the finance minister. When is the government going to realize that high unemployment is a direct result of high taxes? When will it get the connection?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, first of all the hon. member's numbers are wrong. He ought to know that since we have taken office the federal government's share, revenues as a percentage of GDP, has dropped.

He ought to know while disposable income dropped substantially under the Reform Party's kissing cousins, the Conservatives, in 1993 when we took office it stabilized.

Third, he ought to know that as a result of the government's actions, massive purchasing power through the reduction of interest rates has gone back into the pockets of Canadians.

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, by trying to defend an unacceptably high unemployment rate, the Liberals are sounding exactly like Brian Mulroney: productivity up, interest rates down, low inflation, rosy IMF predictions and—listen to this—the best job creation record in the G-7.

These are exactly the same arguments that Brian Mulroney made in this place in 1992 to try to defend another government that promised and failed to deliver on jobs, jobs, jobs for 1.5 million Canadians. It is exactly the same rhetoric.

Instead of using Brian Mulroney's arguments from 1992, why does the government not actually do something for the 1.5 million unemployed? Why does it not lower taxes?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, we reduced taxes in the last budget by $2 billion over the next three years.

The government has set out a very clear and comprehensive plan for job creation. It is, first, to clean up the nation's finances which has led to an unprecedented drop in interest rates.

Second, we have a short term plan for the infrastructure program, which the hon. member had the nerve yesterday to call rinky-dink. He cast aspersions on every mayor and municipality in the country. We have the Prime Minister's trips abroad.

We also have a long-term plan, a reinvestment in education, a reinvestment in research and development. If the Reform Party is sincere about jobs, then it will support the government's budget. It is the most comprehensive plan that has been set out.

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, we are certainly not going to support a rinky-dink government with its rinky-dink budget.

● (1430)

A single income family of four making $30,000 will pay 90 per cent less in taxes under a Reform government. That is 1.2 million low income Canadians who will be lifted completely off the tax rolls under a Reform government. Those are Reform values.

Is it Liberal values for the government to tax the working poor so they can give money to their buddies at Bombardier which just announced a $400 million profit? Is it Liberal values to try to explain away one and a half million unemployed just like Brian Mulroney did?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, Reform Party members want to talk values. They want to cut $3.5 billion from health care. We will not do it.

Reform Party members want to talk values. They want to cut $3 billion from equalization. They want to deprive seven provinces of decent public services. We will not do it.

Reform Party members want to cut $5 billion from old age pensions. We will not do it. We will match our values against theirs any day of the week.

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[*Translation*]

NATIONAL DEFENCE

Mr. Stéphan Tremblay (Lac-Saint-Jean, BQ): Mr. Speaker, my question is for the Minister of National Defence.

In February, the CBC revealed that, contrary to what the Minister of National Defence has been promising students signing up for subsidized university programs, the Canadian Armed Forces are requiring participants to meet their contract commitments or be forced to repay huge sums even after changing or ending their program of study.

How does the minister explain that students registered in good faith, like those whose course of study was cut out from under them with the closure of the Collège militaire de Saint-Jean, are forced to meet their contract obligations and even to pay back the salary they received, when he is not fulfilling his part of the bargain?

Hon. Douglas Young (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, I think everyone who signs a contract must try to fulfil it and I think most people expect this sort of contract to be met.

However, in certain cases, a person may have been forced to change career or been unable, for some reason, to continue his or her studies.

In some instances, there may be a way to resolve the problem, but, in general, because the costs involved are very high— whether in Saint-Jean or at the Royal Military College in Kingston —Canadian taxpayers expect everyone to fulfil their commitments as in the case described by the hon. member.

Mr. Stéphan Tremblay (Lac-Saint-Jean): Mr. Speaker, I am quite prepared to talk about costs, as a career change for a young person often involves considerable cost.

Since we know that those recruiting students lead them to believe that the course of study they choose will continue, would the minister not agree that this practice is outrageous and that his department should act quickly to settle the case of the dozens of students who were lied to by his department?

Some hon. members: Oh, oh.

The Speaker: Dear colleagues, the hon. member used the word ''lied'', but he did not say that the minister had lied. Nonetheless, I would prefer that such words not be used.

Hon. Douglas Young (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, obviously it is disappointing for everyone when courses are changed along the way.

I have explained to my hon. colleague that, under the circumstances, where it can be shown that the changes had an effect, the government should look closely at the situation. Each case must be decided on its own merits. I am prepared to review the cases the hon. member would care to put before me and the department.

But I would explain to him that a person who has agreed to take courses in a civilian institution must honour the debts he has incurred or the commitments he has made if he decides to leave the institution because he is dissatisfied or because the courses have changed.

* * *

● (1435)

[*English*]

TAXATION

Mr. Jay Hill (Prince George—Peace River, Ref.): Mr. Speaker, on April 1, 1993, while he was still in opposition, the Prime Minister was quoted as saying: ''Canadians have reached the saturation level with respect to taxation''. Yet the reality is that since his Liberals have come to power the average Canadian family has suffered a $3,000 pay cut because of the government's tax hikes.

Did the Prime Minister really mean what he said when he was in opposition or was he just pulling a cruel April fool's joke on the Canadian people?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, the hon. member can stand in this House and spout nonsense all he wants, but it is still going to be nonsense, no matter how much he repeats it.

There has been an increase in the government's revenues. That increase has occurred overwhelmingly as a result of economic activity, which is exactly what anybody should want.

At the same time there has been a tremendous reduction in the cost that consumers have to pay for refrigerators, for houses and for cars. It is estimated by most economists that over $5 billion in additional purchasing power has gone back into the hands of Canadians as a result of the actions of the government. The hon. member ought to recognize that.

There is not much use of me standing in the House and responding to nonsense. What I would really ask is that the Reform Party's researchers go back and come up with the odd question that reflects the economic realities.

Mr. Jay Hill (Prince George—Peace River, Ref.): Mr. Speaker, if there is anyone in the House spouting nonsense, it is the hon. minister.

We constantly hear about how good low interest rates are. What good are low interest rates to the unemployed? When was the last time the minister heard of a bank manager approving a loan or a mortgage for someone who does not have a job?

There are 1.5 million people out of work in Canada. Unemployment has remained high ever since the Liberal government came to power. Even though in other countries unemployment rates have been decreasing over the last two years, it has become a distinctly Canadian problem.

When will the government members get it through their heads that high taxes cost Canadians jobs?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, this is not a distinctly Canadian problem. There is no doubt that the government is not happy with the level of unemployment. It is for that reason we brought in programs to help youth unemployment, programs to help our exports and programs to help small and medium size businesses.

In terms of the world, and the Prime Minister has said it, outside of the United States, if we look at the G-7, we have stronger job creation than any of those countries. We have done very well.

That does not mean we are happy. That does not mean we will rest as long as there is one Canadian unemployed. This government will work on it.

Where was the Reform Party three years ago, two years ago and one year ago? Every day in the House its members stood and said cut, gouge, slash, burn, ignore health care, ignore unemployment. We on this side said that we would not do that. We will protect the Canadian worker. We will protect the Canadian social fabric. The Reform Party ought to recognize that.

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[*Translation*]

ISRAEL

Mrs. Maud Debien (Laval East, BQ): Mr. Speaker, my question is for the Deputy Prime Minister.

The Middle East peace process is in crisis. After announcing plans to build a new Jewish settlement in East Jerusalem, an occupied territory since 1967, the Israeli government has just decided that it would return only 9 per cent of the West Bank territories, rather than the 30 per cent expected by Palestinian authorities.

With senseless violence breaking out once again, can the Deputy Prime Minister tell us Canada's position following Israel's an-

nouncement that it would withdraw from only 9 per cent of the West Bank territories, and would continue building settlements.

● (1440)

[*English*]

Hon. Christine Stewart (Secretary of State (Latin America and Africa), Lib.): Mr. Speaker, Canada continues to be very committed to the peace process in the Middle East and we encourage all parties to the process to remain committed themselves.

We experienced today a very unfortunate incident in the Middle East and we send our condolences through Mr. Netanyahu of Israel to the families of the victims. With him we wish that the rhetoric in the Middle East were diminished to avoid these kinds of unacceptable incidents.

Just to say that Canada does remain committed to the peace process, we are not in a position to demand that Israel take certain actions but we feel that through dialogue and negotiation peace can prevail in that region.

[*Translation*]

Mrs. Maud Debien (Laval East, BQ): Mr. Speaker, the secretary of state did not exactly answer my question.

I asked her what Canada's position was following Israel's announcement that it would withdraw. We can all say what we would like to see and offer condolences, but this does not sort out the immediate problem.

Because I was unable to get an answer on Canada's specific position regarding Israel's withdrawal, I would like to ask the secretary of state if she can assure us that the government will do everything in its power to bring an end to the cycle of violence and to help salvage the peace process, before it is too late.

[*English*]

Hon. Christine Stewart (Secretary of State (Latin America and Africa), Lib.): Mr. Speaker, as I said, Canada does remain committed to supporting the peace process in the Middle East.

When the parties to the conflict have negotiated solutions we would hope in the name of peace that they stick to their own commitments.

We with the international community are concerned when there are deviations to the negotiated settlements and we would hope that they will remain at the table to overcome their differences and assure the world community that peace will come to the region.

* * *

JUSTICE

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, in today's Ottawa *Sun* Gary Rosenfeldt, who is with us today, whose son Daryn was one of Olson's victims, said: ''We don't feel [Reformers] are exploiting us at all. They are the ones standing up for us, speaking out for us. If there is anyone who is exploiting this situation it is the justice minister. He is the one who should be ashamed. We are confident that all Canadians will remember that Clifford Olson's platform was built and maintained by the Liberal Party of Canada''.

Being as the Liberals voted not to apologize, just what does the Prime Minister have to say to these victims today?

Mr. Gordon Kirkby (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I thank the hon. member for his question.

The Minister of Justice has met with many people who have lost loved ones and friends. It is out of respect to these loved ones and friends and out of respect to the victims that certain changes have been made to section 745 of the Criminal Code.

First, the code was changed to allow for victim impact statements in these hearings. Second, there was a change to prohibit serial or multiple murderers from making use of this application. It was also changed to put in a screening process so that frivolous applications would not be allowed. Third, it was changed to ensure that the jury verdict had to be unanimous in order for an applicant to receive a reduction in parole ineligibility.

Finally, the minister has sent letters to his provincial counterparts requiring that all prosecutors tell people who have lost loved ones exactly what the circumstances of section 745 are at the time of sentencing.

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, when we refer to a rinky-dink finance minister we should refer to a Tinkerbell justice minister. Tinkering around with this stuff is not the answer.

Two days ago on ''Canada AM'' Jana Rosenfeldt, the sister of one of Olson's victims, said: ''Actually we met with the justice minister last year. He had a chance to stop this. He basically spit on the graves of all these kids. He had a chance to stop it, he left it to the last day in Parliament and of course it didn't go through. I blame him''.

● (1445)

Ms. Rosenfeldt is referring to Bill C-45. Why did this government not move immediately to ensure that Jana Rosenfeldt and the families of other victims did not have to relive their nightmares by listening to Clifford Olson?

Mr. Gordon Kirkby (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, what I view as absolutely appalling about the situation is that the hon. members of the Reform Party indicate to these people who have lost loved ones tragically as a result of crimes that if section

745 could somehow be removed from the Criminal Code in the future they would not have to undergo the trauma of these hearings.

I have news for Reformers. Why do they not tell the victims of crime the truth? If this section were removed from the Criminal Code today all people who are in the system already could still apply up to 25 years in the future. That is the abuse of the victims.

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[*Translation*]

GOVERNMENT PROGRAMS

Mr. Pierre de Savoye (Portneuf, BQ): Mr. Speaker, on Tuesday March 4, at 4.30 p.m., a company in the process of setting up operations in my riding learned from the mouth of the president of the local Liberal Party of Canada association herself that it would be receiving over $50,000 in grants, and learned this less than an hour after the minister had signed his agreement. The following day, the offices of the Minister of Human Resources Development and the President of Treasury Board released to the press certain confidential information on the business plan of that company.

Can the Minister of Human Resources Development, or the President of Treasury Board, explain in this House how it happens that, on the eve of an election, the Liberal riding president, Mrs. Mathieu, is the one to announce grants to the riding of Portneuf, on behalf of the government?

Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, I am not familiar with the facts referred to. I would ask my hon. colleague to provide them to me.

However, I believe that, if there any accusations to be made about MPs who have revealed infrastructure program projects before all parties have approved them, these would be directed to the party across the way.

Mr. Pierre de Savoye (Portneuf, BQ): Mr. Speaker, to set things straight, first of all, the fund involved was the transition job creation fund. Second, the money does not come from the Liberal Party, but from the people. What I am referring to is not a favour from the Liberal Party, but application of a non-partisan government program. You will have understood, what we are talking about here is political morality.

I am asking my question of the minister, who has just opened the door to me. Yes, I will provide the information, and does he commit, in this House, to investigating his own department and that of his colleague in Human Resources Development, to find out how information provided confidentially to a departmental employee ended up in the newspapers?

Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, I will look into the facts once I have them, in order to see if there are any grounds whatsoever for what the opposition member is claiming.

I wish to repeat here that, no matter what the program, if one wants to find examples of the people's money being given out for partisan purposes, these will be found in the party of the opposition.

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[*English*]

GRAND RAPIDS

Mr. Elijah Harper (Churchill, Lib.): Mr. Speaker, my question is for the Minister of Finance.

The community of Grand Rapids is located north of the 53rd parallel and is a four hour drive north of Winnipeg. In 1990 the Mulroney government decided that Grand Rapids was a southern community and that taxpayers there did not qualify for the northern tax benefit. The full impact of this Tory decision has been felt for over a year now.

Will the minister listen to the people of Grand Rapids and consider changes to the northern tax zones?

● (1450)

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, I want to thank the member for Churchill for his question. He has been a very fervent advocate for northern residents on this issue. I have certainly appreciated his efforts and I will continue to listen to him and indeed to the residents.

I should, however, like to provide some history on the topic. The current northern resident reduction was implemented in 1991 following the report of a task force that was set up. It concluded that the original community based approach was unfair and unworkable. It proposed that only residents of broad northern intermediate zones receive tax benefits. These zones were defined using objective criteria relating to both environmental factors and community characteristics.

While I appreciate that members of the community may well be disappointed, they were set up on the basis of an objective system which was regarded to be substantially superior to the old system which was much more subjective.

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SOMALIA INQUIRY

Mr. Jack Frazer (Saanich—Gulf Islands, Ref.): Mr. Speaker, previous allegations and recent testimony before the Somalia inquiry leave many serious unanswered questions about decisions made and actions taken at senior levels in the defence department.

Neither the committee of four nor the military justice review can resolve responsibility or culpability of the individuals concerned. With the inquiry terminated, serious issues will be left hanging.

How does the minister intend to overcome the loss of trust that comes with the perception that senior leadership has escaped investigation?

Hon. Douglas Young (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, I have indicated in the past to the hon. gentleman who brings a great deal of knowledge to the way the Canadian forces work that obviously I would not be able to comment on the way the commission of inquiry conducted its agenda or relate to the specific testimony of any witnesses.

However, I want to thank the hon. member and his party. I have been looking for input because he asked how we could deal with some of the problems and challenges facing the Canadian forces.

Finally, I have a document that I gather is from the Reform Party called "The Right Balance" by Andrew Davies who I understand is a candidate for the Reform Party. In his article he asks what is wrong with the Canadian forces. I encourage Canadians to read this article because it is input from the Reform Party on what it thinks is wrong with the Canadian forces and what it thinks some of the solutions would be. It is very illuminating and I would be happy to table this document.

Mr. Jack Frazer (Saanich—Gulf Islands, Ref.): Mr. Speaker, I did not hear an answer to my question. I was not talking about the Somalia inquiry. I was asking what the minister intends to do to restore trust in the Canadian forces by completing this investigation. Without full disclosure, these issues will never be resolved. This is far from being in the best interest of the defence department or the Canadian forces.

How do we fix something if we do not know what is broken? The inquiry was following terms of reference laid down by this government. Having disrupted that process, does the minister now intend to let the matter just drop and hope it will go away?

Hon. Douglas Young (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, obviously I think it will be a very long time before the very deep wounds that were inflicted on the Canadian forces and its reputation go away.

However, I do think we have to begin the healing process and put in place the corrective measures that are required to ensure that this kind of situation does not occur again.

With respect to that, we have asked a retired chief justice of the Supreme Court, Brian Dickson, to bring to the government and to the people of Canada specific recommendations, and they are wide ranging, with respect to the reform of the military justice system and the military police and their role.

In addition, we will be submitting to the government and to the Canadian people a wide ranging set of recommendations with respect to how we can deal with problems and challenges facing the Canadian forces. We will do that before the end of March, as I undertook to do on December 31. Then the Canadian people will be able to see what people who are serious about the future of the Canadian forces have done and proposed.

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[*Translation*]

DUBBING INDUSTRY

Mr. Gaston Leroux (Richmond—Wolfe, BQ): Mr. Speaker, the dubbing industry in Quebec is in trouble.

This industry, which is a source of income for 450 workers, generates about $20 million in the Canadian cultural sector. The Union des artistes and l'Association québécoise des industries techniques du cinéma et de la télévision sounded of the alarm this week, sending a message to the Minister of Canadian Heritage.

My question is directed to the Minister of Canadian Heritage. What kind of measures is the minister now considering to support the dubbing industry in Quebec?

● (1455)

Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, I think the hon. member raised a very important issue which concerns market access. In fact, the French government's current policy on dubbing is costing Canada jobs because it will not accept films dubbed by a country other than France, claiming that the accent is wrong, in fact rather rustic.

We are working together with Ms. Beaudoin, the Quebec Minister of Culture, to ensure that following representations made by Ms. Beaudoin and the Union des artistes, we can have a joint policy to counter a catastrophic dubbing policy like the one supported by France today.

Mr. Gaston Leroux (Richmond—Wolfe, BQ): Mr. Speaker, considering that the Minister of Canadian Heritage says she is working together with the Quebec minister, I may remind her that broadcasting is under federal jurisdiction, that Telefilm Canada is under federal jurisdiction, and that in both cases, the minister has the authority to inform the Canadian film production and television production industry that it is important to have their dubbing done in Quebec.

Will the minister promise to use every means at her disposal to deal with this matter?

Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, yesterday I was at

Telefilm Canada in Montreal, where I met executives of Telefilm to discuss various issues, including the problem facing the Canadian dubbing industry.

Before taking any action, we want to be able to co-operate closely with the Quebec Minister of Culture, Ms. Beaudoin, who has already indicated that she wants to adopt a joint policy on the subject. I believe the French minister, Mr. Douste-Blazy, will be in Quebec City on April 6 and 7. We hope that the persuasive Ms. Beaudoin will be able to infuse some logic into the French cultural policy on dubbing.

* * *

[*English*]

SOMALIA INQUIRY

Mr. Ian McClelland (Edmonton Southwest, Ref.): Mr. Speaker, my question is for the minister of defence.

On March 16, 1993, while in custody, Somali teenager Shidane Arone was beaten to death by Canadian soldiers. How is it possible that the Somalia inquiry will end before it investigates the event that led to the investigation into the inquiry in the first place?

Hon. Douglas Young (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, as I have said many times, I do not wish to comment and I do not think it is appropriate for me to comment on how the commission that began its works two years set itself up to pursue the objectives within its mandate.

There have been other initiatives and other procedures taken to deal with the beating death of the Somali citizen the hon. gentleman refers to. I am sure anyone who is really interested in that incident is thoroughly familiar with the facts surrounding it and how it was dealt with through the military justice system.

Mr. Ian McClelland (Edmonton Southwest, Ref.): Mr. Speaker, that is exactly what we are talking about and that is exactly why we have a Somalia inquiry in the first place.

I have one question for the minister of defence. If a Canadian had been beaten to death on March 16 instead of a Somali, would the minister of defence be shutting down the inquiry?

The Speaker: That is a rhetorical question.

* * *

BURMA

Mr. Bill Blaikie (Winnipeg Transcona, NDP): Mr. Speaker, my question is for the Minister of Foreign Affairs and it has to do with the regime in Burma.

Perhaps the minister is aware that there was a group demonstrating its concern earlier this day on Parliament Hill. The regime in Burma is truly one of the most despicable regimes on the face of the planet right now. The government has shown leadership in other areas, Nigeria very recently.

I wonder if the minister could tell us whether the government is contemplating, would consider or would act soon to sanction the Government of Burma and to encourage other nations to do the same vis-à-vis trade sanctions and other pressures that could be brought to bear on the Burmese government to finally bring democracy to that besieged area of the world.

● (1500)

Hon. Christine Stewart (Secretary of State (Latin America and Africa), Lib.): Mr. Speaker, along with my colleague, the Government of Canada is very concerned with the situation of human rights and governance in Burma. In whatever form we can, we do raise those issues.

Canada alone cannot act to bring effective sanctions against a country like Burma but we do act with other nations, particularly those in the region of Burma. We talk to them about our concerns on this front. We hope to be able to encourage them successfully to take some collective action with us to try to influence the government in Burma to change its ways, to promote good governance, democracy and respect for human rights.

The Speaker: Before I proceed to our final question, I said it was a rhetorical question. My colleague, you will forgive me, it was a hypothetical question.

* * *

FISHERIES

Mr. Wayne Easter (Malpeque, Lib.): Mr. Speaker, my question is for the Minister of Fisheries and Oceans.

The Fisheries Resource Conservation Council has recommended that the cod fishery on the Gulf of St. Lawrence and south of the coast of Newfoundland could be reopened in a minor way this year. Is the minister prepared to reopen these cod fisheries in a minor way?

Hon. Fred Mifflin (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, the hon. member is correct. The Fisheries Resource Conservation Council did recommend that the cod fishery on the south coast of Newfoundland and the northern and southern gulf could be opened in a very minor and precautionary way.

When I announced the groundfish management plan in December, I stated that providing there was reasonable consensus among the fishermen in those areas and if they could come up with a conservation plan and a reasonable harvesting plan, then I would consider opening that fishery.

I have to report to the House that I have met with the fishermen's association and many fishermen. They are working very hard to put together, with my officials, a consensus and a plan that respects the sustainability of the fisheries. If their progress continues, I expect to be able to make a decision in the not too distant future on the

basis of an amber light as opposed to a green light for the reopening of these fisheries on a test basis.

I expect I will be able to make a decision in the not too distant future.

* * *

[*Translation*]

BUSINESS OF THE HOUSE

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, here is my question of the week for the leader or deputy leader of the government in the House: what is on the legislative menu for the coming days?

Hon. Alfonso Gagliano (Minister of Labour and Deputy Leader of the Government in the House of Commons, Lib.): Mr. Speaker, first of all, the House will not be sitting tomorrow because of the Bloc Quebecois convention. I would, on this occasion, like to wish my colleague, the member for Laurier—Sainte-Marie, good luck and to congratulate him in advance.

[*English*]

The precise configuration of the business for next week depends on the receipt of a message from the other place with regard to Bill C-70, the harmonized sales tax legislation. If the message is received before the end of the day, I propose that the House deal with it first thing on Monday.

I can definitely inform the House that we will commence consideration of Bill C-82 with respect to financial institutions on Monday. This will be no later than 3 p.m. but it could be earlier if events so transpire. The back-up to this bill on Monday will be Bill C-81.

Our tentative plans are to call the budget debate on Tuesday and Thursday and to do legislation on Wednesday and Friday. This legislation will include the bills that I have already mentioned as well as matters that have been on the agenda this week.

If the message from the Senate does not arrive in a timely manner, I will have to revise these plans and will advise members accordingly.

● (1505)

[*Translation*]

The Speaker: Question? Does the hon. member for Richmond—Wolfe have a question?

Mr. Leroux (Richmond—Wolfe): I do not have a question.

The Speaker: There is no question.

[*English*]

If there are no points of order, this is a happy day for me.

GOVERNMENT ORDERS

[*English*]

COPYRIGHT ACT

The House resumed consideration of Bill C-32, an act to amend the Copyright Act as reported (with amendment) from the committee and Motions Nos. 6, 44 and 60.

Mr. Ted White (North Vancouver, Ref.): Mr. Speaker, I am pleased to rise to speak on the Group No. 4 motions. I mentioned earlier today the problems caused for book distributors by this bill and the problems it would cause for consumers of book products as a result.

At this point I would like to cover some objections to the bill that have been raised by the Canadian Association of Student Associations. With some information that they sent earlier today, they have calculated that the average spent on books by students during a university degree is around $4,800, which is a significant amount of money.

All of us who have been through university in the past know that it is always a struggle to pull together enough money to buy the textbooks for the year and $4,800 is not an insignificant amount of money. This figure is based on 10 courses per year with an average figure of about $75 per book. As those of us who have been to university know, many courses require more than one book but this calculation is based on one book per course.

The amount that students are able to save on the trade of used books, according to an average worked out by the Canadian Association of Student Associations, is about $1,600 or one-third of the total they spend. That is enough to pay for an entire semester of tuition and fees.

Students run into problems where professors choose to change the edition of a text from one year to another, which happens fairly often. I see some nods of assent from the other side from members opposite. I know they have experienced the harrowing experience of having professors change the edition of a text.

Students are unable to pass their texts to another student following behind. Therefore, there has been quite an export trade in books which enables the students to make between 40 and 50 per cent of the original cover price as they trade those books back across the border on export.

If the import trade is stopped, then obviously the export trade will end. That will be a direct result of this bill, which maybe the government side did not anticipate. Certainly those who are directly affected can see it quite clearly and they have not hesitated in pointing it out.

That was not something that came from the member for North Vancouver in isolation. It came directly from the Canadian Association of Student Associations. There are many unintended effects. As a result of this part of the bill we will end up with poorer service and higher prices for a Canadian used textbook system.

Ernst & Young did a study which concluded that book publishers were much slower at fulfilling orders than the used textbook distributors. Another unintended effect would be that the supply of Canadian used textbooks will be reduced by perhaps 50 per cent. Blocking reimports will prevent the very recycling of Canadian used textbooks that the publishers say they support.

This really is a badly thought out bill. Unintended effects make it obvious that its drafters should have consulted in a more meaningful manner with those who would be affected, in this case, university students.

The basic facts are that used textbooks are a small percentage of the overall textbook sales at Canadian universities and colleges. That is true. There is about $18 million or about 8 per cent based on the Ernst & Young study for the Canadian Publishers Council.

Canada has a net balance of trade in used textbooks. The Follett's Canadian operations, for example, actually buy and export more textbooks from Canada than are later re-imported for resale across Canada. The export trade is very important. If we start playing around, blocking the incentives for re-importation, then we are going to create a major problem for the export industry, which is very large.

● (1510)

In 1995-96, for example, 42 per cent more textbooks were exported than re-imported. That is a major trade imbalance in Canada's favour. In 1995-96, 29 per cent of Canadian used textbooks which were exported and re-imported were actually Canadian material. As I mentioned a few minutes ago, if this bill is implemented, it will interfere with the re-importation of Canadian material. That will actually interfere with the trade which the bill is supposed to assist.

The conclusion reached is that Canada is not being overrun by foreign used textbooks. In fact it is recycling its own used textbooks through export and re-importation.

The figures of the Association of Students Association, which I mentioned earlier, suggest that the average student is spending about $4,800 on 10 courses per year. Universities and students will lose to the tune of at least $5.4 million each year as a result of the implementation of this bill.

Students will lose about $2 million in revenue from the sale of their used textbooks, which are currently being recycled through the U.S. If the sale of imported used textbooks turns into new book sales, students will end up paying an extra $3 million for the same textbooks they could have obtained through the recycling system.

These figures come directly from the Ernst & Young study. These are not figures which are being pulled out of the air. They come from legitimate studies done by very reliable sources.

Canadian universities and colleges, through their bookstores, are estimated to lose at least $375,000 in gross profits and will face higher inventory costs and greater risks.

These are very serious problems. As I pointed out earlier in the day when I was talking about my constituent who is a book wholesaler, representing a United States company, there will be major impacts on the free market with this system. At the moment the free market has adjusted itself to the point where there are really good values in books available directly through importation from the United States. When these additional layers of protectionism are introduced, which will supposedly protect Canadian culture, in fact it will interfere with the availability of books and cause problems with pricing at the consumer level, as indicated in the concerns raised by the students.

This is a very ill-informed set of clauses. Frankly, they need attention. As has been indicated in a number of speeches made by my colleagues, the bill should be withdrawn. The best solution right now would be to withdraw the bill and take another look at it. We should start again from scratch and investigate whether we need to be using these sorts of tactics to try to protect Canadian culture when in fact we will be interfering with the consumer marketplace.

I am pleased I had the opportunity to bring the concerns of the students' association to the attention of the House. I join with my colleagues in opposing the bill.

Mr. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, I want to cover a few points which have been raised on used textbooks. Hon. members are shortchanging the ability of Canadians to take care of business.

I refer to my experience a few years back when I was at the University of Ottawa. We had the problem of not being able to access used books. We set up our own used bookstore. Nothing in this bill prevents Canadians, be they students, be they entrepreneurs, be they book publishers, from doing that. Nothing prevents people from putting in place organizations and mechanisms to recycle books.

To make the argument that somehow, some way, this bill would banish the recycling of textbooks is erroneous. I believe it is appropriate to highlight that point.

● (1515)

Be they campus driven books, used book stores, Canadian publishers and so forth, nothing in this legislation will prevent that from happening. The intent of the legislation is to prohibit those who would circumvent the legislation from doing that by selling

into Canada books which have not initially been sold according to exclusive distributorship agreements. That is what is intended and nothing else.

I would hope that the members speaking to this point would understand that and not create a false sense of alarm.

That is essentially what I wanted to point out on this particular amendment.

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, it is a pleasure to once again address Bill C-32 and in particular the issue that has been discussed over the last several speeches.

I am concerned that not necessarily through malice but through neglect the government is placing an inordinate burden on young people today in many different respects. It is not limited to what we are discussing today. There seems to be a theme developing here.

We have 17 per cent youth unemployment in the country today. We have a situation where the government has just announced that it is going to drive CPP premiums through the roof. It will be young people who bear the great burden of that. They will be paying more and more to get less and less. We have a situation where the government reneged on its promise on the GST on reading materials.

I am going to mention it one more time for people who have not heard me raise this in the past. The government did promise before the last election to get rid of the GST on reading materials. It promised in policy conventions to do that. It has not happened, so students have to pay the GST on textbooks that they purchase.

We have tuitions that have gone through the roof as a result of cuts to transfers to the provinces. The government has cut $7 billion plus in transfers to the provinces. The result has been that tuitions have been raised for young people.

I would point out that my party would reverse that trend by putting $4 billion back in.

Now we have a situation where the government has snuck a clause into Bill C-42. In fact, it is a clause that a lot of its own members were not even aware of and there is a good reason for that. A lot of the changes that happened occurred this morning, so there was not adequate time for reflection on what was done. Nevertheless, it is in there. Now we have to contend with it. It is onerous. It is quite painful for students.

As the member for Vancouver North has pointed out, students, young people, in addition to all the other burdens they have to face because of what the government has done or has failed to do, are now going to be in a situation where they cannot resell their textbooks. They cannot get the money back that they would like to get and will be paying $3 million in extra costs because they will not be able to purchase used textbooks.

A $5 million hit for university and college students is unacceptable. The government has already nailed them on the GST. It has nailed them with tuition costs. It has nailed them with higher premiums on CPP. They have a 17 per cent youth unemployment rate. What does the government do? It turns around and gives it to them again. It is giving them one more shot.

Let me say as forcefully as I can that the government should rethink this provision of Bill C-32. It is completely wrong for students today.

A lot of my colleagues have talked about pages in this place. They work very hard both here and in university. Now they are going to be facing this additional burden. I would say that young people are our future. It is said by all political parties that we should cut them some slack, that we should find ways to make it easier for them, not hit them harder.

I want to urge hon. members across the way, including the parliamentary secretary and all other people who have shown an interest in this bill, that the government should truly rethink this section of the bill. It has demonstrated in a way that really deserves our attention that perhaps in particular case it has not thought out the implications for all Canadians.

That is unfortunate. This bill has been coming to the House for nine years. For nine years we have been dealing with this legislation. One would think that they would not have to force through pieces of legislation like this at the last moment with obviously little or no forethought. As a result young people are going to face very high prices.

● (1520)

I will conclude simply by saying that there have been a number of changes to the legislation which have penalized people who do not deserve to be penalized. Young people, in particular, seem to be picked on by the government.

As I pointed out previously, we do have an extremely high unemployment rate for young people, 17 per cent as the national average. It is much higher in other places. We have seen the big CPP premium increases that will impact young Canadians and hurt them the most. The government reneged on its promise of removing the GST from reading materials, textbooks et cetera. They already pay a much higher price than they would have if the government had kept its promise.

We have seen the cuts in the transfers that the government has enacted, driving up tuitions across the country. Now this amend-

ment which is part of Bill C-32 is going to cost students $5.4 million more a year for books.

I would urge all fair minded members of the House to vote against this amendment or, ultimately if it is not removed, to vote against Bill C-32.

Mr. John Duncan (North Island—Powell River, Ref.): Mr. Speaker, with regard to Motion No. 44, the Reform amendment to the bill deleting the section which would prevent textbooks of a scientific, technical or scholarly nature from use within an education institution in a course of instruction to be imported in the used book category.

I did hear the intervention by the member for Ottawa—Vanier. I do not think it clarified anything. It certainly did not clarify anything to me. I find it to be a very cute clause that has the effect of preventing reimportation of Canadian textbooks.

When there is a government that whispers the concerns of the three *r*s, reduce, reuse, recycle, this certainly flies in the face of that. I also listened to the intervention from the Bloc member, who seemed quite concerned that we would not support the bill as it is. The Bloc has also put forth amendments. This is part of the democratic process, so I think it is quite in order for us to be talking about these clauses.

I listened closely to what the member for Prince George—Peace River had to say about used books. His intervention was very timely. I do know something about textbook publishing. My family has an educational background. My father has authored portions of textbooks. My brother is an academic and writes for internationally published journals. I know that the textbook industry is a very special industry. It is a very profitable industry and we all know that the setting of curriculum determines very often which textbooks are going to be used.

● (1525)

There is a lot of attention paid by the publishers in trying to bring curriculum setters on board and influence decisions as to which textbooks become the preferred textbooks of the day and so on.

I do not think we need to add another layer of exemption or special circumstance through this clause dealing with importation exemptions to this piece of business. I left university 25 years ago but during my time in that institution I certainly did use used textbooks. There was a thriving trade in used textbooks. Students, of all people, are very aware of the value from the day they purchase their books to the day they take them back and try to get reimbursement. They try very hard to keep the value up. A used book in good condition is obviously worth more than a used book in poor condition.

I had many advantages when I went to university from the standpoint that I was able to work my way through. I left university without indebtedness. That is very difficult to do these days. It is much more difficult for a student to obtain employment that will pay enough for them to pay all of their expenses for the year as well as for their education.

Therefore I recognize that any advantage we can bring to the student body is important, particularly on this financial end. If we restrict the supply of used textbooks in any way, what that will do is drive up the price of the remaining used textbooks. That will hurt the pocketbooks of our students.

I do not see anything redeeming about this clause. Our amendment would delete that exemption and I believe that is the way to go. The clause, as it currently reads, is counterproductive. The textbook publishing industry is already profitable.

The environmental concerns, reducing, reusing, recycling, are met by any encouragement we can have to keep those textbooks reusable and in free flow position.

Those are the points I wanted to make on that clause. I will be quite happy to speak to some further clauses when we arrive there.

The Speaker: Is the House ready for the question?

Some hon. members: Question.

The Speaker: The question is on Motion No. 6. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

● (1530)

The Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the yeas have it.

And more than five members having risen:

The Speaker: The recorded division on the motion stands deferred.

The next question is on Motion No. 44. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the nays have it.

And more than five members having risen:

The Speaker: We will now move to Group No. 5.

[*Translation*]

Mr. Gaston Leroux (Richmond—Wolfe, BQ): moved:

Motion No. 7

That Bill C-32, in Clause 18, be amended by adding after line 2 on page 30 the following:

''29.21 Section 29.5, subsections 29.6(1), 29.7(1) and 29.7(3), section 30, subsections 30.2(1), (2) and (5) and section 30.5 do not apply in relation to works, performers' performances, sound recordings or communication signals that form part of the repertoire of a collective society.''

Motion No. 54

That Bill C-32, in Clause 50, be amended by adding after line 32 on page 81 the following:

''77.1 (1) Notwithstanding section 77, where the act for which a licence is being sought is administered by a collective society referred to in section 70.1,

(*a*) the application shall be made to the collective society;

(*b*) the collective society shall determine whether the conditions set out in subsection 77(1) have been met;

(*c*) the collective society shall have the power to issue a licence; and

(*d*) the terms of the licence issued by the collective society shall not be more onerous than those set out in the society's licensing scheme.

(2) Where the applicant and the collective society are unable to agree on the royalties to be paid for the right to do the act or on their related terms and conditions, either of them may apply to the Board to fix the royalties and their related terms and conditions pursuant to subsection 70.2(1).

(3) Subsections 77(2), (3) and (4) apply, with such modifications as the circumstances require, to applications made pursuant to subsection (1).''

Motion No. 57

That Bill C-32, in Clause 53.1, be amended by replacing lines 21 to 23 on page 93 with the following:

''53.1 Notwithstanding subsection 67.1(2), section 70.13 and subsections 71(3) and 83(4) of the Copyright Act, as enacted by sections 45, 46 and 50 of this Act, the''

● (1535)

He said: Mr. Speaker, I would like to talk at this stage about the amendments in Group No. 5 for a very specific reason, which is that the collective societies are the issue, the focus of recognition in this bill.

It was in 1988 that we recognized and expanded the collective societies. SOCAN is one that is particularly well known.

When the bill was tabled, we immediately drew the government's attention to the exceptions in the bill, because it concerns the recognition of moral and economic copyright. The new bill—phase II of the modernization effort—provided for a great many additional exceptions, including educational institutions, museums, libraries and archives, thereby seriously undermining the rights of authors and creators.

We drew the government's attention to and criticized this aspect of the bill, which was very detrimental to creators in releasing some major sectors from the obligation to negotiate with authors and to recognize copyright, because everyone could now retrench and hide behind the law. What we said is that it promotes irresponsibility. They took away people's responsibility by inviting them to negotiate with authors or with the collective societies representing copyright holders.

This morning, I said these exceptions were like a huge black cloud hanging over the bill. At this point I would like to mention what two groups, one group and one person in particular, who appeared before the committee had to say about what the exceptions meant for them. Quebec artists represented by their collective society came to tell us that it was truly a unacceptable step backward. Margaret Atwood, very well known in English Canada, described the exceptions as outright theft of copyright.

Having heard the observations of collective societies and of artists, we put great effort into trying to present, first of all for us, for the Bloc Quebecois, an amendment to the effect that the exceptions not apply where there is a collective society.

The government has really made progress in trying to reduce the number of exceptions, to keep them to a minimum, but their efforts notwithstanding, we are returning to the charge in the House today and calling on the government to listen to reason and to agree to full recognition of collective societies, to agree that where such societies have been set up, exceptions should not apply.

With respect to exceptions, we think it important to point out, first, that they are the most negative aspect of the bill, although we have managed to reduce their impact, and second that allowing exceptions is expropriation of copyright. And this needs to be said.

I call on the government to support the Bloc Quebecois amendments and recognize the usefulness of collective societies, which for a number of years now have truly done a good job. The Copyright Board recognizes that collective societies are doing a good job, that this approach, which is still in its early days, should be extended and, above all, should recognize the right of authors, creators and artists to negotiate their own works. Their own moral and economic rights must be recognized throughout the bill. I urge the government to support the Bloc Quebecois amendments.

● (1540)

[*English*]

Mr. Jim Abbott (Kootenay East, Ref.): Mr. Speaker, I probably never recognized before the differences in the thought processes between the Bloc Quebecois and other members of the House.

The Bloc Quebecois, with the greatest respect, seems to see collectives, no matter which area of society we are talking about, as being the answer. It makes me think of some of the stories we see in the English news media of the language police in Quebec. The concept of language police outside the province of Quebec is so far from the minds of people outside Quebec that we cannot even get our minds around it. Perhaps it is an indicator of a different background, a different approach to living together that the Bloc Quebecois and the Parti Quebecois are actually exhibiting.

This is an attempt by the Bloc Quebecois to create more teeth for collectives. It does not take into account the reality that there is presently a difference in terms of collectives among artists, composers and authors in Quebec, how they have banded together, versus artists, composers and authors in other provinces.

I recognize the member's motivation. He has clearly stated it. He sees collectives as being the cornerstone of enforcement for the bill.

There are a lot of things that businesses are finding very onerous in terms of continued government infringement through regulations and inspectors among other things. The other day a person from an asphalt and concrete plant was telling me he had 35 different inspections and fees. If we consider the area we are discussing, which is more in the area of people who are using the creations of various people, we see inspectors coming in, more and more paperwork, and more and more big brotherism.

The purpose of the copyright bill is to create a situation where the authors and composers of work are properly compensated for their intellectual and creative property. There is a place for organizations such as SOCAN. There are successful collectives that have worked their way into a good working relationship with the users of the works of the people they represent.

However, this is a further encroachment into business and the people who want to enjoy these works. It is another regulation and another level of bureaucracy, albeit not directly a government level of bureaucracy. It is something I have an unbelievable amount of difficulty with.

I happen to disagree most profoundly with the presentation made by Margaret Atwood at our committee hearings. I would like to parenthesize for a second.

Speaking of exceptions, I took some exception to the notion put forward by the Bloc heritage critic that the heritage critic for the Reform Party, namely myself, had not participated in the hearings and in the committee process. The reason I took exception was that I have a totally different recollection of the process. I recall that he and I, while we were coming at these things from different points of view very frequently, nonetheless are part of a functioning committee where it was the Bloc, it was Reform or it was the Liberal members and we were working together and indeed we did spend many countless hours together listening to input from people.

● (1545)

I think it is unfortunate that because I visualized the rapid fire conclusion of the committee process that was forced by the minister of heritage, and I would not dignify that process because it was a process out of control, I find it really unfortunate that the Bloc member would suggest that Reform had not been part of the process in any event.

The point I am trying to drive at with respect to this proposed amendment to Bill C-32 in the simplest possible terms is this. We must have the ability to create within copyright law a proper balance, truly a balance, a balance between people who are contributing to our society by their creative genius and the people who enjoy those works or the people who indeed are using those works such as people who are using them for commercial purposes. This is all part of what the heritage committee even now is talking about doing in terms of the definition of Canadian culture.

To my mind the simplest definition of Canadian culture is what Canadians do, just those three words. What Canadians do to my mind is the simplest, most profound definition of what Canadian culture is. Canadians have access to architecture, to writings, to music, to all sorts of things that are created by their fellow Canadians and they form part of Canadian culture and those creations, whatever they may be, are part of the intrinsic value of who we are as Canadians and what our nation truly represents.

By so doing the interesting problem that is created is that when those creations, whatever they may be, get out into the public domain, they become a legitimate part of the public domain. We have to have a balance between the people we will call the consumers of those creations versus the artists who create those works, whatever they may be.

By the insertion of a heavy handed and dare I say a police like attitude toward policing the Copyright Act, in particular now that the Copyright Act has gone to such a gross imbalance in favour of the artists, authors and composers, by creating even more teeth in a very heavy handed collective way, I fear that we are going to end up killing the goose that is creating the golden egg. Truly it is the creativity and the greatness of Canadian artists that we are here to

try to balance, what they are creating against those who want to use that work that is in the public domain.

Therefore I say in conclusion that there is no possible way that I would see myself recommending to the Reform Party that we support these clauses proposed by the member from the Bloc.

Mr. Guy H. Arseneault (Parliamentary Secretary to Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, it is a pleasure for me to rise to debate Group No. 5 of the amendments. There are three amendments here, Motions Nos. 7, 54 and 57.

Bill C-32 introduces a number of exceptions to facilitate access and reduce costs for the benefit of public institutions and persons suffering from perceptual disabilities.

● (1550)

To ensure access for certain types of users of copyright materials, the Copyright Act recognizes certain exceptions for reasons of public interest. The exceptions contained in Bill C-32 respond to the real concerns from certain types of users and, in some cases, the bill stipulates that certain exceptions do not apply where there exists a collective which can negotiate a blanket licence for the use of those works.

The Bloc Quebecois has tabled amendments which would extend this principle to all exceptions. This, in the government's view, would nullify the very exceptions the government has been promising to reintroduce over the past nine years. The government believes that the collective management of rights is a cost effective and efficient means of enhancing access to works.

The government will therefore continue to encourage the collective management of rights but in certain circumstances, such as those that are described in the bill, the government believes that exceptions are required.

With this group of amendments, I think we have to be very straightforward with regard to the tactics that are being used in this House today to debate certain groups. I am going to give an example. Here we have Group No. 5, Motions Nos. 7, 54 and 57. The Bloc Quebecois is in favour of these motions and want them passed. The Reform critic for Canadian heritage has stood up and said they are not ready to support that. The parliamentary secretary for Canadian heritage is standing in his place now saying that we are not ready to support it either.

There are some very serious debates that have to be done on Bill C-32, debates that members want to hear, the ephemeral transfer format. Unfortunately they only occur in Group No. 7. It is a very long list of amendments. I am anxious to hear what members have to say about those amendments because I think they go a long way in satisfying the Reform Party and our critics with regard to when the bill was first tabled in the House. That was the biggest concern we heard from the Reform Party with regard to ephemeral transfer format.

We heard other concerns from the Bloc with regard to the creator's side, so we tried to strike a balance. At this point I see no need for Reform members to reiterate over and over again that they are against these three and for government members to reiterate over and over that they are against them. I think we should let Bloc Quebecois members explain again why they are in agreement and convince us that they want to go with this. I would certainly be ready to put the question now.

Mr. Jim Silye (Calgary Centre, Ref.): Mr. Speaker, it is too bad some members are not paying attention. When you recognize somebody on debate why are they asking for the question?

The parliamentary secretary has pointed out that we are debating Group No. 5, Motions Nos. 7, 54 and 57. He has also insisted that anybody who does stand up and debate should not go off on a tangent and should not elaborate on anything else. They should stick to the issue.

Now all of a sudden they are applying the narrowest sense of the terms and rules of this House which, up until now, certainly a lot of members and the Speakers who have monitored the debate have given a lot of discretionary variance to for members to bring up any particular issue on these amendments that we are debating.

What concerns me is that we have a process and a system in the House of Commons whereby we have three stages to a bill and after second reading it goes to committee. It can go to committee after first reading for debate and discussion. Going through the fine print is the responsibility of standing committees. It is their responsibility to try to improve and point out flaws in bills and to make sure that the interpretation of all members and all parties is the same so that when the bill becomes law Canadian citizens can understand it.

● (1555)

When people look at an issue, when they want to know what the law is, what they can or cannot do, they can pick up a bill, for example Bill C-32, go to this page, which is being amended with these three motions, read it and understand it.

I am not a lawyer. Maybe I should be. I will bet a dollar to a doughnut that if we took this bill and some of these amendments with the language being used to lawyers out there who are going to be hired to interpret the copyright act, to interpret who has to pay and who does not have to pay, to interpret collective agencies, who qualifies and who does not, what they can charge for and what they cannot charge for, there will be a difference of opinion out there. They will not understand the wording.

It is amazing to me that we try to introduce bills that are very complicated. Instead of using fewer words, being clear and concise, they carry a lot of baggage.

I have given this preamble for a purpose. I had a fight about seven or eight years ago with the people of SOCAN. There was another one. It was called PROCAN. We had two collectives coming after my butt for running a nightclub in Calgary, playing music and having live entertainment. These people professed that they had the right to charge me money because I was playing music.

I said that makes sense. I guess it is performing arts and I have to pay it. I looked into it. The reason I bring up this story up is for a better understanding of why I would be voting against the Bloc member's amendments on this bill. The more collective agencies there are, the more people who claim they have the power to protect the rights of the originators of copyright information or copyright material, the more confusion there is.

When I had my nightclub, they came to me and said ''here are the fees''. They had a list of the artists and entertainers. Because I was playing this type of music, because my establishment had a certain number of seats and a certain amount of square footage, the fee was *x*.

I wondered what right they had to do that. I questioned their right to do that and what law forced me to do that. After all, if I had a live performer in my club, I paid them perhaps $5,000 a night. I paid good salaries because we only brought in the best entertainers.

Mr. Ian Tyson was a favourite of mine. We had him in our club quite often. I paid this fee to the artist. Then I questioned why, on top of that, I had to pay a performing arts fee to SOCAN and PROCAN.

When I buy an album or a tape, we are all paying the fee for the artist. The artist makes money from live performances, records, tapes and videos that are put together. Members may argue that they might not get enough of a percentage from it but they have agents who negotiate that.

Certainly someone like Garth Brooks makes a heck of a lot more now than he did when he first started. Yes, it was an opportunity for me at one time in my club to book him for $5,000 a week. Now he is getting $150,000 an hour or more, who knows what he is paid now.

These collective agencies then come forward and say ''because you are playing this kind of music, on top of what these people make, we have to collect more money from you because you are repeating it''. Radio stations play their music. They have to pay.

Then along comes another association called PROCAN, another collective agency. The Bloc is recommending we create more. It says to me ''you have to pay because you are playing this kind of music, these people originated from the States, it is a bit of a crossover''.

I said ''I am not paying. I am already obligated. Some other association said I had to pay it. Before I pay anybody, I want to see the lists of the artists you represent''. I made both of them bring me the list. I had a file so thick of all the different artists and all the different venues they represented. When I cross referenced it with the other list, lo and behold some names of artists were on the two separate lists. I asked how they could be charging me double. Either one had them or the other had them. I raised quite a fuss and I refused to pay both of them until they got it clear who represented which artists.

• (1600)

That lasted for a year and a half. I was able to get my back up and directly fight the system. Through that I may have been one of the people in Calgary, Edmonton, Winnipeg and Vancouver who forced these people to get their act together and create just the one.

My point to the Bloc member is that the fewer collective agencies there are the better, and the clearer it is who you have to pay for the rights to use somebody's music or work. I agree with the principle that a fee should be paid for that since after all artists are at the low end of the totem pole and they get the least. I understand that principle and I would certainly support making sure they get some money.

Let us not go overboard. In the process of trying to protect these artists, performers and professional entertainers there are all these fat middle people called agents, producers and everybody else who take the cream off the top. The tougher you make it for the person who tries to hire these people to perform on a stage in theatre, the more expensive they are.

One of the reasons the philharmonics across the country are in trouble—they raise some money but it is hard to raise money and hard to pay them—is because the performers are asking too much. You can bankrupt the system. If we go overboard with this copyright bill by having too many collective agencies, which will confuse the general public that uses the copyright material, we will be in trouble.

The point in my intervention on these motions is to argue why it is not wise to have a number of collective agencies. They become like tax collectors. Lord knows we have enough tax collectors in this country and we pay enough taxes already. The point is that yes, we are interested in protecting the creators of original material and yes, we are interested in protecting intellectual property. Those people should be rewarded for their efforts, especially if they have talent and if they create a reusable product.

I do not know all aspects of this bill. I was not on the standing committee when it was debated clause by clause, but I hope that somewhere along the line the members of the committee and the parliamentary secretary recognize that there are a lot of people involved here and everybody has his or her hand out. I hope we are able to tackle the layer of fat of the different people who want a bunch of money before the people who should get it get their fair

share. By going too far in protecting artists are we satisfied and clear in our mind? Do members of all parties have an understanding before this bill gets passed that we are not just padding the pockets of the producers, the agents and all these other people rather than the artists?

Mr. Chuck Strahl (Fraser Valley East, Ref.): Mr. Speaker, as we go through these groupings today it is interesting to try to work back and forth between the groupings from the Order Paper that were dumped on us this morning, the bill we have in front of us and the comments.

As the parliamentary secretary pointed out, it is unfortunate that this part of the debate does not lend itself to questions and answers. Maybe a guy could support some of this stuff more willingly if he could ask a couple of questions about it at this stage. It is a very lengthy amendment and it is difficult to try to figure out.

● (1605)

I wonder if there would be unanimous consent to ask for questions and answers to be part of this debate so that we could ask the hon. member from the Bloc whether that was—

[*Translation*]

The Deputy Speaker: Is there unanimous consent?

Some hon. members: No.

Mr. Arseneault: Mr. Speaker, on a point of order.

The Deputy Speaker: I turn the floor over to Parliamentary Secretary to the Minister of Canadian Heritage on a point of order.

[*English*]

Mr. Arseneault: Mr. Speaker, a point of order. We were quite co-operative this morning on the last request by the Reform Party for unanimous consent. But as soon as they got unanimous consent then they started playing tricks with the rules. They wanted to adjourn the debate. I do not know how sincere they really are about this. I would have to say no under the circumstances.

The Deputy Speaker: That would appear to resolve the issue.

Mr. Strahl: Mr. Speaker, a couple of things the parliamentary secretary mentioned in his remarks on this motion I thought were proper. He mentioned the idea of public interest exceptions and to have certainty whenever possible in these clauses and take most of the arbitrariness out of it. In government bills generally it is a very wise move.

For example, in this amendment it states:

Notwithstanding section 77, where the act for which a licence is being sought is administered by a collective society referred to in section 70.1.

(a) the application shall be made to the collective society;

(b) the collective society shall determine whether the conditions set out in subsection 77(1) have been met;

Is that the proper way to do it? Is the collective society that is making the application the one determining whether the terms and conditions have been met? That is not normally done. It collectively can make its application but it is not the one that determine whether everything has been met. It would be an outside body or an outside arbitrator. I am not sure exactly what is meant by that because it seems to me it is a self-fulfilling prophecy in a sense. I am not sure that is a wise way to term it. However, again we cannot debate that. I just raise it as a concern.

I also want to point out that although the parliamentary secretary is interested in certainty in the bill, there is a trend in a lot of government bills to move away from certainty and toward decisions made outside parliamentary consent, this clause notwithstanding.

In bills that state ''that regulations may be referred to a standing committee for examination''—not will, but may. Parliament may examine this at a certain interval, not that it will or it shall.

I agree with the parliamentary secretary. These should be exceptions and not the rule. Increasingly in the legislation before us we find that power is taken away from Parliament and given to the front benches. When we talk about changes, whether it is regulatory changes on gun control, or at the discretion of the minister under the new wheat board bill, that directors of the wheat board shall not be liable to prosecution for Criminal Code violations at the discretion of the crown. That is too much power to leave with the government. It should be left with Parliament or at the very least with a committee, some public forum where at least questions could be asked.

However, in this group of amendments, 7, 54 and 57, because of the inability to cross-examine, I would have to agree with the member for Kootenay East. It is impossible to agree with these given that I am not convinced the intent is obvious. As the parliamentary secretary has mentioned, it introduces the uncertainty that a bill should not have and that we should move away from that whenever possible.

Lo and behold, I am going to agree with the Liberal government on this point. We will be opposing this amendment. I will oppose the bill too. I am sorry I cannot cross-examine the Bloc member. Perhaps he has answers to some of my questions.

● (1610)

[*Translation*]

The Deputy Speaker: Is the House ready for the question?

Some hon. members: Question.

The Deputy Speaker: The question is on Motion No. 7. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

The Deputy Speaker: The recorded division on the motion stands deferred.

The next question is on Motion No. 54. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

The Deputy Speaker: The recorded division on the motion stands deferred.

The next question is on Motion No. 57. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the yeas have it.

And more than five members having risen:

The Deputy Speaker: The recorded division on the motion stands deferred.

[*English*]

Mr. Guy H. Arseneault (Parliamentary Secretary to Deputy Prime Minister and Minister of Canadian Heritage, Lib.) moved:

Motion No. 12

That Bill C-32, in Clause 18, be amended by replacing lines 23 to 25 on page 36 with the following:

"(*c*) prescribing the information to be recorded about any action taken under subsection (1) or (5) and the manner and form in which the information is to be kept; and"

Motion No. 13

That Bill C-32, in Clause 18, be amended by replacing lines 10 to 23 on page 37 with the following:

"(5) Where an archive requires the consent of the copyright owner to copy an unpublished work deposited in the archive before the coming into force of this section but is unable to locate the owner, the archive may copy the work in accordance with subsection (3).

(6) The archive must make a record of any copy made under subsection (5), and keep it available for public inspection, as prescribed.

(7) It is not an infringement of copyright for an archive to make a copy, in accordance with subsection (3), of any"

Mr. Jim Abbott (Kootenay East, Ref.) moved:

Motion No. 14

That Bill C-32, in Clause 18, be amended by deleting lines 10 to 14 on page 37.

Motion No. 15

That Bill C-32, in Clause 18, be amended by replacing lines 15 to 22 on page 37 with the following:

"(6) The archive may make a copy of an unpublished work that was deposited in the archive before the coming into force of this section unless the author of the work advises the archive in writing that the work is not to be copied except where the archive receives written notification from the author that the author has given permission to the person for whom the copy is to be made to obtain the copy, in which case the archive may not make a copy of the work unless it receives such a notification."

● (1615)

Mr. Jim Abbott (Kootenay East, Ref.): Mr. Speaker, the government has proposed a very interesting change in Motion No. 13. It certainly is a massive improvement over what was contained in the proposed legislation and the legislation coming out of committee.

Of all the people who contacted my office—and perhaps this is true of the Liberal and Bloc offices—the people who were the most concerned about the copyright legislation, believe it or not, were not the people who were concerned about the collectives and not

the people who were concerned about the money aspects of neighbouring rights and so on. The greatest outcry of concern seemed to come from the people who were concerned about access to geneology.

We do not want to beat the issue to death. The reality is that only this morning we received a number of these motions, this one included. We have not had an opportunity to seriously digest what the government is attempting to achieve.

I give the government at least a passing grade in that it has made a very significant improvement to the legislation as proposed. For the reason that we created our own proposed amendment, Motion No. 15, we feel very comfortable with it. We think it would achieve what the people concerned about these issues, the archivists and the genealogists, want to achieve.

As we said before, though, in the arduous process we have been through we have heard from a lot of people and there has been a lot of discussion. I do not know if the parliamentary secretary would agree with me, but this is a relatively substantive amendment. It is a major clarification of what was contained in the proposed legislation. It begs the question, if that is the case, as to why we did not have something of this nature prior to this point.

Clearly we have a badly flawed process and a badly flawed bill, particularly in light of the fact there was so much concern on the part of genealogists and people concerned about the issue who were coming into the offices of all members involved in Bill C-32.

The whole issue of following geneology, following family trees and recording history, is something that has come into focus but not into vogue. I do not want to say vogue because that sounds stylish. It certainly has come into focus for a lot of people around the world.

Last summer when I was in England I had the good fortune of tracing my father's heritage. I tried to get my hands on documents over there. I looked through the various databanks. It was personally rewarding. To that extent I understand people who are keen on the idea of geneology.

To be very precise, our amendment to the proposed legislation states:

> The archive may make a copy of an unpublished work that was deposited in the archive before coming into force of this section unless the author of the work advises the archive in writing that the work is not to be copied—

I am not a lawyer but as the legislation was explained it was to create a situation where there would be a bank of information that would simply not be available to people for 50 or 60 years.

We want to make sure there is not an undue infringement of copyright of people's writings. On the other side of the coin there must be structured access to any legitimate request for copies for information purposes of the archive and for purposes of geneology.

It continues:

> —except where the archive receives written notification from the author that the author has given permission to the person for whom the copy is to be made to obtain the copy, in which case the archive may not make a copy of the work unless it receives such a notification.

● (1620)

People were explaining to me that there would be a problem because many people do this as a hobby. As a result it is not revenue producing. As a matter of fact it is probably revenue spender.

The ability to be able to transmit information, either by E-mail or by fax, and the ability to make a photocopy of that information, place it into a fax machine or scan it into a computer, is a very important issue. I am not sure it will be handled with the same liberalism in Motion No. 13.

It will be interesting over the next period of time to see the input we will receive from the people who are concerned about these issues, assuming that the government will force through Motion No. 13 and not vote in favour of our Motion No. 15.

This speaks to the whole issue of the availability of information to concerned people. It speaks to the whole issue that the Reform Party has been attempting to drive home all day, that we must have a balance between the people who have a legitimate use for control of their creation and the people who want to have access to that information.

It would have been most helpful if the government had not at the 11th hour—as a matter of fact it was past midnight—come forward with the amendment. That really is an unfortunate part of the process. If the government motion had been out in the public domain and if we could have received responses from people who are concerned about the issues of geneology and the retrieval of archival information, we would have been able to vote with more intelligence on the government motion. We would have been able to decide whether it would do the job.

As a consequence, it would be my recommendation to my colleagues in the Reform Party that we vote in favour of Motion No. 15. We have crafted that motion with the help of legal services. We believe it will achieve the objective we want to achieve.

Unless there is some time between the debate, now that this is out in the public domain, and the opportunity for concerned people to have their say on the issue, we will be inclined to vote against the government amendment. We will be very happy to change our position if the people concerned about these things have an opportunity to give us their input.

We have said this again and again all day and probably on the next group of motions I will be saying it again. This is a process which is designed to protect the creators of work, whoever those creators are and whatever their work may be. It will give them protection. At the same time it will give people the freedom to use

it so they will be encouraged to generate more work. That is really what the bill is about.

Because of that, although this is a partisan House and many parts of this debate are partisan, the bill should be non-partisan. It should reflect the values of all Canadians in a very technical way. It is not an emotional issue like many of the hot button issues we get into in the House. We are trying to create a balance.

I hope the government will do its part. We will do our part to distribute the government's wording. We will elicit input from people concerned about these issues so we can vote intelligently when the time comes to vote on these motions.

● (1625)

The Deputy Speaker: Just before I recognize the hon. member on his point of order, it is my duty pursuant to Standing Order 38 to inform the House that the question to be raised tonight at the time of adjournment is: the hon. member for The Battlefords—Meadowlake—Railways.

* * *

POINTS OF ORDER

TIME ALLOCATION MOTION

Mr. Jack Frazer (Saanich—Gulf Islands, Ref.): Mr. Speaker, I rise on a point of order regarding a motion moved this morning by the Minister of Labour. I refer to Beauchesne's sixth edition, citation 318(2), which is based on a ruling of July 14, 1977. It states:

> A Member cannot rise on a point of order to move a motion—

If you will review the video and the audio tapes you will note, Mr. Speaker, that the Minister of Labour clearly called out point of order and the Speaker clearly recognized him on a point of order. While on that point of order the minister moved a time allocation motion on Bill C-66.

For a more recent ruling on this matter, I refer to a Speaker's ruling of November 20, 1996 at page 6503 of *Hansard*. The Speaker then ruled that there is only one kind of motion which can be moved on a point of order. He said:

> In fact, there is only one motion that can be made on a point of order and that is the motion that was made by the member for St. Albert.

The motion that the member for St. Albert moved was:

> That the member for Medicine Hat be now heard.

That being the only motion that can be moved on a point of order, the minister's motion for time allocation cannot be accepted because he violated the rules of the House. These rules must be followed to the letter because they are the only protection that the minority in the House has against the tyranny of the majority.

The minister was clearly out of order in moving his motion to cut off debate on Bill C-66 and I ask that you rule on this point of order, Mr. Speaker.

The Deputy Speaker: The hon. colleague was kind enough to give me notice of this point of order. I have been attempting to get the blues with respect to the points he just made.

I am told by persons who were here this morning that the member is absolutely right that the words point of order were used by the Minister of Labour when he stood and moved closure. The member's point is one I raised earlier as a member.

I am also led to believe, unless somebody can correct me, that the matter has been voted upon. Any member is obliged to raise that point at the earliest possible opportunity. Since the precise point about using the words point of order was not raised at the time, the matter has now been disposed of by a vote in the House.

It is not as we say in Latin void ab initio, which means that it goes back like in a bigamist marriage and the matter becomes defective because you were married at the time of the second marriage. The matter was cleansed, if I can used that word, by the fact that nobody objected at the time the vote was held and the matter proceeded.

I should hear from any other member wishing to speak on that point.

Mr. Chuck Strahl (Fraser Valley East, Ref.): Mr. Speaker, not within the minute but within minutes the member for Lethbridge came in and addressed the Chair. He tried to correct that at the earliest possible moment. It was not in the crush of the yeas, the nays, the deferred vote and so on. It was, however, done at the earliest possible minute.

As you know, Mr. Speaker, it takes a minute or two to get Beauchesne's out and crack open the section. Maybe some do but I certainly do not have it memorized. It takes at least a minute or two in order to get that book open and find the reference. It was brought to the attention of the Chair but it was not really dealt with or addressed as much as you have addressed it here.

I wonder, Mr. Speaker, if you would reconsider in light of the fact that after it was raised the Speaker ruled on the acceptability of when the motion was moved. Perhaps the point was not clear at the time because our complaint was not when the motion was moved but how the motion was moved. In other words, it was during Government Orders but it was on a point of order, not to rise in his place. There is a significant difference.

The timing was fine. I do not have a problem with the timing. The problem was how the minister rose to his feet and how he brought that motion forward. He brought it forward in a clearly inappropriate manner.

• (1630)

The Chair initially ruled on the when, not the how. It is the how that was the problem. The inappropriateness was really what the member for Lethbridge was trying to get out of the Chair at the time. We did bring that up at the earliest possible moment.

Mr. Arseneault: Mr. Speaker, I was in the Chamber at the time of the motion this morning. The Speaker was seized with it this morning. She consulted with the clerk and she made a ruling. There was another point of order this afternoon. You have since made a ruling. Mr. Speaker, with all due respect I would say to you that the matter is closed.

Mr. Silye: Mr. Speaker, I will be very brief. The reason for the delay on the part of the Reform Party is that we also had to review the tape.

The Deputy Speaker: I listened to the hon. member for Fraser Valley East. Although I was not here, I believe the question that was raised concerned at which time the motion was being moved, whether it was under Government Orders or under motions. That matter was ruled on by the Speaker.

The question of the fact that the minister had apparently used the words point of order was not dealt with at that time, and accordingly it is too late now to raise those words as words that somehow obviated what had gone on at the time.

Therefore I have to move on. I realize the House is not sitting tomorrow so I do not think I should reserve on that matter.

GOVERNMENT ORDERS

[*English*]

COPYRIGHT ACT

The House resumed consideration of Bill C-32, act to amend the Copyright Act, as reported (with amendments) from the committee.

Mr. John Duncan (North Island—Powell River, Ref.): Mr. Speaker, I wish to support the amending of clause 18 of Bill C-32 by replacing lines 15 to 22 on page 37. Our replacement reads that:

> The archive may make a copy of an unpublished work that was deposited in the archive before the coming into force of this section unless the author of the work advises the archive in writing that the work is not to be copied except where the archive receives written notification from the author that the author has given permission to the person for whom the copy is to be made to obtain the copy, in which case the archive may not make a copy of the work unless it receives such a notification.

Many members on this committee have toiled with improving this massive document which deals with amendments to the Copyright Act. They must all know that deficiencies and imbalances still exist within this document, not the least of which is the section dealing with archives. As it stands now the bill is unrealistic and unreflective of the input and representation to the contrary that came before the committee.

I have received numerous representations on this element of the bill. One of my constituents who is a genealogist/archivist made a written submission to the committee on this restrictive section, Ms. Judy Norberg of Campbell River, British Columbia. Her representation characterized the issues of accessibility and freedom of information in Bill C-32 as truly regressive and a definite step backward for the work of genealogists. Without the right to photocopy unpublished documents the hands of thousands of students, historians and genealogists will be effectively tied.

The amendment before us unties this restrictive section and is reflective of conscious and realistic thought on behalf of that sector of the population that requires access to unpublished information.

• (1635)

As it stands now, those individuals who help all Canadians to better understand their history, their origins, their background, those people chronicling our history are at a severe disadvantage if the bill sits the way it is right now.

It is not possible for everyone to take advantage, for example, of in person viewing at an archival facility. We are all at a deficient position if this amendment before us is not supported by the House.

During committee some amendments were adopted that will benefit archivists and genealogists. Archivists are now allowed to make a copy of an unpublished work for research or private study under specified conditions.

These conditions differ according to date of deposit and the date of the author's death. For example, copies would be made of archival material deposited when the bill is proclaimed in force and whose author had died over 50 years previous to proclamation date. These dates, however, are overly onerous. There are some things that could be fixed there.

Reform feels further refinement and amendment is sought by archivists and genealogists to better reflect their need for better access and authorization to use certain documents which would really be of no consequence to the rest of the world.

It is not like this would somehow infringe on other people. It is a productive, constructive arrangement. In our view, it is not an infringement of copyright for either an archivist or a person acting under the authority of an archive to make copies for research or

private study of a work that is contained in an unpublished forum. However, the bill without this amendment would prevent this.

There is currently a fair use provision for published works. Access to non-published works is essential for archivists and genealogists in their research of family historical records for example.

The bill originally created tremendous restrictions for archivists, historians and genealogists. Amendments have improved the original bill but the conditions of the current bill still leave these researchers concerned because they would not have unfettered access to archival material such as is provided in jurisdictions outside Canada.

While some of the improvements have been made to the bill, it is essential to not hamstring archivists for making a copy of an unpublished work that was deposited into the archive before the coming into force of clause 6, unless the author of the work advises the archive it is not to be copied.

The amendment we are putting forth also states where the archive receives written notification from the author that the author has given permission to the person for whom the copy is to be made to obtain the copy, in which case, the archivist may not make a copy of the work unless it receives such a notification.

Genealogists are concerned that genealogists and family history researchers have uninhibited access to study, extract and copy archival material whether published or unpublished as part of their research efforts.

They have a concern that this bill places severe limits on rights of reproduction which would have the effect of depriving major sections of the population of this country access to the information required to learn about their Canadian backgrounds and thus inhibit the chronicling of our nation's history.

● (1640)

I feel that this amendment ensures that archivists and genealogists are allowed to practice their profession or hobby. It is not threatening intellectual property. It also ensures that all Canadians will benefit from a better understanding of our roots, heritage and history. I would urge all my colleagues to move forthwith and support this amendment.

[*Translation*]

The Deputy Speaker: Is the House ready for the question?

Some hon. members: Question.

The Deputy Speaker: The question is on Motion No. 12.

All those in favour will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

I declare the motion carried.

(Motion No. 12 agreed to.)

The Deputy Speaker: The next question is on Motion No. 13. Is it the pleasure of the House to adopt the motion?

Some hon. members: No.

Some hon. members: Agreed.

The Deputy Speaker: All those in favour will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

Some hon. members: On division.

The Deputy Speaker: The recorded division on the motion stands deferred.

We will now proceed to consideration of the motions in Group No. 7.

Mr. Guy H. Arseneault (Parliamentary Secretary to Deputy Prime Minister and Minister of Canadian Heritage, Lib.) moved:

Motion No. 17

That Bill C-32, in Clause 18, be amended by

(*a*) replacing lines 12 to 19 on page 40 with the following:

"copyright for a programming undertaking to fix or reproduce in accordance with this section a performer's performance or work, other than a cinematographic work, that is performed live or a sound recording that is performed at the same time as the performer's performance or work, if the undertaking"

(*b*) replacing lines 25 to 32 on page 40 with the following:

"itself, for its own broadcasts;

(*c*) does not synchronize the fixation or reproduction with all or part of another recording, performer's performance or work; and

(*d*) does not cause the fixation or reproduction to be used in an advertisement intended to sell or promote, as the case may be, a product, service, cause or institution.

(2) The programming undertaking must record the dates of the making and destruction of all fixations and reproductions and any other prescribed information about the fixation or reproduction, and keep the record current."

(*c*) replacing lines 37 to 40 on page 41 with the following:

"ing meets the conditions set out in subsection (1) and is part of a prescribed network that includes the programming undertaking."

(*d*) adding after line 8 on page 42 the following:

"(11) In this section, "programming undertaking" means

(*a*) a programming undertaking as defined in the Broadcasting Act;

(*b*) a programming undertaking described in paragraph (*a*) that originates programs within a network, as defined in the Broadcasting Act; or

(*c*) a distribution undertaking as defined in the Broadcasting Act, in respect of the programs that it originates. The undertaking must hold a broadcasting licence issued by the Canadian Radio-television and Telecommunications Commission under the Broadcasting Act.

30.9 (1) It is not an infringement of copyright for a broadcasting undertaking to reproduce in accordance with this section a sound recording, or a performer's performance or work that is embodied in a sound recording, solely for the purpose of transferring it to a format appropriate for broadcasting, if the undertaking

(*a*) owns the copy of the sound recording, performer's performance or work and that copy is authorized by the owner of the copyright;

(*b*) is authorized to communicate the sound recording, performer's performance or work to the public by telecommunication;

(*c*) makes the reproduction itself, for its own broadcasts;

(*d*) does not synchronize the reproduction with all or part of another recording, performer's performance or work; and

(*e*) does not cause the reproduction to be used in an advertisement intended to sell or promote, as the case may be, a product, service, cause or institution.

(2) The broadcasting undertaking must record the dates of the making and destruction of all reproductions and any other prescribed information about the reproduction, and keep the record current.

(3) The broadcasting undertaking must make the record referred to in subsection (2) available to owners of copyright in the sound recordings, performer's performances or works, or their representatives, within twenty-four hours after receiving a request.

(4) The broadcasting undertaking must destroy the reproduction when it no longer possesses the sound recording or performer's performance or work embodied in the sound recording, or at the latest within thirty days after making the reproduction, unless the copyright owner authorizes the reproduction to be retained.

(5) If the copyright owner authorizes the reproduction to be retained, the broadcasting undertaking must pay any applicable royalty.

(6) This section does not apply if a licence is available from a collective society to reproduce the sound recording, performer's performance or work.

(7) In this section, ''broadcasting undertaking'' means a broadcasting undertaking as defined in the Broadcasting Act that holds a broadcasting licence issued by the Canadian Radio- television and Telecommunications Commission under that Act.''

Mr. Gaston Leroux (Richmond—Wolfe, BQ) moved:

Motion No. 19

That Bill C-32, in Clause 18, be amended in the French version, by replacing line 19 on page 40 with the following:

''public au même moment que la fixation ou la reproduction, pourvu que:''

Mrs. Brenda Chamberlain (Guelph—Wellington, Lib.) moved:

Motion No. 20

That Bill C-32, in Clause 18, be amended by replacing lines 27 and 28 on page 40 with the following:

''to promote a commercial product or service.''

Motion No. 24

That Bill C-32, in Clause 18, be amended by replacing line 3 on page 41 with the following:

''sixty days after the first broadcast of the fixation or reproduction, unless''

Mr. Jim Abbott (Kootenay East, Ref.) moved:

Motion No. 25

That Bill C-32, in Clause 18, be amended by replacing line 3 on page 41 with the following:

''six months after making it, unless''

[*English*]

Mr. Arseneault: Mr. Speaker, on a point of order, I think the agreement was a mover and seconder were named. I thought that was the agreement this morning and I do not see that in the House at the present time.

The Deputy Speaker: The Chair was not aware of that. The fact is we are not supposed to mention the fact that members are not in the House. It therefore seems to be doing no violence to anybody to ask a colleague to be a seconder.

It seems that is not acceptable.

I have the blues from this morning, thanks to our most efficient table. The member for Fraser Valley East said we had an unfortunate situation with a very ill member who is not able to attend the House today for the debate. He wondered if there would be unanimous consent of the House for the motions presented in the name of the member for Edmonton—Strathcona to be tabled by the member for Kootenay East, the Reform critic in the area and leading the debate for that party. He then asked if there would be unanimous consent for those motions to have been deemed moved and seconded.

I gather there was unanimous consent.

● (1645)

The fact is the deemed mover is here.

An hon. member: The deemed seconder is not.

The Deputy Speaker: That is exactly the point. The part I read from the blues would not seem to indicate that the matter was clear. I think it is common ground here that the mover is the important one, the seconder is not.

An hon. member: No, no.

The Deputy Speaker: I will hear representations on this matter.

Mr. Jim Silye (Calgary Centre, Ref.): Mr. Speaker, I rise on a point of order. As you read out from the blues it is quite clear to me that our whip asked for unanimous consent. Since our member who put forward that motion is gravely ill we asked that our critic for the area be the mover and that it be deemed to be carried.

Mr. Speaker, the word ''deemed'' is in there if you want to reread that for the minister of heritage and the parliamentary secretary because those are the two who are objecting to this. Maybe they will see that your interpretation is the correct one and that the seconder is deemed and therefore the motion should move forward and not be objected to by the government as is the case.

The Deputy Speaker: Perhaps the parliamentary secretary could shed some more light on this, but as I have indicated the word ''deemed'' is very clearly in the blues. This Chair was not here this morning. I assume the parliamentary secretary was and perhaps he can add some light on this.

Mr. Guy H. Arseneault (Parliamentary Secretary to Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, with all due respect there was a request this morning for unanimous consent to have the mover and a seconder and we agreed to it.

I think there should have been a request if the hon. member was not here to second it. We would have been glad to allow someone else to second the motion. We will go along with that. We would go along with allowing someone else to second the motion.

The Deputy Speaker: The member for Fraser Valley East is now here.

Mr. Chuck Strahl (Fraser Valley East, Ref.): Mr. Speaker, I rise on a point of order. I tabled earlier today with the table the request in which I did say at that time that the motions would be deemed moved and seconded. I put forward that they would be deemed moved and seconded and that is what we asked unanimous consent for.

The Deputy Speaker: I sense that there is agreement.

Mrs. Brenda Chamberlain (Guelph—Wellington, Lib.) moved:

Motion No. 26

That Bill C-32, in Clause 18, be amended by replacing line 4 on page 41 with the following:

"(*a*) the copyright owner or that owner's representative authorizes its"

Motion No. 27

That Bill C-32, in Clause 18, be amended by deleting lines 8 to 11 on page 41.

Mr. Jim Abbott (Kootenay East, Ref.) moved:

Motion No. 28

That Bill C-32, in Clause 18, be amended by replacing line 10 on page 41 with the following:

"after the six months, the programming under-"

Mrs. Brenda Chamberlain (Guelph—Wellington, Lib.) moved:

Motion No. 29

That Bill C-32, in Clause 18, be amended by replacing lines 14 to 16 on page 41 with the following:

"exceptional documentary character, the undertaking may deposit it in an archive and"

Motion No. 30

That Bill C-32, in Clause 18, be amended by deleting lines 20 to 24 on page 41.

Motion No. 31

That Bill C-32, in Clause 18, be amended by deleting lines 25 to 29 on page 41.

[*Translation*]

Mr. Gaston Leroux (Richmond—Wolfe, BQ) moved:

Motion No. 32

That Bill C-32, in Clause 18, be amended by replacing lines 25 to 29 on page 41 with the following:

"(8) This section does not apply where a collective society is authorized to grant a licence to the programming undertaking to make the fixation or reproduction of the performer's performance, work or sound recording."

[*English*]

Mrs. Brenda Chamberlain (Guelph—Wellington, Lib.) moved:

Motion No. 33

That Bill C-32, in Clause 18, be amended by

(*a*) replacing line 33 on page 41 with the following:

"made by a broadcasting undertaking and"

(*b*) replacing lines 39 and 40 on page 41 with the following:

"the broadcasting undertaking, as network is defined in that Act, or is an associate of the broadcasting undertaking, as associate is defined in the regulations to that Act for the purposes of the provisions governing ownership and control."

Motion No. 34

That Bill C-32, in Clause 18, be amended by replacing lines 5 to 8 on page 42 with the following:

"(5) and"

"(*b*) within sixty days after the day on which the broadcasting undertaking first broadcasts the fixation or reproduction."

● (1650)

Mr. Jim Abbott (Kootenay East, Ref.) moved:

Motion No. 35

That Bill C-32, in Clause 18, be amended by replacing line 6 on page 42 with the following:

"(*b*) within six months after the day on which "

Mrs. Brenda Chamberlain (Guelph—Wellington, Lib.) moved:

Motion No. 36

That Bill C-32, in Clause 18, be amended by adding after line 8 on page 42 the following:

"30.9 (1) Notwithstanding any other provision in this Act, there is deemed to have been no infringement of copyright where a broadcasting undertaking, within the meaning of the Broadcasting Act, on or after August 16, 1990, but before the coming into force of section 30.8, fixed or reproduced a performer's performance or work, other than a cinematographic work or sound recording, if the undertaking

(*a*) was authorized to communicate the performer's performance, work or sound recording to the public by telecommunication;

(*b*) made the fixation or the reproduction itself, for its own broadcasts; and

(*c*) did not use the fixation or reproduction to promote a commercial product or service.

(2) For greater certainty, paragraph (1)(*a*) applies in respect of any proceeding commenced on or after August 16, 1990, but not concluded before the coming into force of section 30.8, and paragraph (1)(*b*) does not affect any proceeding commenced on or after August 16, 1990, but concluded before the coming into force of section 30.8, or any order made pursuant to that proceeding."

Motion No. 37

That Bill C-32, in Clause 18, be amended by adding after line 8 on page 42 the following:

"30.9 It is not an infringement of copyright for any broadcaster to reproduce any work, performer's performance or sound recording that it is legally entitled to broadcast solely for the purposes of transferring that work, performer's performance or sound recording to a technical format that is appropriate for the purposes of its broadcasts, provided that all such reproductions shall be destroyed immediately when the broadcaster ceases to be legally entitled to broadcast the work or other subject-matter.

30.10 (1) Notwithstanding any other provision in this Act, there is deemed to have been no infringement of copyright where a broadcaster, on or after August 16, 1990 but before the coming into force of section 30.9, reproduced any work, performer's performance or sound recording that it was legally entitled to broadcast solely for the purposes of transferring that work, performer's performance or sound recording to a technical format that was appropriate for the purposes of its broadcasts, provided that all such reproductions shall be destroyed immediately after the day section 30.9 comes into force where the broadcaster on or before that day ceases to be legally entitled to broadcast the work or other subject-matter.

(2) For greater certainty, subsection (1)

(*a*) applies in respect of any proceeding commenced on or after August 16, 1990, but not concluded before the coming into force of section 30.8; and

(*b*) does not affect any proceeding commenced on or after August 16, 1990, but concluded before the coming into force of section 30.8, or any order made pursuant to that proceeding."

Mr. Jim Abbott (Kootenay East, Ref.) moved:

Motion No. 38

That Bill C-32, in Clause 18, be amended by adding after line 8 on page 42 the following:

"30.9 It is not an infringement of copyright for any broadcaster to

(*a*) reproduce any work or other subject-matter that it is legally entitled to broadcast, where it does so for the purposes of transferring that work or other subject-matter to a technical format that is appropriate for the purposes of its broadcasts, providing that the reproduction:

(i) is essential for the compatibility of the broadcast medium,

(ii) is used solely to facilitate the day-to-day operations of the broadcaster, and

(iii) is, when the broadcaster ceases to be legally entitled to broadcast the work or other subject-matter, immediately destroyed by the broadcaster; or

(*b*) make a single reproduction for backup purposes of any work or other subject-matter reproduced under paragraph (*a*), providing the reproduction for backup purposes is destroyed by the broadcaster immediately following the broadcast of the original subject-matter for which a backup was made."

● (1655)

Mrs. Brenda Chamberlain (Guelph—Wellington, Lib.) moved:

Motion No. 58

That Bill C-32, in Clause 62, be amended by adding after line 18 on page 96 the following:

"(3) Section 30.9 shall come into force on the coming into force of section 30.8."

Motion No. 59

That Bill C-32, in Clause 62, be amended by adding after line 18 on page 96 the following:

"(3) Section 30.10 shall come into force on the coming into force of section 30.9."

She said: Mr. Speaker, I am pleased to have the opportunity to share with the House the reasons I am introducing amendments to Bill C-32. I appreciate the consideration that members will give the amendments and I am asking for the support of the House as I believe the amendments address a number of concerns expressed to me by local radio stations across Canada and, in particular, the radio station situated in Guelph—Wellington, CJOY-AM and MAGIC-FM.

I want to say from the start that I understand, appreciate and support the need for Canadian artists to be compensated for their work. We should all recognize their contribution. They deserve our encouragement.

Canadians are rightfully proud of their artists. We must recognize the artistic contribution of performers and sound recording producers.

This is an issue in which I have been involved for quite some time. I had the privilege of participating in the national Liberal caucus subcommittee on neighbouring rights, chaired by the hon. member for Essex—Kent. I have met in Kitchener with representatives of the broadcast industry and I hosted a meeting of the national Liberal caucus committee on economic development, which I chair, on April 17, 1996.

I represent the very proud community of Guelph—Wellington. Like many smaller communities, Guelph is served by a local radio station, a daily newspaper, the Guelph *Mercury*, weekly and bi-weekly newspapers like the Guelph *Tribune*, the Erin *Advocate* and the Wellington *Advertiser*, and a local cable company affiliate, Rogers, which has increased its coverage of local events.

We can and do listen to radio from Toronto, London or even parts of the United States, but we rely on our local AM and FM radio stations for weather, sports, entertainment and news which affects us locally.

I know, for example, that my family listens to CJOY or MAGIC to hear whether the school buses will be late in the event of a snowstorm. This is an important service which cannot be replaced should our radio station cease to operate. I can personally attest to the importance of this medium when I, as a member of Parliament, need to get a message across to my constituents.

The Minister of Finance recently visited Guelph. He was able to participate in a call-in show with my constituents because a radio station exists in my community. I am certain that most, if not all, members of Parliament know the value of a local radio station in their own communities.

Our radio station is a vital part of Guelph—Wellington. CJOY went on the air in 1948. That means it will be celebrating its 50th anniversary next year. CJOY and MAGIC not only broadcast music, news and weather, they participate in the life of Guelph—Wellington. The station provides airtime for the Guelph Little Theatre and for productions at War Memorial Hall at the University of Guelph. It has promoted the new Guelph Performing Arts Centre. It provides scholarships for the annual Kiwanis music festival.

There is no doubt that my community and hundreds like it would be lessened should they lose their radio stations.

This brings me to my concern. Total losses for private radio in 1993-94, for example, amounted to $28 million. The industry has been unprofitable since 1989-90. In fact, in the years between 1990 and 1994, radio lost $180 million in Canada. Many stations have continued in operation because they are cross-subsidized by more profitable stations in the same corporate family. That is one of the reasons I asked for some consideration for smaller and unprofitable stations in this legislation. To an extent the minister of heritage has agreed and I am pleased by that.

● (1700)

Radio is part of the daily life of listeners and remains the most intimate of media. Radio is often the primary source of local news. It has a low concentration of ownership with the five largest owners together owning only 19 per cent of all radio stations. Most important, radio is a vital source of influence in the purchase of music recordings in Canada.

Study after study indicates that radio promotes the sale of CDs, cassettes and videos. In 1993, for example, a Decima Research poll found that 51 per cent of teens who decided on their purchase before buying at a record store stated that the main influence on them was hearing the selection on the radio. Video ranked second at 25 per cent and word of mouth was third.

Studies continue to point in the same direction; that is, airplay on radio represents the single most important source of promotion for recordings and is the most influential factor on the decision to purchase a record, tape or CD. That is good news for our artists, sound producers and music authors.

Radio continues to introduce Canadians to new music. I do have a concern that without the amendments smaller unprofitable radio stations will begin to close across Canada. That means that there will be less performers being heard and less variety for Canadians. Does this really help anyone? I think the answer to that is clearly no.

The amendments I propose essentially deal with time shifting and transfer of format. Let me explain. The local Rogers Cable television station in Guelph, for example, records the annual Santa Claus parade. We all know that this taping is often replayed several times on the station. The bill presently allows Rogers to show the event without paying copyright charges for 30 days from the day the event was held. The amendments I am introducing will extend that period to 60 days, allowing Rogers to play the show at Christmas time or on Christmas day.

Transfer of format allows stations like CJOY to transfer music to its hard drive and back up without having to pay additional fees. Without this amendment, radio stations will pay three times to play one piece of music.

Other amendments allow radio stations to archive the recordings in their own system rather than force the station to archive in an official archive and would allow a network show to rebroadcast without the local station having to pay again for the right to play it.

I recognize the importance of rewarding the artistic contributions of our artists and the people who produce the recordings. I do not believe that the amendments take anything away from what they deserve. What the amendments do is protect local radio, help keep it alive and assist it in its important work at promoting Canadian talent.

I do not believe there is one member of Parliament who represents a community with a local radio station who can say that the community would be better off without that station. That is why I am asking for support of my amendments.

Mr. Jim Silye (Calgary Centre, Ref.): Mr. Speaker, I rise in support of the amendments by the member from the Liberal Party who just spoke.

Our critic will elaborate a little more extensively on the one difference I would like to make which is that the exemption should be more than just 60 days. If radio is as important as the member has said, if radio does as much as it does in that riding of hers and allows the finance minister to spread his words of wisdom and myth in that community, then certainly the hon. member would want more than a 60 day exemption and the member would appreciate a six month exemption which our critic has recommended. I think that is about the only difference on this particular amendment that we would have.

There are a couple of other things I would like to say on this whole issue of broadcasting and radio. What the member failed to say in her speech is that radio is already paying rights to play the music, the rights to record and to delay broadcast and so on and it pays a hefty fee. I have had representations from radio stations in Calgary but obviously SOCAN is charging the music composers and now it wants to extend this and pay royalties to the performers and the record producers. I have a problem with this.

• (1705)

What the radio stations really do is in the process of paying for their right to play the music and to play the artist's production they are promoting the very artists who then are trying to increase, like a tax on the radio stations which makes it very difficult for radio stations to survive. It is not that lucrative, as some may think, and to raise their prices and to raise their costs to promote the very artists who now want more money from them is a problem.

The problem is if we look at performers, they get paid, they get money. The good ones go on to make big money. Record producers charge a hefty fee to get into that studio, to get into an area where they can put an artist on a CD, on a single or on an album. These people get paid for their services and they get paid handsomely for their services. Yet it is the radio stations that promote these artists and now these artists thank them very much by saying "we want to tax you more". This government is going to comply and go along with that. I do not think that is right. It is unacceptable.

The other thing this brings up is the possible conflict with our neighbour the United States. As we all know, Canadian radio stations do not just play Canadian artists. Canadian radio stations also play U.S artists. By making radio stations pay extra for the Canadian talent is going to put them at a disadvantage to their American counterparts who will not have this extra fee imposed on them. They have an association similar to Canada, similar to SOCAN, and they are not doing that.

It is also possible that we might be contravening some of the agreements and rules within the North American Free Trade Agreement with respect to the use of these extra funds by groups like SOCAN and where does that money go and are we then giving a special advantage or favour to the Canadian artists.

SOCAN, the collective which is apparently in charge of collecting the 3.2 per cent royalties from Canadian broadcasters, has an overhead of $19 million annually. This poses a reasonable question. How much of this additional levy imposed on Canadian broadcasters is going to end up in the hands of Canadians artists? The projected annual revenue of neighbouring rights is in the $12 million to $14 million range.

Another reasonable question is where is this additional levy imposed on Canadian broadcasters going to go. The artists tabled a report showing an administrative cost of collecting the neighbouring rights of $1.6 million to $1.8 million annually. This is not credible given the overhead of SOCAN performing a comparable function.

When this legislation was introduced in the spring of 1996 following consultations between the government and the industry a compromise had been reached whereby all radio stations with revenues under $1.25 million would be assessed an annual fee of $100. The neighbouring rights percentage would be applied per station on all revenues in excess of $1.2 million. These were to be phased in over a five year period.

The committee recommendations were that the bill required that a $100 basic royalty be applied to those stations with ad revenues under $1.25 million. Full royalty tariffs would apply to stations with ad revenues above that threshold. However, those stations above $1.25 million ad revenues originally were going to be granted a five year phase in.

• (1710)

These amendments have reduced that phase in period to three years. Sixty-five per cent of the radio stations come under $1.25 million ad revenue.

This reduction from five years to three years is in direct response to demands by artists and pressure from the Bloc Quebecois during committee hearings. Again, we feel the Liberals and the Bloc have worked to the advantage of a small group of Quebec artists at the expense of the users.

The heritage minister did not include ephemeral exemptions in the original legislation and now she is forced to further jeopardize

the industry's compromise in an attempt to get the co-operation of artists, composers and performers.

With respect to the aspects of this amendment, which we are supporting, I want to point out that in all cases what this bill is doing is trying to ensure that certain people get paid for their creativity.

The system we have now has been designed in such a way that the industry itself is supposed to take care of those people who create the product.

The industry itself should be ensuring, through the collection of the SOCAN fees on radio, on television, in entertainment theatres, et cetera, every place where their product is being played, that money gets to the artists.

The artists have, in conjunction with complaining all along, said that they do not get enough of the action from an album, that they do not get enough fees when they perform somewhere, that their agent takes away too much commission, that record producers charge too much, that the money is not distributed fairly, that there are too many layers of administrative red tape just like government. Then what have they done?

What we have to be careful of in this House is that we do not give in to their representations totally and willy-nilly without recognizing that the industry has a responsibility to these artists as well, not just government, not just the Copyright Act.

If these artists come to parliamentarians like us and say they are not getting enough money, and record producers and performers say they are not getting enough money, it is not the Copyright Act that is supposed to ensure that they get enough money. The Copyright Act already guarantees them that they get something for the creative product they have produced.

It is the industry itself that has a responsibility. Members should look into what publishing companies charge for their piece of the action when somebody composes a piece of music.

What do agents get when they represent certain entertainers, certain performers and certain Canadian artists? I know some Canadian artists. I used to book Canadian artists. I know what these people charge. I know what record producers charge to go in and cut an album in their studios.

They are getting paid. If these artists are being taken advantage of, it is not by the government and it is not by the laws of this country. The law in place is good enough to ensure they get paid.

It is the industry itself that should take a look at itself. The artists should be complaining to the industry and the whole layer of bureaucracy on how to get the money to them.

Alanis Morissette apparently has sold 20 million CDs around the world. At $20 each, that represents potentially $400 million. What do members think she gets out of that $400 million? Do the politicians here think she gets 10 per cent? Do politicians here think she has now made $40 million, that she has receivables of $40 million? No. She gets a lot less. She has generated that music. She has generated and made her value worth $400 million on CDs alone.

I will continue. We have some other amendments to continue and debate.

Mr. Guy H. Arseneault (Parliamentary Secretary to Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, the debate has been going on all day.

● (1715)

We are now at Group No. 7 which has a number of amendments that deal basically with the ephemeral. It was well noted by the hon. member in opposition that when we first presented the bill in the House there was no ephemeral exception. Now we have that ephemeral exception which is before the House in the amendments the House is proposing.

There was some concern about whether networks and cable television would be involved with the ephemeral exception. They are under the same package. The government moved amendments in order to clarify that. It felt they were coming out of the amendments in December. We felt they were covered but the industry felt it needed some more reassurance that it was covered. That is why I think that in many cases the hon. member for Guelph—Wellington has withdrawn some of her amendments. With the input from caucus, with her input and the input of a number of others, that is why some of those amendments were made.

We also felt quite strongly that the transfer of format was probably in the bill. Due to requests from caucus members and members of the public who wanted that clarified, who wanted assurance, the government clarified that.

This section goes to the bill in a certain way especially for the Reform members who have been lobbying to have this done, but also for some of our members as well. Credit goes to all parties for the type of balance we have worked for.

It is also important to note that there is a balance. No matter what part of the bill is looked at, some feel we are leaning too far to the creator's side and others feel we are leaning too far to the user's side. We say that we have created a balance. We have taken some, we have given some, we have negotiated some. We have listened to the witnesses.

We listened to over 65 witnesses. We listened to the public and we read the briefs sent to us. We have reacted to them. We said all along that it was a complicated bill. No one would deny that.

In light of the spirit of co-operation we have had today and the type of debate we have had—it has been and continues to be a good debate—and in light of the importance of this bill to both the creators and the users who want to have this bill now and who want it clarified, I would like to move the following motion, pursuant to Standing Order 26(1):

* * *

MOTION TO EXTEND HOURS OF SITTING

Mr. Guy H. Arseneault (Parliamentary Secretary to Deputy Prime Minister and Minister of Canadian Heritage, Lib.) Mr. Speaker, I move:

That, this House continue to sit today beyond the ordinary hour of daily of adjournment for the purpose of concluding the report stage consideration of Bill C-32, an act to amend the Copyright Act.

And fewer than 15 members having risen:

The Deputy Speaker: Pursuant to Standing Order 26(2) the motion is deemed to have been adopted.

(Motion agreed to.)

* * *

● (1720)

COPYRIGHT ACT

The House resumed consideration of Bill C-32, an act to amend the Copyright Act, as reported (with amendments) from the committee; and of Motions Nos. 17, 19, 20, 24 to 38, 58 and 59.

Mr. Jim Abbott (Kootenay East, Ref.): Mr. Speaker, the issue of ephemeral exemption or time shifting as it is sometimes referred to falls into the category of the discussion the parliamentary secretary and I had previously. Frequently measures are brought forward by the government that are not what we would consider to be adequate. Although I recognize that they were brought forward in response to the concerns that had been expressed over the issue of ephemeral or time shifting, the measures that have been proposed by the government, unfortunately in my judgment are singularly inadequate.

It is going to put a tremendous onus on charities and cable companies. I recognize that tapes can be maintained for a period of time. But it is my judgment that period of time is simply not long enough.

Many programs that are captured by the local cable companies during the late summer and fall are broadcast at Christmas time. I do not see how the amendments brought forward by the government would capture that. In other words, the exception proposed by the government will not permit that to happen.

I would like to look now on the impact of copyright in Bill C-32 on francophone broadcasters in general. I read from a brief I received: "Even if the proposed ephemeral exemptions limitation respecting the promotion of a cause or institution were removed, other qualifications of the exception would still make it possible for the stations to use the exception. The proposed exception is currently worded so that it will not apply where a collective can licence an ephemeral reproduction".

It is in this area of collectivity that we were speaking earlier today. As a matter of fact, in the province of Quebec with SODRAC, Société du droit de reproduction des auteurs, compositeurs et éditeurs au Canada, because a collective exists and because of the patchwork the legislation actually represents, a problem remains in spite of the government's move to try and alleviate it.

The bill was originally intended to take 1924 legislation and bring it forward into 1997. It has not occurred in this instance. I used the example earlier today of a small market radio station where a person would be faced with row upon row of CDs that someone will be taking down manually and putting into the CD player as opposed to going into a medium or larger market area where cuts from those CDs have been transferred on to a direct drive and can be accessed at the drop of a pin.

This bill does not recognize the difference between physical manual labour filing and electronic filing. Electronic filing is simply lifting those digital impressions from the CDs or from other medium and transferring them to a direct drive or some other medium. The legislation does not reflect the reality of electronics today. That is a real shame.

Broadcasters across Canada are going to be squeezed as undoubtedly the government is going to be forcing neighbouring rights through. This means that some of the larger operations are going to be looking at a fairly sizeable bill. It is not the $100 bill for the small operation, it is the larger bill for the larger operations. Because of the sheer size of these operations and the number of people that work for them, they will be able to make choices to use electronic equipment, possibly to replace some of their staff so they can pay the neighbouring rights. Then they are going to be faced with a dilemma because they do not have a true ephemeral exemption. There is really no transfer of medium possibility that is a sure thing. We could end up with some kind of a collective or some artist coming after us because we electronically transferred a signal back and forth. Then they are caught on double horns of the dilemma.

● (1725)

The first dilemma is that the government is asking them to pay higher fees in the form of neighbouring rights. The second

dilemma is that they do not know if they will be able to pay for that by laying off one or two people or whatever it is going to take to pay that bill. They do not know if they are going to be able to make use of the electronics that are available today because there is no surety with this legislation.

It was repeated time and time again in committee that what the broadcasters and those in the broadcasting business so desperately need is the assurance of knowing where they are going.

I respect the artists who came before us as I respect the collectives and the artist organizations when they say: ''We do not intend to use our privilege of having these copyright privileges''. That is all very well and good but if a business is making a $20,000, $200,000 or $200 million decision on what it is going to be doing about new electronic equipment, would it not be nice if it had a bit of an idea of what the rules were going to be when a new crop of artists or perhaps some new people are involved in managing that collective?

This is one of the most flawed parts of the legislation in that a dollar and cent number cannot be applied to it. This is going to create an insecurity within the broadcast industry that should have, would have and could have been resolved with a little bit clearer intent expressed by the government. I think it is a shame.

All I can say is that contrary to all of the wonderful catcalls that we get from the other side, I really believe that at some point, probably in this next election, Reform is going to prevail and when we become government we are going to straighten this sucker out.

* * *

PRIVATE MEMBERS' BUSINESS

Mr. Alex Shepherd (Durham, Lib.): Mr. Speaker, I believe you will find consent for the following order:

> That at the conclusion of the debate on Private Members' Business today, if a recorded division is requested on Bill C-214 it will be deemed deferred to the end of the time provided for Government Orders on Monday, March 17.

[*Translation*]

The Deputy Speaker: Is there unanimous consent?

Some hon. members: Agreed.

* * *

[*English*]

COPYRIGHT ACT

The House resumed consideration of Bill C-32, an act to amend the Copyright Act, as reported (with amendments) from the committee; and Motions Nos. 17, 19, 20, 24 to 38, 58 and 59.

Mr. Lee Morrison (Swift Current—Maple Creek—Assiniboia, Ref.): Mr. Speaker, listening to this prolonged debate and looking at the eleven and a half pages of amendments in the Order Paper, I cannot help but think there must be a lot of disorganization in the background of this legislation. I wonder why the government does not go back to the drawing board and start out with something that makes sense to all concerned and the public can use.

However, we are now debating these amendments line by line. The question of the ephemeral exemptions is a particularly trying one in my riding. Although it is a vast area, probably about one-fifth the size of the province of Ontario, there are within that area only three radio stations, one cable outlet and one independent television station. They are all going to suffer from this legislation. Some of them are going to suffer so much that I am afraid they might be lost.

That does not make any difference to the government members or to their friends and accomplices on the separatist side who have been working hand in glove devising this legislation.

As a somewhat technical person, one of the things in this legislation that I find most offensive is the lack of any real exemption for the transfer of formats. Most smaller radio stations have fairly extensive libraries, some of them in two, three or even four formats. It is a dog's breakfast. It is that way because they cannot afford to make a massive conversion. Now we are going to tell them, when we pass this bill, that their libraries, unless they are willing to pay for the transfer of formats every time they take something off the shelf, have become basically useless.

The Deputy Speaker: I am very sorry to interrupt the hon. member. He will have eight minutes left in his intervention when we revert to this matter after Private Members' Business.

It being 5.30 p.m., the House will now proceed to the consideration of Private Members' Business as listed on today's Order Paper.

PRIVATE MEMBERS' BUSINESS

[*English*]

PROGRAM COST DECLARATION ACT

The House resumed from December 13, 1996 consideration of the motion that Bill C-214, an act to provide for improved information on the cost of proposed government programs, be read the second time and referred to a committee.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, it is a pleasure to participate in the debate on Bill C-214, sponsored by my hon. colleague from Durham.

Just by way of background, there is a kinship between us. During the 1993 election the member for Durham and I were the only two chartered accountants to be elected to the House of Commons. That is a shame because one of the things that we have found is that virtually everything we touch in this place eventually has something to do with dollars.

This is a very important bill from the standpoint that the member has asked somewhat of a rhetorical question of the House to consider and that is whether we have all the information we need to do the job we have to do. Certainly, as members well know, there are many items which come before us for consideration.

I just had a quick look at the House business summary. I was somewhat taken aback when I looked at the second session of the 35th Parliament. We have had quite a substantial number of proposals come before the House. There were about 84 government bills presented to the House. I believe there were 176 private members' bills, a third of which were votable items. There were another 276 private members' motions. About a third of those were also votable items. There has been one Senate bill in this session.

The member raises an interesting issue. There are an awful lot of matters which come before this place for consideration. In his speech the member quite correctly pointed out that sometimes members come to this place to vote on an issue and they are not familiar with the bill, the motion or the item before the House. It is fair to say that it is not possible for members of Parliament to be fully apprised of absolutely everything that comes before the House. Indeed, that is why there are committees on which members participate more fully in the issues coming before them. Members cannot possibly even read them, never mind appreciate the complexity and the implications of them.

The member raised a very important point and that is with respect to fiscal accountability. Recently in the tobacco bill there was a report stage motion which was passed by this place and incorporated into the bill which has been referred to the Senate. The motion was proposed by the hon. member for Lambton—Middlesex. It basically said that the regulations associated with a piece of legislation would have to come back to the committee for review and for scrutiny prior to being approved, rather than going through the normal process.

● (1735)

That tends to show the concern and the interest of the House to work toward ways to improve where possible fiscal responsibility and accountability so that we can say to our constituents that we have on those matters which we are directly involved in had an opportunity to fully scrutinize not only the intent and the context of legislation coming before us but certainly the financial and fiscal impact of any legislation, whether it be to do with programs or bills or modification of existing programs that the government may have.

I looked at one of the most interesting questions that the member for Durham raised. It was how did this $600 billion deficit get created. Is it something that could have been avoided had we been in a position to perhaps scrutinize more fully in history the matters that came before the House of Commons during the last 25 years when this deficit was created.

The member will know that a substantial portion of that debt is interest and compound interest. Notwithstanding, it still is a substantial amount of dollars.

On that point alone I do not believe and I am not going to accept the member's full analysis that the scrutiny might have dealt with the issue of the national debt. The member will well know that there are things which occur in our society which are very expensive. As an example, spousal abuse in our society is a very terrible thing. There was a joint Canada-U.S. forum last summer in which an analysis was done and papers were presented.

In Canada it was estimated that the cost of spousal abuse to the Canadian taxpayer, health, productivity and other costs associated with it, was something like $2.1 billion. That is an awful lot of money. There is no amount of scrutiny of legislation or regulations that could help us avoid that cost and yet that cost is an incremental cost, a burden to the taxpayer which in fact eventually finds its way to the national debt.

Second, there is the issue of alcohol abuse. Alcohol abuse is an issue which I have spent a lot of time on. I have given some information to the House from time to time about the cost of substance and alcohol abuse. The most recent information is that alcohol abuse costs Canadians something like $15 billion a year, not to mention the loss of life, to do with whether it be straight medical problems, or accidents, suicides and the like. There are some 19,000 people a year who die from alcohol misuse. That is a significant expenditure which is occurring on an annual basis, $15 billion a year. We can imagine how those costs accumulate and compound and add to the national debt.

I would then suggest a recent issue, the tobacco issue. It is another one that Canadians well know. It is a very serious problem in terms on its health impacts on Canadians. Forty thousand Canadians die each from it. There is a significant cost. I believe it was estimated that the provinces alone spend $3.5 billion on health care directly related to tobacco related problems. If we look at all of the other ancillary costs, that does accumulate closer to some $10 billion a year.

I could give some examples to show that the principle is something that I support, the fiscal accountability and the responsibility and the ability to be able to communicate that, that I have done my job, or I have seconded that responsibility to those I feel have taken up the responsibility to do the work on my behalf and I will rely on them.

That principle of secondment is extremely important. It is an element which perhaps the member did not develop as much as he might have in his speech.

When I was a hospital trustee for the Mississauga hospital for nine years there was an awful lot going on there. The public hospitals act said that the full 100 per cent of the responsibilities for the operations of that hospital were in the hands of the trustees. There is no possibility that the delivery of the direct medical services, the administration and virtually every aspect of the operation of a major urban hospital could be handled by a board of trustees on a voluntary basis, some 20 men and women.

• (1740)

Under the Ontario hospitals act one of the things we had was the trustee's guide which basically said we are responsible to make sure that we hire responsible people. As a chief of staff, as a senior administrator we are responsible for making sure that we have people we feel have the credentials and to whom we can second that responsibility so as trustees we could discharge our responsibilities not directly but in a combination of direct and indirect secondment.

In this case we do as members of Parliament second an awful lot of responsibility and rely very heavily on committees and other members to do the work. To that extent I am not as critical maybe of House operations.

In summary I would simply like to say that the aspect of fiscal accountability responsibility is something I know the member has worked very hard for. I congratulate him on the initiative. It is an excellent example of how people in this place, backbenchers, have made a contribution to the thinking of this place. If more members of Parliament would think and show initiative like the member for Durham I think this place would be a better place for all.

[*Translation*]

Mr. Richard Bélisle (La Prairie, BQ): Mr. Speaker, this bill, C-214, was presented in this House by the hon. member for Durham. It is intended to provide for improved information on the cost of proposed government programs.

I know the hon. member for Durham well, as he was vice-chair of the Standing Committee on Public Accounts when I was chair. From that time on, I have been aware of the interest the hon. member has in any administrative or legislative measure with a potential for improving the government's accountability and responsibility, more necessary than ever because of the astronomical amounts invested by the taxpayers annually in the workings of the federal government.

Like the hon. member for Longueuil, who has already spoken on Bill C-214 on behalf of the Bloc Quebecois, I wish to assure the hon. member for Durham who introduced this bill of my support and to require the Liberal government, at the time of introducing a bill in Parliament that authorizes the program, or when the regulation that authorizes the program, to make a declaration of the estimated annual cost of each new program, expressed as a total cost and as a per capita cost.

The bill also calls for the auditor general to be involved, providing proof that the method of calculation of the costs is valid and a good estimate, as stated in the hon. member's bill. This evaluation of the method of calculating and estimating costs by the auditor general would reassure the public about the objectivity of the calculations and cost estimates.

The objective of Bill C-24 is to require all departments to provide a financial analysis or a detailed cost breakdown of any new legislative measure. Assessing these costs on a per capita basis will enable each citizen to have a better grasp of what each new piece of legislation will cost him personally, what will really come out of his pocket each time the government creates a new program.

This bill is also intended to make legislators and public servants more aware of the financial impact of the various legislative measures. It is also intended to get the public to scrutinize the various government expenditures more closely.

The Liberal government prefers camouflage to transparency and to the analysis of the true costs of government programs. The Liberals' policy has always been: it is better to keep the public in the dark about the true costs of programs, and it is far better to keep the auditor general at a distance, for he could make an objective and transparent judgment of them.

We saw this during the finance committee hearings on the transfer of $2 billion in Canadian capital to the United States, tax-free. The Liberal majority and the chair of the committee himself tried to back the auditor general into a corner for having dared voice a dissenting opinion on the controversial decision by Revenue and Finance concerning this unusual transfer of funds to the U.S.

• (1745)

In terms of political debate and public morality, we have seen better. Instead of going after the message, the Liberals go after the messenger. They want to continue to ensure that the Office of the Auditor General gets involved only after the fact, when the deed has already been done, and taxpayers' money has been committed and spent.

Bill C-214, introduced by the member for Durham will not, unfortunately, be given the support of his party, because he calls for innovative administration, public transparency and objectivity defining the role of the auditor general. Such an honest, open and frank approach to voters and taxpayers is also totally foreign to the tradition and the culture of the Liberal Party of Canada.

Bill C-214 will likely, regretfully, remain wishful thinking, whereas the astronomical debt of $600 billion will urgently require greater transparency and vigorous action, which the government to date has been unable to provide.

The latest budget is indicative in this regard. The Minister of Finance could have done a lot better. He could have taken advantage of an extraordinary economic situation, shall we say, and real manoeuvring room—much more than he claims to have—to really help the unemployed and children in poverty.

These diversionary tactics of which the Liberals are past masters may well abort Bill C-214, and its objectives will no doubt remain a dead issue.

[*English*]

Mr. Ovid L. Jackson (Parliamentary Secretary to President of the Treasury Board, Lib.): Mr. Speaker, it is my pleasure to address the House in the debate with regard to private member's Bill C-214.

This bill is an act to provide improved information on the cost of proposed government programs and has been introduced by my colleague, the hon. member for Durham.

As members will recall, the bill purports disclosing in Parliament the estimated annual cost of every new program the government decides to implement.

If a new program had to be authorized by legislation, this proposal would require that a disclosure be made when the bill was introduced. If enabling legislation was not required, the disclosure would be made at the time a regulation order or one of the instruments was issued.

This proposal further requires that the auditor general provides an opinion on the validity of each cost estimate. The underlying objective of the proposed legislation is laudable but the results of such a bill, if passed, would be costly and administratively cumbersome. This act would result in such red tape for approvals of any kind that the business of the government would slow to a halt.

Applying this legislation to all new programming proposals regardless of size would raise all sorts of issues of interpretation, of applying this act, what constitutes a new program, what should be included in the cost calculations, direct costs only, indirect costs, opportunity costs. This proposal itself would constitute a program for which costs and benefits have yet to be determined.

This bill would also create a new role for the auditor general's office in the expenditure management process. The bill would require that the auditor general's office carry out detailed reviews of thousands of individual transactions before they take place to verify whether costing assumptions that the governments use were valid.

This would create a huge additional workload for the auditor general's office to perform these pretransaction audits. It would have to divert most of its resources away from the audits that focus on whether programs deliver value for money.

• (1750)

Our auditor general and those in many other countries have moved away from this type of detailed pretransaction control and toward broader value for money auditing. The auditor general's mandate is generally one of an ex post review and critique of government spending. It is not likely that the auditor general would readily agree to validate cost estimates on this scale.

I applaud the basic premise of the bill but unfortunately it presumes that we are currently not providing this type of cost information for government programs. This assumption is not correct. I am sure my colleagues would agree that the steps this government has taken toward more open and cost effective government are unparalleled in the Canadian federal government. Perhaps it would be useful to cast our gaze south of the Canadian border for a minute before considering this proposal.

One will observe that there are a number of Republican representatives in the American Senate who want to institute extremely complex regulatory procedures. Implementing those procedures would so complicate the U.S. system that the regulators would be prevented from implementing regulations in the interest of the public good. One could characterize such a system as being a state of paralysis by analysis. Excessive red tape would slow the system down to a crawl in spite of the insistent public demand for more responsible government.

In Canada we have taken a different approach to the regulatory process. Ours is a process that is concerned with cost effective regulation. The Canadian regulatory system already has mechanisms in place to get the cost information. Every regulatory initiative must be included in the Treasury Board's annual regulatory plan which lays out the government's regulatory initiative for the coming year.

Departments and agencies have to list what is planned and why it is necessary. This includes a brief description of benefits, costs, alternatives considered and how the department and agency will consult. There is also a section that provides information on initiatives that are scheduled to be implemented in the coming year.

For every initiative submitted the department or agency must make a cost declaration to identify the anticipated costs. The initiative is then classified based on both anticipated cost and degree of acceptance. For example, an initiative with an anticipated cost of $1 million will be considered a major initiative if it has a low degree of acceptance, but an intermediate cost initiative if it has a high degree of acceptance. From the beginning of the process regulators are mindful of costs.

That is just the beginning of accountability for costs in Canadian regulation. In November 1995 the Treasury Board of Canada secretariat introduced federal regulatory policy which discusses the requirements for new regulations. The objective of this policy is to ensure the government uses its regulatory powers for the greatest

net benefit to Canadian society, in other words, that its regulations are cost effective.

When regulating authorities must ensure that they comply with six general policy requirements. First, a program or a risk exists, intervention by the federal government is justified and regulation is the best alternative. Second, Canadians are consulted and they have the opportunity to participate in developing or modifying regulations and regulatory programs. Third, the benefits outweigh the costs to Canadians, their governments and businesses. In managing risks, resources are used where they do the most good.

Fourth, adverse impacts on the capacity of the economy to generate wealth and employment are minimized and no unnecessary regulatory burden is imposed. In particular, information and administrative requirements are limited and they impose the least cost possible, the special circumstances of small businesses are addressed, and parties proposing equivalent means to conform with regulatory requirements are given positive consideration.

Fifth, intergovernmental agreements are respected and full advantage is taken of opportunities for co-ordination with other governments and agencies.

• (1755)

Sixth, systems are in place to manage the resources effectively. In particular, to ensure that the regulatory process management standards are followed, compliance and enforcement policies are articulated as appropriate, and resources have been approved and are adequate to discharge enforcement responsibilities effectively and to ensure compliance where the regulation binds the government.

The regulatory policy provides for cost effective regulation. It provides for regulation that is flexible, focused on ends rather than means, focused on high priority problems rather than unnecessary detail and based on a partnership model with other governments and those subject to the regulation. It guarantees an open and transparent development process and requires that the government consider all alternatives before choosing the regulation.

This policy goes a long way toward to ensuring that Canadians have smarter regulation, free from unnecessary and costly burden. It provides for regulation only where it is the best alternative and only where the overall benefits clearly exceed the costs.

In other cases the government provides a clear indication of costs either at the time a new program is announced or in the budget if these costs are significant. In the budget of March 6 of this year the Minister of Finance emphasized the need for frugality in everything we do. Waste in government is simply not tolerated.

We have put aside the notion that new government programs require additional spending. What they do require is the will to reallocate. In the March budget every initiative involved a shift of resources from lower to higher priority areas.

The announcement in 1995 of the expenditure management system committed the government to making the best use of taxpayer dollars to deliver quality services to Canadians. The system is built on the principles of funding for new initiatives or priorities by reviewing existing expenditures and then reallocating money.

The expenditure management system will foster greater fiscal responsibility and help the government to meet its fiscal targets. Using business plans will allow departments to set out strategies for changing their businesses to reflect budget targets and government priorities.

The presentation to standing committees of departmental outlooks on program priorities and expenditures will help us to review expenditure trends and priorities for the coming years and provides a context for examining the estimates of the Government of Canada.

On March 7, 1996 the government released its progress report on getting government right. We recognized that the people of Canada are concerned about the cost of government and how those costs are being controlled. They want better governance. We have laid out for them what we have done and what we will continue to do to achieve this.

The program review exercise launched two years ago was the most fundamental review of federal programs and services since World War II. Its goal was to identify the federal government's core roles and to refocus resources on primary areas where reducing overall spending was important. The results of this review are changing the face of the federal government and will continue to do so for many years.

The government continues to ask the important question of how can programs be delivered in the most efficient manner. The auditor general continues to provide advice in this area. As long as this remains a government priority, departments and agencies will continue to do a good job in following up on every opportunity for improvement.

The combination of the two initiatives, the revamped expenditure management system and program review, opened the door for what we are now engaged in, an effort to bring results orientation to the information we in Parliament use.

We are entering a new era of governance, an era that will be characterized by greater transparency and dialogue about policy directions.

• (1800)

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, I am please to continue the debate on this private member's bill moved and drafted by my hon. colleague from Durham.

I endorse the bill. I support the bill. I endorse the concept. The member would agree that some fine tuning of all our bills which emanate from private members' business can best be done at committee.

The bill causes the taxpayer, the parliamentarian and the drafter of a bill or statute to recognize at the front end the fiscal costs associated with the change, whatever it might be. It is not a new idea but it is the first time it has been proposed here. It is an excellent idea.

The current procedure, as I understand it, begins in the executive branch of government where a bill is drafted and proposed. Although I have never sat at the cabinet table I understand that modern cabinets have financial assessment figures and projections at the front end whenever they consider legislation. As we are all aware a bill proposed in the House by the government has the support of cabinet. Before cabinet makes a decision cabinet knows what the numbers will be.

I would have thought it would be a fairly simple operation to make the same numbers available when the bill is presented in the House of Commons. Someone has already done the work on the calculator. I would have thought it would be pretty easy to add one page to the bill or the proposal and make it available for parliamentary debate and committee perusal as the statute or reform is being considered.

As it sits now, the House does not necessarily have this information as it considers a bill. It may in some cases be made privy to the departmental calculations as the bill goes through the committee process. In addition I have noted, as I am sure all members have noted, that most ministries deal with these issues publicly when they put forward a proposal. In any event I do not think it is a bad idea at all to nail this little procedure down at the front end.

To draw two analogies of similar concepts at work, the parliamentary secretary referred to what is called the regulatory impact analysis statement, RIAS, which is now used for almost all government regulatory initiatives. That impact statement for regulations includes references to the cost. That is a useful tool. It does not show up in this House because it is regulatory. The field has already been delegated by another statute to the executive branch. The RIAS is a very useful document. My colleague's proposal would in effect put a financial impact statement on the front end of a bill.

The second analogy is with environmental impact statements that are required by statute in many different areas now. They are very useful in assessing the potential impact of statutes and changes in the way we do things in government.

The backdrop of this should include a recognition that the parliamentary estimates procedure, the process by which Parliament is supposed to review government spending, does not always work as effectively as we would like. Over the years this has been reformed from time to time. Every few years we revise the estimates procedures to try to enable Parliament to get a better handle on what is a very large and complex matter these days, government spending. It is quite huge, exceeding the $100 billion mark. I understand there is ongoing work to improve, change and update this procedure in the House of Commons. The initiative put forward by my colleague from Durham can only enhance whatever process we might subsequently adopt in the House.

• (1805)

As I understand it, given that the government and cabinet already do calculations for all government initiatives put forward by way of statute or changes in policy, given that it already happens in camera in cabinet, and given that the information is not always made public in the process that brings bills into the House, I am very much in favour of a House mandated procedure that would cause the numbers to be placed in front of all of us as we debate, pass and not pass legislation.

With tongue in cheek I might ask—and I do not need the answer—whether there is an estimate provided by the mover of the bill of its financial impact. It might have been a nice start. I do not know whether the hon. member has done that, but it is a great idea and I will support it.

The Deputy Speaker: The hon. member for Durham will sum up the debate, there being no further speakers wishing to rise.

Mr. Alex Shepherd (Durham, Lib.): Mr. Speaker, it gives me great pleasure to honour the many speakers from all parties who stood in support of my Bill C-214.

It shows what the House can be with all members working together for the common objectives of better visibility and better accountability of how governments spend. It empowers people.

The last time I rose was in the first hour of debate on the bill. I would like to mention some organizations that support it. The parliamentary secretary made reference to the auditor general. He stated:

> We share your views that the cost of government programs and operations should be made more visible to Parliament and taxpayers.

Certified General Accountants' Association of Canada also support it.

I would like to read a final comment from a letter that I received since the last time I was on my feet. It is from the Canadian

Institute of Chartered Accountants annual letter to the finance minister. It states:

> We believe that government must provide cost information and analysis prior to making decisions that affect the delivery of existing programs or initiating new programs. We believe that this cost information should be made available to the public in order to foster greater awareness of government spending.
>
> A private member's bill such as 214 that has been brought forward calls for the departments of governments to provide for financial or cost analysis of each piece of legislation on its introduction. In this way government would be more conscious of the financial impact that legislation would have and a greater scrutiny of government spending would be provided to the general public.
>
> We urge the federal government to ensure speedy passage of this bill.

On my way to the House this morning I heard a program on the CBC that talked about gambling. It occurred to me that quite often when individual members of the House rise to vote on various pieces of legislation that is what we are doing. We are gambling but we are not using our money. We are using taxpayers' money.

The bottom line is that we have developed a system of taxation that is not consensual. The history of taxation, while some people at home might have a big yawn, is really quite fascinating. It goes back to the time of the Romans and others who tried to implement taxation systems.

The one important thing about a taxation system that starts to fall apart is the day when people do not believe they consented to be taxed.

● (1810)

In its simplistic form, when taxation first came into existence people could see what they were getting. They would invest in roads, local schools and services they communally decided to invest in and which they benefited from.

When people look at their paycheques today, at the gross figure and the net, they do not understand the difference. Worst than that, many of those people do not believe they were part of the process that made the decision for that level of taxation.

As a result people generally have a negative attitude toward government. They do not figure they are part of the process. They cannot control it. They cannot control the money that is leaving their wallets. They become cynical. Generally the electorate is cynical.

The legislation is trying to let these people back into the loop so that they can be part of the process of change and can feel they are a part of the consensual process. Then they can say they understand how much it will cost and whether it is a good thing. It would let them have their say.

Most important, it would empower members of Parliament in the Chamber who represent those people to make those decisions. In the case they do not want to make them themselves we would have the proper power to do that.

In closing, this is not a new concept. We have estimates from Australia and other countries. It is a matter of simply putting those numbers in a bill, allowing the people in and shedding a bit of light on the government process in Ottawa.

The Deputy Speaker: Is the House ready for the question?

Some hon. members: Question.

The Deputy Speaker: Is it the pleasure of the House to adopt the motion?

Some hon. members: Yes.

An hon. member: On division.

The Deputy Speaker: Accordingly the bill stands referred to the Standing Committee on Government Operations.

(Motion agreed to, bill read the second time and referred to a committee.)

GOVERNMENT ORDERS

[*English*]

COPYRIGHT ACT

The House resumed consideration of Bill C-32, an act to amend the Copyright Act, as reported (with amendments) from the committee; and of Motions Nos. 17, 19, 20, 24 to 38, 58 to 59.

The Deputy Speaker: The member for Swift Current—Maple Creek—Assiniboia has eight minutes remaining in his intervention.

Mr. Lee Morrison (Swift Current—Maple Creek—Assiniboia, Ref.): Mr. Speaker, when I was interrupted I was making reference to the fact that many small radio stations depend rather heavily on their libraried material, which can be in several different formats depending on how old the station is.

The legislation with its lack of considerations for transfer of format does not recognize advances in technology. As a matter of fact it penalizes radio stations that might want to advance their technology. It is somewhat like the weavers of Manchester breaking up the steam looms. We are moving into the 21st century but the government does not recognize that. The anti-technological biases of the Minister of Heritage being well known, I am not terribly surprised by it.

The other question regarding ephemeral rights refers to the length of time people will be allowed to maintain material in their files before it has to be destroyed or at least not used. The 30 days

proposed is preposterously short. Six months, which is what the industry requested, would have been quite reasonable.

I would like to read a letter received from the Kiwanis Club of Pembroke, Ontario. It may cast some light on how this lack of reasonable time shift will affect some of the charitable ventures that rely upon broadcast. I will read it in its entirety.

> The Kiwanis Club's efforts to ensure continued Easter Seal benefits for the children in our community, could be seriously jeopardized by provisions in the new Copyright bill currently being debated in Ottawa.
>
> Dennis Runge, Chairman, said today that he is sure that it is just an oversight by the Members of Parliament, who have no idea that the fund-raising telethons Easter Seals have so successfully held with CHRO TV over the years could be really harmed by some small exceptions which have inexplicably been omitted from this proposed bill.
>
> Runge explained that the problem is with the entertainment portions of the broadcast, which are so important in attracting viewers. ''CHRO has told us that under the proposed Copyright Bill, they could be fined, or else have to pay additional costs and undertake a major effort to clear the rights, just for taping local performers a few weeks ahead of the broadcast, and then playing it back during the telethon''.
>
> The Kiwanis Club believes that if it loses the ability to showcase these entertainers, the broadcast will suffer. And, if either they or CHRO TV have to pay a second time just for the necessity to tape and playback these performances, the costs will add to the telethon budget, and not as much money will be able to be directed into Easter Seals.
>
> Runge says that CHRO TV has indicated it wants to continue to do the broadcast, that it believes in the work of the Kiwanis Club and wants to support our valuable work in the community. However, CHRO TV has also said that if the Copyright legislation is passed as is, the future of the telethon will have to be seriously re-examined.
>
> The Kiwanis Club says ''local Members of Parliament have to tell the government that broadcasters should be giving 'time shift' and 'transfer of format' exceptions in the proposed Copyright Bill, which would eliminate the problem, and permit Kiwanis and CHRO TV to continue working for the benefit of people in Pembroke and surrounding area.
>
> ''Sometimes it is not clear that new legislation can have detrimental effects in a community'' said Runge. ''But this time we have been able to see the problem coming, and hopefully our MPs will understand that it is up to them to see that the people of our town don't lose out by a careless decision made in Ottawa''.

• (1815)

It is signed by Dennis Runge, chairman of the Kiwanis Club of Pembroke, Ontario.

This is a very typical example of the way in which people with good intentions try to protect everybody from everything imaginable and end up creating severe problems for other people who do not deserve to have problems. I am sure they have received letters similar to this. They must have received them by the hundreds. I would hope that they would start to give a bit of consideration to what they are doing and make serious amendments to this bill, not just to gratify the Quebec entertainers who have been getting everything they want, but to think about the service clubs and the small community stations all over Canada that are going to suffer under this legislation.

The Deputy Speaker: The question is on Motion No. 17. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the yeas have it.

And more than five members having risen:

The Deputy Speaker: A recorded division on the motion stands deferred.

The next question is on Motion No. 24. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

The Deputy Speaker: A recorded division on the motion stands deferred.

• (1820)

The next question is on Motion No. 26. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

The Deputy Speaker: The recorded division on the motion stands deferred.

The next question is on Motion No. 27. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

The Deputy Speaker: The recorded division on the motion stands deferred.

The next question is on Motion No. 29. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

The Deputy Speaker: The recorded division on the motion stands deferred. The recorded division will also apply to Motion No. 30.

The next question is on Motion No. 31. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

The Deputy Speaker: The recorded division on the motion stands deferred.

The next question is on Motion No. 34. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

The Deputy Speaker: The recorded division on the motion stands deferred.

The next question is on Motion No. 36. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

The Deputy Speaker: The recorded division on the motion stands deferred. That recorded division will also apply to Motion No. 58.

The next question is on Motion No. 37. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

The Deputy Speaker: The recorded division on the motion stands deferred. The recorded division will also apply to Motion No. 59.

We will now move to Group No. 8.

Mr. Jim Abbott (Kootenay East, Ref.) moved:

Motion No. 40

That Bill C-32, in Clause 19, be amended by deleting lines 1 to 28 on page 46.

Motion No. 41

That Bill C-32, in Clause 19, be amended by deleting lines 29 to 41 on page 46, and lines 1 to 17 on page 47.

The Deputy Speaker: Is the House ready for the question?

Some hon. members: Question.

The Deputy Speaker: The question is on Motion No. 40. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

The Deputy Speaker: The recorded division on the motion stands deferred.

The next question is on Motion No. 41. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

The Deputy Speaker: The recorded division on the motion stands deferred.

[*Translation*]

The next question is on Group No. 9.

Mr. Gaston Leroux (Richmond—Wolfe, BQ): moved:

Motion No. 45

That Bill C-32 be amended by deleting Clause 44.

The Deputy Speaker: Is the House ready for the question?

Some hon. members: Question.

The Deputy Speaker: The question is on Motion No. 45. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

The Deputy Speaker: The recorded division on the motion stands deferred.

The question is now on the motions in Group No. 10.

Mr. Gaston Leroux (Richmond—Wolfe, BQ): moved:

Motion No. 47

That Bill C-32, in Clause 45, be amended by replacing line 12 on page 70 with the following:

''within thirty days after the publication of the''

Motion No. 53

That Bill C-32, in Clause 50, be amended by replacing line 24 on page 78 with the following:

''within thirty days after the publication of the''

● (1825)

[*English*]

Mr. Jim Abbott (Kootenay East, Ref.) moved:

Motion No. 55

That Bill C-32, in Clause 50, be amended by deleting lines 21 to 38 on page 82, 1 to 47 on page 83, 1 to 41 on page 84, 1 to 46 on page 85, 1 to 44 on page 86, 1 to 44 on page 87, 1 to 46 on page 88, 1 to 46 on page 89, 1 to 42 on page 90 and 1 to 34 on page 91.

[*Translation*]

Mr. Gaston Leroux (Richmond—Wolfe, BQ): moved:

Motion No. 56

That Bill C-32, in Clause 50, be amended by replacing line 13 on page 86 with the following:

''within thirty days after the publication of the''

[*English*]

Mr. Jim Abbott (Kootenay East, Ref.): Mr. Speaker, there are times in this parliamentary life when one has to wonder what in the world the government is up to. This particular blank tape levy certainly is one of them.

It was pointed out by the consumers association in its presentation to the committee that the mark-up, which is going to be applied by the government as an additional cost to everyone

buying blank tapes, will be applied at the point of entry into Canada. As everyone knows, about 95 per cent of all of the blank audio tapes sold in Canada are imported.

Therefore, if a nominal 35 per cent charge is applied on to a 60 cent tape, now it becomes a 95 cent tape. When it was a 60 cent tape it would have gone from the original importer to some kind of a jobber or distributor, possibly to a wholesaler but more likely directly from the jobber or wholesaler directly to a K-Mart, a Wal-Mart or Eaton's or wherever it would go and we would have a lot of 99 cent tapes or $1.29 tapes with the mark-up applied to the 60 cent landed cost of the tape.

We have been promised what will now happen is the addition of 35 cents, more or less. I do not buy that but let us take 35 cents. Instead of a starting point of 60 cents it will be 95 cents and we will never see 99 cent tapes again. We are going to see a sale price of $1.49 or $1.89 instead of a 99 cent tape.

I do not understand the thought process of the government because if the $12 million it says this tape tax will end up creating was going to be ending up in the hands of the people who they intend for it, I would like to ask who is going to pay the administrative cost to collect the money in the first place? Who is going to pay the administrative costs to be able to distribute the $12 million?

We are going to create a business of collecting and distributing a certain portion of the money that will be extracted from the consumer. The consumer will be paying substantially more because of the decision not only to apply, if it is indeed a 35 cent charge, but the place in which it is applied in the feeding change of the mark-ups. It is applied right at the very start.

If the 35 cents is applied to a 60 cent tape, 95 cent starting point, $1.49 sale price, then on top of that will be the provincial tax and GST applied to the mark-up that was applied to the 35 cent charge. It is absolutely crazy.

This money is not going to get to the people who the government says it is going to get to because of the cost of administration, collection and distribution, really makes me wonder why we are doing this. The minister seems to pride herself very frequently on talking about protecting Canadian culture.

What really goes on more often than not—we just need to take a look at *Sports Illustrated* for an example—is we end up punching Uncle Sam in the nose. Unfortunately the people on the other side of the 49th parallel have a tendency to get a little bit agitated when we do that.

The industry in the United States is going to say now: "Just a second. Is it not true that the majority of the things that are being recorded from, in other words the CDs and the tapes, is it not a fact that the majority of the music in that medium that is being purchased in a Canadian store is actually an American product?"

The answer to that question is, yes, the vast majority of it is. About 70, 80 to 90 per cent of the product that is being purchased in a store comes through U.S. distribution.

• (1830)

How much logic does someone need to realize that the industry on the other side of the 49th parallel is going to say "you say you are collecting $12 million, we want 80 per cent of the $12 million, we want to collect the money that is due us because the music that is being copied is our property in the first place".

To turn around and make this money available, which will be coming from the blank tapes, exclusively to Canadian based artists and organizations is absolutely going to draw the attention of the U.S. We have already had a warning shot across our bow on this one.

If we are going to be saddling the Canadian taxpayer with taxes on taxes on mark-ups that are created to create this $12 million pool which is going to be attacked by the U.S. government, what are we accomplishing? We are just creating another trade irritant. It does not make any sense.

Furthermore, there is the matter of principle, which we have talked about from a very pragmatic perspective. When the minister was before the heritage committee she said that the vast majority of the 44 million tapes purchased in Canada every year, and there is some question about that number, are being used for the illegal copying of prerecorded material.

What about the churches? What about the colleges? What about the reporters? What about the people putting on sale seminars? What about people who have a legitimate use for these blank tapes? They are guilty by association and they are guilty by virtue of having the audacity to buy a blank audio tape. Suddenly they are guilty of some kind of crime. They are not guilty.

Any law in Canada that as a matter of principle assumes the guilt of a person who is undertaking a normal commercial transaction or indeed doing anything fundamentally in principle is wrong.

In collecting this $12 million, I predict this here and now. I look forward unfortunately with some chagrin to knowing that five years from now we will look back on this speech and be able to say "He was right, we created a trade irritant. That trade irritant actually spilled over to something to do with lumber and to something to do with wheat. It spilled over to something to do with the wool suit trade we have out of Quebec. It was a trade irritant that became part of a conflict between Canada and the United States, all over $12 million that the artists, composers and producers will never ever see".

Why are we doing this? The only answer that I can come up with is that it is very typically Liberal and with due respect to the minister, very typical of the way she does things. If the government does not do it, it will not get done. If the government does not interfere, if the government does not mandate, if the government does not take control, it will not get done.

The mischief that is going to be caused by the blank tape levy I predict within five years will be very measurable. I hope I am wrong but unfortunately I know I am right.

Mr. Ken Epp (Elk Island, Ref.): Mr. Speaker, it is with pleasure that I rise to voice my strongest objections to this part of the bill.

I really would like to urge the minister, who is listening carefully, and all the other members who in the red book promised to have free votes, to exercise that free vote, to vote against this bill unless this part is amended right out of there.

I remember when I was a young man in high school, there was one time our biology teacher had to leave the classroom. I was busily working quietly. We had a rule in my generation that whether the teacher was there or not, there was a lot of silence in the classroom. It was strictly enforced.

● (1835)

Some of my classmates started talking. Bless his heart, Mr. Harold J. Newlove, my famous biology teacher, came into the classroom to find the place in general pandemonium. He declared a penalty. Everyone would stay after school.

I tell you the truth, Mr. Speaker, I was not involved in that. I went to Mr. Harold J. Newlove and I said to him: ''Sir, I have to catch a bus because I am one of these rural students. I have to get home to help my family with farm chores. I have to get away from here. Otherwise I need to walk four miles to get home. Can I please be exempted on the assurance that I was not involved? I am not guilty''. Mr. Newlove said: ''If I make an exception for you, where will it end? You will stay''. You do not know how injured I was because I was innocent.

This is the fundamental premise in this part of this bill which is false. It assumes that if I go into a store to buy a tape that is blank I am going to commit a crime with it. What backward thinking that is. Why would even the Liberals, as they believe in the common goodness of all people, now suddenly come to the conclusion that there would be even one person in the country who would break the copyright laws?

I recognize the harsh reality is that some people do this, but to pass a law that causes every other person to pay the penalty for the person who actually did break the law I think is a violation of our fundamental sense of justice. We should all be outraged, as I was when I was in high school. That is the first point. We ought not to be punishing people for crimes they did not commit.

Second, and this I think is just as important, I believe that it is wrong to, by supposing that someone is going to break the law, make them pay the penalty in advance.

I read a statistic not too long ago that in the city of Ottawa the average person drives about 20 kilometres an hour over the speed limit. Judging by the cabs I have ridden in it is about 100 per cent over. Instead of going through that costly exercise of having police persons with radar and all of these other things, why do we not put a boundary around the city and everyone who comes in we will charge them all $100, a payment in advance of their speeding fine which we know that they will commit?

If we did that we could say to them go ahead and speed. Would we say that? What is the purpose of that speeding law? Is it not to protect, in the case of vehicles, the lives and the property of all of us?

If we have a copyright law, the copyright law has the purpose of protecting the property of the creator of the property. I know of which I speak. I happen to be a mathematician, a low level one but I casually sometimes admit to it, and I have some experience with computing. For a while I used to write computer programs and I used to then sell them. I used to first give them away because people liked some of the things I did and I was a generous guy and I said go ahead and have a copy of that program. Then someone said why not sell them.

When desktop computers came along, we had these little diskettes and I could put my programs on to those diskettes. I realized very quickly that there were some people who were making illegal copies, even of my stuff. I found out about it surreptitiously. I accidentally found out about it.

I put a notice in all of my programs that said: ''If you have made a copy of this program and you did not pay for it to Epp Software, here is the address where you can send your royalties''. I received some money in the mail because there were some people who said they liked that program and wanted to know where they could get it. Everybody who had a copy of the program said ''copy it and send Ken Epp 10 bucks and he's happy''.

I got a bit of money, not very much, I will admit that, but I got a bit of income from that because I asked people to be honest. For the others, I cannot do that. I do believe in the ownership of property but I do not believe that I would want to charge a person a penalty for stealing my property before he does it in the anticipation that he will. This raises a very very fundamental question of justice.

● (1840)

Picture me walking into a store and buying a case of C-60s, the little cassette tapes. Included in the price is an amount which will come to about a dollar by the time we are all finished, as my colleague mentioned, because we will pay GST and HST and BST and mark-ups and all of this stuff on that original 30 cents to 50 cents, which I predict will soon grow to $1 or $2. Once the

government gets its fingers on a source of income it loves to make it greater. I will have paid on my little case of C-60s maybe $10.

My teenage son will now say to me "dad can I take one of your tapes because I want to make a copy of this CD I have to give to my friend?" When my kids even suggested they would do that I gave them a blanket "no, that is not legal and we do not do that".

Is it now legal? Can my son now argue with me and say we have already paid for the copyright on that thing by paying this special levy on the tapes we bought? Is it now legitimate that this Liberal government would say it will put a tax on the tape to allow people to break a law? That is absurd.

That is why I emphatically ask the minister to reconsider, to use some commons sense and think this through. I urge the members of that huge majority governing party to think about what they are doing and to read their red book again. Remember the one that said more free votes? Here is one. Here is a point.

My point is that they have it in their power to force the minister, to cajole the minister, to persuade the minister or whatever method they use, to get this very offensive part out of this bill. One way of doing that is to simply vote in favour of our member's amendment. It is the motion that says let us rescind this part that pretaxes breaking the law or that causes me to pay the penalty for other people breaking the law. Let us rescind that. If all members vote in favour of that it will pass and we will have accomplished something. We in this House will have done the right thing on this issue. I strongly urge them to do that.

I will be watching because if they do not, then when I go back to my people during the next election campaign I will have a moral obligation to tell them that they have had, courtesy of this Liberal government, this very strange law passed. I think they would even be ashamed at that. I am sure they will all support it and I appreciate the opportunity to speak on this.

[*Translation*]

Mr. Gaston Leroux (Richmond—Wolfe, BQ): Mr. Speaker, I would like to make a point.

The hon. member's approach does not seem to correspond with the intent of the bill. We should remember that the use of blank tapes is a matter of piracy. In committee we heard many groups, including the Consumers Association of Canada, confirm that in fact everyone was copying cassettes. You take a cassette, and you can make endless copies.

I wonder whether anyone in this House could say that neither they nor their family members had ever used a cassette to tape music from a record. I have some figures for the hon. member.

First of all, this type of private copying compensation system has been adopted in 25 countries. It is not a tax but a levy. A certain amount is levied, and it is called a levy because it is more or less a salary for performers who are entitled to receive it because they are the ones who create and produce.

Last year alone, 44 million blank tapes were sold. According to the report of the task force on the future of the Canadian music industry in 1996, at least 39 million of these cassettes are used for copying purposes, resulting in a total loss of about $325 million to the recording industry and performers.

Think about it. I think it is a very good idea to collect a levy from the source, from the manufacturers, and redistribute it as a salary to performers who are losing money because people are copying their cassettes.

The Deputy Speaker: Is the House ready for the question?

Some hon. members: Question.

The Deputy Speaker: The question is on Motion No. 47. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

Some hon. members: On division.

The Deputy Speaker: The motion is lost on division. The division on this motion also applies to Motions Nos. 53 and 56.

(Motion No. 47 negatived.)

[*English*]

The Deputy Speaker: The next question is on Motion No. 55. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

The Deputy Speaker: A recorded division on the motion stands deferred.

[*Translation*]

The House will now proceed to the taking of the deferred divisions at report stage of the bill.

Call in the members.

And the division bells having rung:

[*English*]

The Deputy Speaker: All votes stand deferred until Monday, March 17, at the end of Government Orders.

The House stands adjourned until Monday, March 17, 1997, at 11 a.m.

(The House adjourned at 6.47 p.m.)

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