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Chair

Mr. Gordon Brown

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• (1530)

[English]

The Chair (Mr. Gordon Brown (Leeds—Grenville, CPC)): Good afternoon, everyone. This is the fourth meeting of the Legislative Committee on Bill C-32.

Welcome. It's going swimmingly, I hear.

We're here today, after having heard from the ministers and departmental officials in the last meeting, to discuss the planning of our future work of the committee and the path forward. Our discussions are open to the public.

You have three documents in front of you. The first one you have is the legislative summary that was prepared by the Library of Parliament. You also have a blank calendar that shows the days of the weeks that we have before the Christmas recess, which would include, as we are currently planning, meetings on Mondays and Wednesdays, from 3:30 to 5:30, which would mean this meeting plus five more before the break. You also have before you a list of potential witnesses. It's a rather thick document that contains roughly 200 potential witnesses, those who have either had their names put forward by the parties or who have requested to see the committee on their own.

I'd like to see us get a work plan coming out of today's meeting. I think we should probably at least try to plan to have some witnesses for Wednesday's meeting.

Madame Lavallée, you have the floor.

[Translation]

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Before we begin our business, I would simply like to provide some information that I think is very important for committee members. Some 100 of Quebec's most prestigious artists, most highly renowned at the local, Quebec and international levels, will be coming here to Parliament Hill to tell us what they think about Bill C-32. They'll be here tomorrow between noon and 1:00 p.m. in Room 200 of the West Block.

Our visitors will include Luc Plamondon, who, as you know, is one of the most famous lyricists in Quebec and in the entire international francophone community. There will also be Robert Charlebois, Michel Rivard, Ariane Moffatt, younger artists such as Marie Mai, and the groups Mes Aïeux, Kaïn and Karkwa. There will be about 100 very well-known artists coming to talk to us about Bill C-32.

Obviously, if they are coming to speak with us, we should at least be polite enough to go and meet and listen to them. I expect Mr. Del Mastro, for example, parliamentary secretary to the Minister of Canadian Heritage, to be there and to go and meet the artists, who are coming here specifically to talk to us.

Thank you.

[English]

The Chair: Thank you very much, Madame Lavallée.

The floor is open in terms of where we're going forward, but I would suggest that we move forward by...

Mr. Del Mastro, you can have the floor and then I'll come back. Go ahead.

Mr. Dean Del Mastro (Peterborough, CPC): Thank you very much, Mr. Chairman.

I'm just looking at the schedule and I'm looking at the list of witnesses. It seems to me that we have a couple of independent, no stakes in the game—no monetary interests in the game—witnesses who would be good to come in and follow up what we've heard from the ministers and the departments. I've met with virtually every group on this list. There's no such thing as a group that has one issue that they'd like to talk about, and I'm sure we'd like to only see witnesses once.

What I would suggest is why don't we start off with Barry Sookman and Dr. Michael Geist, after which we can schedule the witnesses as per the committee's instruction and run through the list? That's how I would recommend the committee operate.

As I've seen—and I'm sure others on the committee have also met with numerous groups on this—their interests are various, but no group has come forward on a single-issue interest. They have interests in various aspects of the bill, which would indicate to me that we might as well just see them as the chair can schedule them.

• (1535)

The Chair: Mr. Del Mastro, you're proposing that those two witnesses come for the first hour on Wednesday if they are available?

Mr. Dean Del Mastro: Yes, I am.

The Chair: Mr. Lake.

Mr. Mike Lake (Edmonton—Mill Woods—Beaumont, CPC): I agree with that. The other thing I'm noticing is that there are a lot of individuals listed here.

One thing I think we should get clarification on is what organization those individuals would be a part of, because obviously it doesn't make sense for us to have several individuals who are part of the same organization come before the committee. Perhaps the researchers can look into the organizations that individuals might be a part of, go through the list of individuals, and find out what organizations they might be a part of.

The Chair: Mr. Lake, the people on that list who are identified as individuals would normally be people who are in fact appearing as individuals and who do not necessarily represent a particular organization. I suggest we hear from them on what they specifically wanted to talk about. But I'll leave that open to the floor.

Mr. Angus.

Mr. Charlie Angus (Timmins—James Bay, NDP): Thank you.

I'm looking through the list, and it seems like a lot of names, but certainly there are many stakeholders.

I would put our trust in the hands of our very talented clerk to actually go through these. I'm looking at some individuals who are listed as writers, and I think a number of individuals would come as writers. Perhaps there will be a day when we hear from the writers, which would make that go in a more coherent fashion, as opposed to hearing from three telecoms and a writer.

I had put in a number of requests for individual artists, some of whom are interested in a private copying levy. Perhaps on that day we could have three or four of them together so that we're at least grouping people together based on general themes. It's not that they're all going to be speaking from the same hymn book at the same time, but there'd be a more coherent pattern to our process.

As for the first set of witnesses, I don't really have a problem with who we have. I think it's a question of availability and readiness. I know that whether it's Mr. Geist or the University of Ottawa's digital law program, whether it's Professor de Beer or David Fewer, there's a whole team right there. I'm sure they're ready to come over on a moment's notice. That would probably be easy. If Mr. Sookman is ready, I don't have a problem with that. What we need to do is get an initial meeting under way, and then let's break these witnesses down, and if we have individual problems with how the clerk is coming forward with the plan, we can deal with them then.

The Chair: Mr. McTeague.

Hon. Dan McTeague (Pickering—Scarborough East, Lib.): Chair, I'm not sure if there were informal discussions among some members to the effect that we would have for the first hour.... I don't disagree with Professor Geist and Mr. Sookman being here, but I think we would perhaps want to consider a third person so that we can utilize the time more effectively, if available. I'm thinking of someone from another university, perhaps Dr. D'Agostino or someone along that line. It seems to me that as we get the themes together—and to be faithful to what Charlie suggested at our first meeting, which I also concurred with—that would perhaps be the best route to go at this point.

If we have two of three, I'll accept it, but we might as well try for all three to utilize our time a little more efficiently. I don't know if that concurs with what....

The Chair: Mr. Rodriguez.

[*Translation*]

Mr. Pablo Rodriguez (Honoré-Mercier, Lib.): Thank you very much.

With regard to people who want to come and appear as individuals, I recognize the names of people whom I think it would be important to hear. These are people like Eva Avila and Florence K, who have extremely personal and concrete experience to share with us.

In one case, for example, I was told about a video that had been made using certain revenues obtained and certain mechanisms in place, and so on. And that seems to me to be extremely relevant.

Sometimes this is what enables us to better understand exactly what's permitted under the act and what isn't, and what the impact of amendments would be on this type of situation. I think it's extremely important for individuals to participate—even if they're just individuals—on the basis of what they do in their lives.

I also simply want to ensure that the name of Quebec's minister of culture, communications and status of women appears on the list.

Ms. Carole Lavallée: It's there; I saw it.

Mr. Pablo Rodriguez: Perfect. It's extremely important for me that we be able to hear her on this matter as well.

Thank you.

• (1540)

[*English*]

The Chair: Madame Lavallée.

[*Translation*]

Mrs. Carole Lavallée: In general, I agree that we should hear from all the people whose names are on this list. I think we'll need to meet all these people if we want to conduct not just a general study or overview of the subjects, but a serious study so that we can really understand them, to get to the bottom of things and to be able to ask questions, .

We can meet people from organizations, inevitably, but we can also meet people from associations of organizations. However, if we receive people from associations of organizations, I wouldn't want to exclude the organizations they represent. They can often go further into a specific topic, particularly since they only have five minutes to come and testify here and to present important and complex issues.

I would let them all testify. I've said so from the start. I want to conduct a very serious analysis and I want to gag no one. There are indeed a number of individuals. Should we let them all come? Perhaps. If they've asked to come, it's because they have something interesting to say that goes beyond the organizations that represent them.

So I would let them come and speak here for five minutes out of their lives to explain why they deserve their copyright and why they are asserting it. I think that's immensely important. We have no right to gag them if they want to come.

It's extremely important to hear from Quebec's minister of culture, communications and status of women. However, if she came, I would invite her with two other witnesses in order to receive her in a manner appropriate to her position, but I wouldn't give her an hour to herself. I believe the minister deserves these considerations.

Then I would leave the list open and I would ask the clerk to organize groups of witnesses, as we said, that is to say two groups of three spokespersons. I would let her organize the meetings based on the availability of each person, particularly since we won't have finished by Christmas. So there's some flexibility there.

I would obviously leave the list open because, in the course of the meetings, there is always someone whom we've been unable to reach. In addition, people are currently outside the country. We've been unable to reach them in Quebec and we're waiting for them to come back so they can sign up. So I would leave the list open.

Thank you.

[English]

The Chair: Merci.

We'll go to Mr. Lake.

Mr. Mike Lake: I just want to reiterate what I said, and I'll use an example.

On September 30 I had a meeting with ACTRA. They came to my office, and at that meeting they had as guests who were supposed to come Rex Goudie and Eva Avila. Now, we have Eva Avila, we have Rex Goudie, and I'm sure we have ACTRA here, and probably some other people who would be part of ACTRA.

I think if we're going to get through this, we have to have some semblance of organization, which is why I'm saying that it's kind of important for us to know, when we see these individuals on the list, what organization they're part of. At my meeting it turned out that Eva couldn't make it, but Rex Goudie was there, and I found the meeting really interesting. I thought he had something to offer. So when ACTRA comes before us, they might want to bring one or two individuals with them as part of their appearance before the committee.

I actually wound up having a second meeting with ACTRA, where I met with more people. I'm sure that they may want to come before the committee as well. But we can't have thousands and thousands of witnesses individually appearing before the committee. We have to have some semblance of order. I wouldn't expect that when we have Corus Entertainment, for example, before the committee, or Google, that we would have the president come one day, the marketing director come a different day, and the person in charge of privacy issues come a different day. I would assume that Corus would come as one entity on one day as one witness. And if they bring two or three people, as happens all the time, they will split their time and take questions, as appropriate, for the individuals who are at the table.

The Chair: Go ahead, Mr. Angus.

Mr. Charlie Angus: Thank you.

I had meant to put this name in. It was probably a mistake on my part. I think we should hear from the Copyright Board of Canada. I

think at the beginning, in the early days, we need to hear from the various organizations that are tasked with making decisions and collecting copyright revenues. We've heard the broad, political positions and opinions of the various organizations, but it's also a technical issue in terms of how mechanicals are counted, who does it, and who sets tariffs. I think if we go forward and don't hear from the Copyright Board, we're making policy without getting the technical details. So I think early on we should try to group up some of the organizations that deal with the reproduction rights and the mechanical rights and get that in place.

In terms of Rex Goudie and Eva Avila being with ACTRA, they probably did come with them. But I said in my previous round that I think there are a number of artists and touring artists who want to speak about the private copying levy and what it means, which would be separate from an ACTRA presentation. I think we could group a number of those artists together. They can present at the same time. It's however we divide it up. But I think we'll be moving towards some kind of general consensus.

I notice that there are a number of representatives—former and present members—from the Writers' Union of Canada. We could probably do that in one or two sessions if we group them together, as well.

• (1545)

The Chair: Mr. Del Mastro.

Mr. Dean Del Mastro: To second my colleague's point, I think it's really important as a committee—I mean, we don't need to hear.... I've been through this on the finance committee, and I defer to my colleague across the way, Mr. McTeague, who has been here since 1993. When we go through these procedures and we have the same presentations from different people but with the exact same message, it is no more effective than if they appear once and make the case properly in the first place.

I don't think we need to hear from dozens of people on the private copying levy. It just means we'll line up dozens of people who are going to say they don't want their iPod taxed.

It takes away from what we're actually trying to do, which is work on the copyright bill. I don't think we need to hear from people time and time again. I agree with what my colleague Mr. Lake has just said. I have met with a number of the folks requesting to appear as individuals, who are part of lobby groups on the Hill under the heading of ACTRA, or others—the Songwriters Association, for example. The recording industry has also brought people through who are now on the list as individuals. They are best represented by the association to which they belong or with which they have been lobbying.

Having the same message represented multiple times to the committee, I can tell you from the finance committee that after a while committee members tune it out. It is not effective at all; in fact, it is not a proper use of our time.

I would concur with what Mr. Angus has said with respect to the copyright collective and so forth. I'm happy to get them in early. We can get them in on the first day, in the first or second hour, however the chair sees fit to schedule it. But I would agree that we might as well get them in up front so we can have a good discussion about how things currently operate.

I'm happy to do that as soon as possible.

The Chair: Thank you very much, members.

In trying to move this forward, I'd like to see us try to get Wednesday scheduled. What I am hearing is that at least in the first hour we'll hear from some academics, and in the second hour from the copyright folks. If members are happy, then we'll move forward to fill those two one-hour periods with those two groups.

Do I see consensus around the table for that?

Mr. Del Mastro.

Mr. Dean Del Mastro: I was going to suggest what my colleague Mr. Lake has requested, and I would ask the analysts to do some work on this and report back to the committee. If some of the folks who are listed as individuals are members of any of the associations, could they indicate that to us?

I'm happy to have them appear with that association and make statements at that time; I'd just like to see it properly put together. If ACTRA comes in to present to the committee, ACTRA can bring as many people as they would like, but they are only going to appear before the committee once.

The Chair: Thank you, Mr. Del Mastro.

With the indulgence of the committee, let me continue. We have the two one-hour slots scheduled for Wednesday afternoon. Could we figure out what we might do in the first hour on Monday?

Then I'd propose that the analysts and the clerk could come forward with a work plan. We'll maybe have a little more discussion today of what members want to see in that. In the second hour on Monday, we will then get a work plan moving forward that will cover next Wednesday, the following Monday, and the following Wednesday.

If members are happy with that approach, we could go that way.

Madame Lavallée.

• (1550)

[*Translation*]

Mrs. Carole Lavallée: Pardon me, Mr. Chairman, but I don't agree with my colleague Mr. Del Mastro.

When artists, writers or authors write to us to ask to appear, they want to be heard as individuals. They aren't required to be represented by their union representatives. If they want to come and talk to us and tell us very specific things in the five minutes allotted to them, the least we can do is listen to them.

For example, I saw that Yann Martel's name was on the list. I can't wait to hear what he has to say. I don't know who represents him or what association he belongs to, but his representatives will no doubt make a general presentation. Yann Martel will have something in particular to present to us. He's an author who absolutely should be listened to. His thoughts are intelligent and interesting.

The least we could do would be to listen to people, not just organizations, directly affected by the bill.

[*English*]

The Chair: Merci.

Mr. Angus.

Mr. Charlie Angus: Thank you.

I just want to clarify this before we move on, because I think the important thing about this bill is we want to create, out of this panel, legitimacy for our new legislation, so we want to be able to say that people were heard. We have a good list. I don't want to add to the list forever and ever and a day. If people were in, they're in. We might make some exceptions, depending on the importance, and I think we can talk about that.

I had said that I was interested in grouping people by themes, because I concur with my colleague Madame Lavallée that artists make their living through copyright. This isn't theoretical; this is what they do. They know copyright more than anybody and they have more of a stake in copyright than any single other person who's going to speak, so they should be heard. I reject just saying that ACTRA can speak for them. If we're going to bring in people about the private copy and they'll bring in people who don't want to have their iPod taxed.... Well, people who don't want to have their iPod taxed really have no stake in copyright. Unless they are involved in copyright, it's an opinion. These are people who make their living through copyright.

I don't want to make a fight about it, but I think there's no reason we can't have for one session three or four artists who are representing that point of view, who are not involved with ACTRA, who are not AFM, even though they might be members of other organizations. I think we have to have that sense of agreement that we're going forward. And we're trusting the clerk to group people, some by sector and then by themes. But I want to make sure the witnesses who we have here are going to be heard.

The Chair: Mr. Rodriguez.

[*Translation*]

Mr. Pablo Rodriguez: Thank you, Mr. Chairman.

In the same connection, I would emphasize that the bill's consequences for the lives, careers and incomes of these people are considerable. I believe they deserve to be heard. In fact, if my own life and career were affected that much by a bill and I had the opportunity to speak on the subject, I would do it. Some people have extraordinary things to tell us. That will subsequently be analyzed by committee members.

Some specific cases that I've been told about would enable us to gauge the impact that such and such a measure of the bill might have on a career. In fact, here we're talking about specific facts, actual and concrete experiences. I think that's a plus. As important as organizations' work on the major issues is, it could be enhanced, clarified, specified and viewed by artists and creators. I think it's fundamentally important that these people be heard as individuals rather than represented by a group. However, I remind you that we have to hear a maximum of three witnesses an hour so that this is viable and comprehensible.

I take it for granted that, unless we are informed otherwise, the list will stay open.

[*English*]

The Chair: Mr. Rodriguez, I think what we were trying to do is have that discussion next Monday, in the second hour. We would then determine the path going forward. So what I'm trying to get us to do, with the indulgence, of course, of the committee, is to try to get a schedule here for Wednesday, the first hour on Monday, and then in the second hour on Monday we could work with the analysts and the clerk to come up with a work plan moving forward. We would then discuss it at that point.

So we'll move to Mr. Lake

• (1555)

Mr. Mike Lake: I'll start by saying I agree with Mr. Angus on the notion that we should go with themes, so it makes sense to have people interested in the educational aspect together. It makes sense to have consumer advocates together to some extent. Maybe we can work through that.

Again, though, on this idea of having the elected leaders of groups of artists, I assume they've elected and hired the people they want to represent them. If we were studying replacement legislation, we wouldn't invite every union member and every person in management and all the companies affected. We would invite the leadership. The organization would come, and as we see in committee after committee, they might choose to bring people who are personally affected by the legislation, but we certainly don't open the door for every single member of every union to come, or every single member of the management team of every organization.

In this case we've got an artist group that obviously has selected leaders. They've hired people to represent them. Those people have come to meet with all of us. I look forward to hearing from some of the individuals on this list. I assume that someone like Rex Goudie might come with ACTRA or come with another organization he's a part of. He's a good spokesman. He articulates the arguments well. I would assume they will have him come with them. But it's incumbent on those organizations to decide who is going to come and speak before the committee.

Mr. Angus is an artist himself. I think he would stand to get a cheque from the iPod tax if we had it, from the collective aspect, right? He's giving me the thumbs up. So maybe he wants to appear before the committee as an artist who would be getting a cheque if we had the iPod tax. I don't know.

There is no end if we go down that road. Going back to the previous meetings we had, we have to get through this process and pass some legislation, whatever that's going to look like when we get through the process, and we have to do it in somewhat of an organized manner, and again to open the door to thousands and thousands of individual artists and then potentially thousands and thousands of individual business people. At that point we're probably going to go down the road of inviting thousands and thousands of constituents and taxpayers. We have to constrain this a little bit, I think, in a way that's going to get us the best information to make the best decisions possible.

The Chair: Thank you.

Mr. Del Mastro.

Mr. Dean Del Mastro: Thank you very much, Mr. Chairman.

I just perused the list, and to give members an idea of what they're talking about doing, there are 214 witnesses on the list.

A voice: [*Inaudible—Editor*]

Mr. Dean Del Mastro: Okay, my staff miscounted then. It makes my argument even better.

I have 214, so at three witnesses per session that is 71 and one-third meetings. If we're looking at meeting twice a week, that's about 18 sitting weeks just to hear witnesses on this bill. It's outrageous.

A voice: [*Inaudible—Editor*]

Mr. Dean Del Mastro: Of course it's serious work, so let's get serious about getting it done.

Here's the bottom line. As I have indicated—and as Mr. Lake has indicated—I met with a number of these people with affiliations to groups. It is the responsibility of members on this committee to meet with individuals. I meet with individuals all the time, but having gone through pre-budget.... And by the way, when we meet on pre-budget and we're meeting this number of witnesses, we don't meet twice a week for two hours; we intensify the meetings and meet a lot.

If you want to meet with 214 people, we had better start meeting more often, or get down to the bottom of this witness list and start to get serious about who really needs to be here who will impact your decision on the bill. To say that we need to hear from the witnesses so we can make up our minds, I think Madam Lavallée has already made up her mind on a number of areas, so all we'll be doing is dragging out the passage of this bill. That isn't my understanding of why we formed this special legislative committee.

I don't want to waste an hour next week, when we have so few hours scheduled, to talk about when we're going to hear the witnesses. What I would like to see happen, from this point forward we should start using the meetings to hear from witnesses. So let's start lining them up, but let's use this meeting to talk about what we need to hear from this witness list. If the witness list is going to remain open, we'll still be meeting on this in 2014, because there'll still be people wanting to come in.

We can't simply have it open and hear every single person who wants to be heard on it, because that is the responsibility of members. Members can go away from here and meet with as many individuals as they deem fit. I have met with hundreds and hundreds of people on this bill, and have held consultations from coast to coast to coast, with 8,000 submissions. We can make the 8,000 submissions available to the members of the committee if they would like to review them.

There's all kinds of information out there, but the committee cannot sit that long just hearing from witnesses, agreeing to leave it open, and just meandering about the job. It's irresponsible.

•(1600)

The Chair: Madame Boucher.

[*Translation*]

Mrs. Sylvie Boucher (Beauport—Limoilou, CPC): But you said that about 100 artists would be here tomorrow. I imagine their names will all be on the same page. We've all met some of these people in our offices. So we won't have to see them again. We know there will be 100 of them tomorrow. They will probably all tell us the same thing. They must have communicated with each other. It will be a pleasure for me to be there too because I think it's important. However, we're already meeting them individually. I think we have to allow the others the opportunity to speak. It's our duty as a committee and as members to meet them when we receive a request to do so. First of all, we're going to know what Quebec's position is. We can imagine. We've had a lot of briefs to read.

We've already done a good part of our work. But I think we have to enforce a rule and give everyone a chance to speak. However, we have to concentrate this. We can't spend eight months on this issue. People are waiting.

[*English*]

The Chair: Thank you.

Mr. Angus.

Mr. Charlie Angus: Thank you.

I've been ready for this bill since 2004, so my main focus is to get good legislation and hear the witnesses. As I said, if we're going to have a new copyright act there has to be public buy-in and a sense of legitimacy, so we'll take the time.

That being said, I think Mr. Lake's position is interesting. It shows us in our early stages trying to deal with heritage and industry. Perhaps in industry they deal with factories and sectors where they're under unionized agreements, but it's very different when you deal with the heritage component.

Artists may belong to collectives—I've belonged to a number of different collectives over the years—but we don't have a collective agreement. We don't work in a single work environment, and we don't have defined job descriptions. Artists are in fact very much individual entrepreneurs. They represent very small collectives of organizations.

In heritage it's been standard that we have representation from ACTRA or the Writers' Guild, but in our committees we also hear on a given issue—whether it's changes in arts policy or something—from a number of different organizations and artists, because we need to get a sense of what it really means on the ground.

I've offered my support to grouping a number of these together by theme. If we have a number of single musician artists come together, I'm more than willing to put more on a panel rather than fewer. I'm not saying that people don't have the right to speak because they're members of SOCAN; that they can't speak as artists, and only SOCAN can speak for them; or because they're members of ACTRA they can't speak. I don't want to go down that road.

I think we have a good, broad witness list. We just need to group it and then get down to business. Otherwise we're going to continue to fight with each other for the next 17 weeks.

The Chair: Mr. Rodriguez.

•(1605)

[*Translation*]

Mr. Pablo Rodriguez: Mr. Chairman, I think it's important here to understand that we are all in good faith. I'm happy to know that Mr. Del Mastro is meeting a lot of people. We are all meeting people too and we're doing our job collectively.

That said, there is very important work to do in committee and that results in a dynamic in which we ask questions and debate them.

In my view, it's important to leave the list open so we can add not a lot of people, but unavoidable witnesses. For example, if we realize that the minister of education from Ontario or Alberta wants to come and testify but is not on the list, I want that kind of person to be added to it.

We're not talking about amending the list here. I think that work has largely been done. Instead I hope we have the opportunity to invite witnesses based on evidence we've heard and on how important it is for the issue for them to be here.

So I think the list clearly has to stay open specifically for that reason, not for the rest.

[*English*]

The Chair: Thank you.

Monsieur Cardin.

[*Translation*]

Mr. Serge Cardin (Sherbrooke, BQ): Thank you, Mr. Chairman.

I agree with Mr. Rodriguez. We have a list, first of all, and the people who are on it would normally have the opportunity to speak. It's up to us to determine how to manage it and whether it would be useful to group witnesses together or whatever. Whatever the case may be, the people who have asked to be heard should be heard.

But especially, this list should stay open. I'm not saying that, once the list is established, everyone who asks to be heard before the committee should automatically be heard. We could invite someone else on the recommendation of the committee or of one of its members.

Certain individuals are very representative of what artists may be experiencing but have been unreachable to date. They might become available during the process and the committee could benefit from their evidence. That's why it's important. The committee has to know that the list will stay open because subsequent events may be very important for our work.

[English]

The Chair: Thank you.

Mr. Lake.

Mr. Mike Lake: I have a couple of things. To Mr. Angus's last point, I think maybe we're coming to a place where we can find a little bit of a compromise here. We've said three witnesses per meeting for an hour, but if ACTRA is coming and we know we're hearing from artists and maybe we want to add five or six witnesses to that meeting, they'll just have to split the time accordingly, but it might give an opportunity to hear from more people. It might cost us a couple of questioning rounds, or whatever the case is, but it might be a good way to hear from more witnesses.

So maybe that's a compromise. At a meeting where we'd normally have three witnesses, maybe at that particular meeting, when ACTRA's here anyway and there are several ACTRA members who want to participate in the meeting, maybe they can come to that meeting as well. So I'll throw that out there.

In relation to Mr. Rodriguez's comment about leaving the witness list open, and Mr. Cardin kind of commented on that a little bit too, I'm cautiously in favour of that, I guess I'd say. I think there might be people who aren't on this list right now who as the debate goes on want to add their point of view to the mix. Now, in many cases those people can submit briefs, or whatever the case is, but we may want to hear, and we may decide as a committee that we want to hear from some of those people, so I don't want to write it in stone right now based on this list. We may, based on the agreement of the committee, decide that we want to hear from someone else. So I'm in agreement with that.

The Chair: The committee would always reserve the right—

Mr. Mike Lake: Of course.

The Chair: —to see more witnesses if they so choose.

We'll move to Madame Lavallée, and then I'm going to try to move this forward.

[Translation]

Mrs. Carole Lavallée: I agree with the last part of Mr. Lake's statement. I think he's right: this list shouldn't be set in stone. It

should be left open because, throughout our proceedings, we may want to meet other individuals, other groups, other businesses. It would be a good idea to give ourselves that option.

I want to clarify another point. We are meeting some people in private. Mr. Del Mastro has met a number, and I've met a few. However, I'm going through entire pages where I only see people I haven't met. The people from eBay Canada have never called me, those from Electronic Arts Canada either. To date, I haven't seen any of those that Mr. Del Mastro has met. It was the Conservative Party that met the people from Electronic Arts Canada; it was also the Conservative Party that met those from Epitome Pictures; I haven't seen the ones from EyeSteelFilm. Perhaps you haven't met all those the Bloc Québécois members have suggested. It's a good idea to come tomorrow. Few of those artists are on this list.

On the one hand, it's good to meet people who are interested in a bill in private, and it's necessary to do so because that prepares us to go further in our thinking and to push them further in their evidence. On the other hand, it's also very good to let them speak to us, so they can explain their positions and arguments to us in public. That's important, and that's why we meet in committee. If we had to stick to Mr. Del Mastro's private meetings, we would have finished up a long time ago, and this bill would have been passed in a hurry.

We won't pass it in a hurry. We're going to go about it calmly, and we're going to do a good job. We're going to do one thing at a time. As I said, we're going to leave the list open. Mr. Lake made an excellent suggestion. We're going to meet with the representatives of businesses and organizations that want to see us and speak to us in public. This is a very important process. If we didn't do it, if we gagged some of these individuals, they might criticize us for it, and they would be right to do so.

I also note that the Conservative Party's list mainly includes industry representatives. Perhaps some of us would like instead to suggest a list of stakeholders from the Department of Canadian Heritage. In any case, we have every interest in taking our time to study this 62-page bill, which is immensely complex and complicated.

•(1610)

[English]

The Chair: Thank you.

Mr. McTeague.

Hon. Dan McTeague: At the risk of repeating myself, but also perhaps to provide some guidance to you, Chair, and your researchers, it might be helpful if at the next meeting this wonderful compilation done by our clerk is put in the form of theme. This would accord with what Mr. Angus has said, but also I think would be worth bearing out if we can actually break these down into categories.

I recognize that there are some people from particular areas who are going to want to talk about all aspects of Bill C-32, so it would be very difficult to pigeonhole these organizations into groups and those who wish to be witnesses, but it might be helpful in terms of us crafting the way ahead and the next steps.

Once again, in my experience one of the best ways to proceed is to know where you're going.

The Chair: Mr. Del Mastro.

Mr. Dean Del Mastro: Thank you, Mr. Chair.

I'm not afraid of meeting with people. I've undertaken consultations across the country with the ministers—which are all public record, by the way, including the ones in Quebec—that were in a format very similar to this committee. As I said, there are over 8,000 submissions that were made. I'm sure members might be interested in seeing some of those.

I would like to propose that if this is what we want to do, if we want to meet with essentially everybody who came before us and said they'd like to appear before the committee, I'm fine with it. But I would like to get the committee to consider enhancing the meeting schedule of this committee so we can get through this in a reasonable amount of time. Otherwise it's a stalling tactic, and I don't think that's what we formed this committee for, to simply run it out, run the table, and see if we can prevent a copyright bill from ever being passed.

As much as artists are interested in this, there are a lot of wealth creators and job creators and investors who are looking to this bill and counting on us to pass it—people who will create jobs and people who currently employ people, who are counting on us to pass this legislation. We need to do that.

I am happy to meet with every person on the list, happy to add more people, but we need to have more meetings. It's the responsible thing to do.

I'd like to put a motion on the floor that we accept all witnesses, that we take additions. But I would like to see the committee meet either an additional two hours on Mondays and Wednesdays in the evenings, or on Tuesdays and Thursdays between 8:45 and 10:45, to accommodate the witness list in a reasonable amount of time.

I'd like that motion on the floor, Mr. Chair.

The Chair: Is there discussion?

The motion is to add additional meetings on Monday evening and Wednesday evening, or to add Thursday from 8:45 to 10:45.

(Motion negatived)

The Chair: We'll go back to the original plan here. We have a proposal for Wednesday that in the first hour we hear from Dr. Geist, Mr. Sookman, and Ms D'Agostino, and that in the second hour we hear from the Copyright Board of Canada and the Access Copyright group.

Is there anyone else in that one-hour grouping that members wish to add?

Mr. Angus.

•(1615)

Mr. Charlie Angus: I thought we were going with opening themes, and I don't have a problem with that. But if we're saying that we're getting an academic perspective, Barry Sookman is a lobbyist who works for CRIA. Maybe he should come with CRIA. There are a number of other academics we could have, and he could come at the time when we're actually dealing with the issues of the industries he represents. I follow his blog faithfully. He's not there as an academic; he works for some of these companies. So I would prefer we have some other academics, and maybe even, if possible, the Canada Council for the Arts, because they can give us a broad artistic perspective.

The Chair: This is in the first hour?

Mr. Charlie Angus: The first hour, yes.

The Chair: Okay.

Mr. Lake.

Mr. Mike Lake: I was just going to comment on Ms. Lavallée's assertion that somehow our witness list is only industry-based. I look down the witness list and I see the Alliance for Equality of Blind Canadians, the Association of Universities and Colleges of Canada, the Canadian Association of Research Libraries, the Canadian Association of University Teachers, the Canadian Museums Association.

The last I saw, the CNIB wasn't an industry association. So I'm not sure what Ms. Lavallée's point was.

Mrs. Carole Lavallée: [*Inaudible—Editor*]

The Chair: Mr. Lake has the floor.

Mrs. Carole Lavallée: I did not say that.

Mr. Mike Lake: Okay. I heard you say—and we can check the record—that our list was an industry list.

Well, we do have translation. I don't know if she's blaming it on the translators.

The Chair: Mr. Lake, you have the floor.

Mr. Mike Lake: I actually appreciate the translation, and I assume they got it right.

Anyway, that said, when I expressed my agreement with Mr. Rodriguez to an extent, I wasn't saying we should open it up generally, wide open, that kind of thing. As we've mentioned, we have 214 witnesses. It wasn't a recorded vote, but obviously it was the Conservative members who voted to add more meetings and all three opposition parties opposed that. If we're not going to add meetings, we have to consolidate the list. If the opposition's position is that we're going to continue to have four hours of meetings every week and that we're going to hear from 214 witnesses now on the list, plus an untold number of new witnesses who might be added later, clearly there is no will on the part of the other parties to actually pass the legislation. They simply want to have an endless succession of meetings.

Clearly, it doesn't look as though we're going to make decisions today. We may get one meeting scheduled, or maybe two or three meetings scheduled, but I do hope that as we move forward members of the committee will consider either adding meetings or somehow consolidating this witness list, because we can't possibly do our job here and hear from 214-plus witnesses. That's going to be impossible, given the schedule we have right now, and actually pass any legislation.

I'm simply putting that forward. It seems it's a dead end for us here, those of us who actually want to pass legislation and feel we were elected to do that. It seems that's a bit of a dead end. But there is no way we can hear from 214-plus witnesses at four hours a week.

[*Translation*]

The Chair: Ms. Lavallée?

Mrs. Carole Lavallée: No.

[*English*]

The Chair: Mr. Angus.

Mr. Charlie Angus: Because I'm sensing a bit of a panic from the government about this actually not getting done, I wonder if there is an election coming. I'm here to do work, I'm here to listen to witnesses, I'm here to come up with the kind of legislation that's necessary. If there is a sense that they're going to pull the pin in February, it wouldn't matter how many witnesses we have seen. So I would prefer we stay focused on the task at hand, which is that we have a witness list, we have legislation.

From the New Democrats, we like to work in terms of building in themes so we can have a coherent legislation pattern. But if we keep going back to the fact that nobody seems to want to work and this isn't going to get passed, it seems to me they're worried there is going to be an election called. I'm not aware of one, so I'd just as soon get down to work.

• (1620)

The Chair: Thank you.

Mr. Del Mastro.

Mr. Dean Del Mastro: This is from the party that will vote against the budget to try to force an election at every turn. That's not responsible, Charlie.

The bottom line is that we have a list. Now, I've proposed two people for Wednesday. If you'd like to propose a third, rather than insulting one of the ones I've proposed, that's great and I'm agreeable to that.

I've suggested that we have a witness list. I'm happy to hear from all of them. I'm happy to take more additions. Let's meet more often. I don't think that's an outrageous request. I think it's reasonable, and it's not suggesting there will be an election any time soon.

Timely passage of this legislation will create jobs, draw investment, and get us on better terms with trading partners, all of which is a desired outcome of people on the committee. That's the point.

And yes, I'm frustrated.

The Chair: We started so well today.

Mr. Charlie Angus: You're still doing an excellent job.

The Chair: Thank you, Mr. Angus. I appreciate your support of the chair. But I would like to see us having some sort of work plan moving forward.

We do have agreement that Geist, Sookman, and D'Agostino are in the first hour. The second hour will be the Copyright Board of Canada and the Access Copyright group. Is that what the committee sees for Wednesday? Is there anyone else in the second hour that's part of the copyright?

Mr. Del Mastro.

Mr. Dean Del Mastro: Yes, on the copyright I have the Canadian Musical Reproduction Rights Agency Ltd., the Canadian Private Copying Collective, and the Copyright Board of Canada.

The Chair: We already have the Copyright Board.

I'm trying to work through the second hour of Wednesday afternoon. I have the Copyright Board of Canada, the Access to Copyright group....

Mr. Del Mastro, what was the other one?

Mr. Dean Del Mastro: I had the Copyright Board of Canada, the Canadian Musical Reproduction Rights Agency Ltd., and the Canadian Private Copying Collective.

The Chair: Okay.

Is there a consensus that we take those four groups in the second hour?

Madame Lavallée.

Mrs. Carole Lavallée: You're going too fast.

[*Translation*]

Who will we be hearing from during the first hour? I didn't hear.

[*English*]

The Chair: The first hour would be Geist, Sookman, D'Agostino.

[*Translation*]

Mrs. Carole Lavallée: Mr. Sookman?

[*English*]

The Chair: Sookman.

[*Translation*]

Mrs. Carole Lavallée: And the third witness is Ms. D'Agostino; is that correct?

Unless I'm mistaken, in the second hour, we'll have the Copyright Board of Canada. It's name in French is the Commission du droit d'auteur du Canada. Is that correct?

I just want to be sure because I'm not sure of the translation.

[*English*]

The Chair: Yes, the Canadian Copyright Board, Access Copyright—

Mrs. Carole Lavallée: Just a moment, please; I want to be sure of the translation.

The Chair: Okay, we'll slow down.

[*Translation*]

Mrs. Carole Lavallée: After that, there are errors of interpretation and some people interpret our remarks.

[*English*]

The Chair: We don't want that.

Mrs. Carole Lavallée: No, I don't want that.

The Copyright Board.

[*Translation*]

Name it for me in English and I'm going to look. So there's the Copyright Board of Canada.

Then what's the second one, in English?

[*English*]

The Chair: Access Copyright. It's the first one on your list.

[*Translation*]

Mrs. Carole Lavallée: Access Copyright; that's not the same organization then? I want to be sure that it is in fact that organization we're talking about.

And who would be the third witness?

[*English*]

The Chair: Mr. Del Mastro, the title of the third one was what again?

Mr. Dean Del Mastro: We can meet with the Canadian Private Copying Collective, if you'd like.

That's three. If you'd like to meet the fourth that I suggested, then we should extend the meeting by at least ten minutes to allow for their statement.

• (1625)

The Chair: Why don't we go with—

Mr. Dean Del Mastro: Let's take those three.

The Canadian Private Copying Collective,

[*Translation*]

in French, that's the Société canadienne de perception de la copie privée.

[*English*]

The Chair: Mr. Angus.

Mr. Charlie Angus: Thank you.

The Chair: Just one moment, Mr. Angus.

Just so Madame Lavallée understands who we've got, we have the Canadian Copyright Board, Access Copyright, and the Canadian Private Copying Collective.

Mrs. Carole Lavallée: This is for Wednesday—

The Chair: Wednesday, hour two.

Mrs. Carole Lavallée: Okay, perfect.

The Chair: Mr. Angus.

Mr. Charlie Angus: We should always remember that the camel was the racehorse designed by a committee. I think the best thing we

could do is give general instructions, and I trust the clerk to bring back who's ready. We're conjuring up people on a day and a half notice. I don't think that's probably necessarily the best thing to do. I think we need some general instructions.

My concern about Access Copyright is that Access Copyright should probably speak—and I'm getting all my acronyms mixed up—with the Quebec equivalent on the same day. They're speaking from two different sections of the country.

In general, if we look at some of the mechanical rights organizations, if they're ready, if they're available, let's do it. We trust you. When we come in, we'll get who we get. I don't have a problem with who speaks.

The Chair: Okay.

Moving forward, we have Wednesday nailed down here.

Mr. Lake.

Mr. Mike Lake: I agree with what Mr. Angus said in terms of the quality of the researchers and the expertise. Prior to the next time that we sit down like this, I would like to see if we could get a little bit of a grouping of the witnesses together, your thoughts in terms of which organizations might come together. That would be helpful to us, I think.

This is food for thought. If we take a look at the parliamentary calendar, at the rate we're going—I did do a little bit of calculation—if we have no planning meetings, we'd be done the week of September 30 or September 26. I think it's incumbent on us to move a little bit more quickly. Hopefully, members of the committee will take a look at that and take it under consideration.

The Chair: Thank you, Mr. Lake.

What I was trying to do was get us through Wednesday. So we're in a good place now.

An hon. member: Of which year?

The Chair: Yes, we're scheduled for Wednesday.

Madame Lavallée wants to speak, but I want to hear from our analysts. They have some proposals and some ideas they want to talk about, but they need a little bit more time.

Mr. Del Mastro wanted us not to use the second hour of Monday. I know there are members of the committee who want to move this ahead faster, but we do have to have some level of planning. I met with our analysts earlier to talk about how we can move this forward as best we can, and they have some ideas, but they need a little bit more time to put that together.

So, if possible, if we could figure out the first hour for Monday, and then use that second hour, with the indulgence of the committee, of course.

Mr. Del Mastro, you have the floor.

Mr. Dean Del Mastro: Thank you, Mr. Chairman.

If possible, and I don't want to belabour the fact that we don't have a lot of meetings—

[Translation]

Mrs. Carole Lavallée: Did he ask to speak?

[English]

The Chair: Mr. Del Mastro, you have the floor.

Mr. Dean Del Mastro: Thank you.

I don't want to belabour the fact that we don't have a lot of meetings. I'd just like to suggest that perhaps members of the opposition might consider forming a steering committee that could discuss this with the analysts and meet perhaps Thursday morning.

I know I'm available. I'd be happy to meet to discuss these matters Thursday morning as part of a steering committee, so that we don't have to take up one of the hours on Monday. I think it's a reasonable request—surely to goodness, it's reasonable—so we don't have to use up one of the hours on Monday that we could otherwise use to hear from our 214 witnesses.

The Chair: Well, we could have a steering committee, with myself and one member from each party, if that's the way the committee wants to—

Mr. Dean Del Mastro: I'd like to move a motion that we form such a committee, Mr. Chair.

The Chair: It already exists, but whether we use it or not is up to the committee to decide.

Madame Lavallée.

[Translation]

Mrs. Carole Lavallée: I would like to go back to a subject because earlier I asked to speak and was not given the floor.

First, our witnesses in the second hour on Wednesday, and even those in the first hour, may not be available. We shouldn't begrudge them that. They have had two days' notice, so it has to be understood that people have schedules to meet. So I wouldn't want us to begrudge them that, to reject them and replace them with other people of similar origin. That's my wish.

Second, with regard to Thursday morning, I'm very sorry to tell Mr. Del Mastro that, personally, my other time slots are full. I don't know what he does, but I have other things to do. In any case, experience in committees has shown that, after the steering committee has had a meeting, most of the time we go back to the main committee to resume the same discussion. So we waste that precious time. In fact, we waste twice as much time instead of occupying our it as we should; that is to say that all committee members—there aren't that many of us—should make their obligations known.

So I'm opposed to the Thursday morning meeting. I suggest instead that we do what we're doing now. In any case, on the other committees, the clerk prepares the orders of the day, submits them to us and we discuss them. It's right for it to be done that way. I would like to hear the opinions of everyone around this table on the orders of the day so that we don't have this discussion again.

● (1630)

[English]

The Chair: If we wish to utilize the steering committee, then each party will have to identify their person and decide whether that's the route we are going to go.

Mr. Angus and then Mr. McTeague.

Mr. Charlie Angus: Thank you, Mr. Chair.

I'll talk with myself and come back with a name for the steering committee when I'm feeling more comfortable than I am right now.

I think we should probably consider using the steering committee at certain points. If it can't be done Thursday, we could probably get through some issues that we just can't seem to get through right now, getting our feet wet in this deluge that we're going to be going into.

I do think we need to take the time to do the planning right. Otherwise, we're going to trip up further down the road. If the analysts need the time, by Monday or whatever, to come back with the witness list and the themes, to me that is key for us, to actually start to get through this.

If we can start to break it down by themes and discuss among ourselves some of the.... There are going to be three or four major themes, three or four more contentious themes that we're going to need to deal with. There are a number of more subtle issues that can be grouped together. But if we can develop a plan based on addressing those, addressing what comes out of the witness list, we're actually going to then start to make some ground.

I'm open to doing that in a steering committee meeting or in a general meeting. If we're ready Monday, I'm ready Monday. If they want to hold off Monday until they've got more time, then I'd say let's just pick some more witnesses. We'll start meeting and then come back, and give us a time when it's good for us to sit down and make a plan to get through this.

The Chair: Mr. McTeague, and then I think we're going to try to hear from our analysts.

Hon. Dan McTeague: Chair, the idea of having a steering committee I think has merit, but it would be a question of the time. I know that Mr. Rodriguez has other commitments, and so do we on the industry committee, especially at 11 o'clock. So perhaps a time could be suggested in advance and any one of us three would probably be on that steering committee, from the Liberal perspective.

The Chair: So unless some of the witnesses can't appear on Wednesday, we have Wednesday looked after.

Now, what I want to do is to go in camera to hear from our analysts.

Mr. Mike Lake: I think if we're going to have witnesses lined up for next week's meeting, so we're not.... It's bad enough that we're having four hours a week without using an hour or two of that for planning sessions every week. We do need to set aside other time.

So I think we need to decide right now on a time for a steering committee meeting. I'll throw out 8:45 on Thursday morning. I think that's a reasonable time to have a steering committee meeting. Maybe we can hear from the other parties as to whether that works.

The Chair: Okay, 8:45 on Thursday morning is the proposal.

Mr. Pablo Rodriguez: I can only be there at 10 o'clock. I have a meeting at 8:45 until 9:30.

Mr. Mike Lake: We'll only need one member from each party.

The Chair: Right.

Mr. Angus.

Mr. Charlie Angus: Thank you.

My understanding was that you had said the staff were looking for a bit more time to make the plans. I don't have a problem meeting on

Thursday morning, but I'd rather make sure that we have all the data coming back. So I'd rather hear from them and then worry about whether we meet this Thursday or the start of next week.

An hon. member: Fair enough.

Mr. Charlie Angus: I just feel we need to get a sense of that.

●(1635)

The Chair: Okay, we are going to suspend for a few moments and go in camera to hear from our analysts.

Thank you to those who have been sitting in.

[Proceedings continue in camera]

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