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Chair: Mr. Scott Simms



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• (1105)

[English]

The Chair (Mr. Scott Simms (Coast of Bays—Central—Notre Dame, Lib.)): I call the meeting to order.

Welcome back, everyone. Welcome to meeting number 47 of the House of Commons Standing Committee on Canadian Heritage. Pursuant to Standing Order 108(2) and the motion adopted in committee on April 12, 2021, the committee has commenced consideration of the study of fair compensation in the field of educational publishing in Canada.

Today's meeting is taking place in a hybrid format. Most of us will be in our own respective virtual rooms, or in the case of Madame Bessette, a virtual environment with a beautiful backdrop. Hopefully you'll get to see that later.

As you know, of course, when you're viewing us from the webcast, the person speaking is the only one you will see on the screen.

Now we get to the crux of the matter. The way this format is going to work is that instead of an hour with each of the witnesses, we're going to have all witnesses. We have six witness groups with us today. We'll carry on. If we need a health break, we'll do that halfway through; nevertheless, we will continue to move on.

I introduce our first witness only because he is not yet with us. He is having a few technical issues. We'll get to him towards the end when he's able to log back on. That would be Bryan Perro, who's a writer, and he's appearing as an individual.

We now go to the organizations. From Access Copyright, we have Roanie Levy, who is the president and chief executive officer; from the Association of Canadian Publishers, Glenn Rollans, who is past president; from the Canadian Society of Children's Authors, Illustrators and Performers, Sylvia McNicoll, author; from the Writers' Union of Canada, John Degen, who is the executive director; and from Universities Canada, Philip Landon, who is the chief operating officer of that organization.

To our witnesses, we've all had our sound checks and are ready to go. We'll have five minutes of your opening statements, and following that, we'll go to each of the caucuses represented here on our committee.

That said, Ms. Levy, I'm going to start with you. You have up to five minutes to begin.

Ms. Roanie Levy (President and Chief Executive Officer, Access Copyright): Thank you for the opportunity to appear before you.

Access Copyright is a not-for-profit copyright collective created in 1988 by Canadian creators and publishers to manage the reuse of their works by educational institutions, businesses and not-for-profits. Collective licensing facilitates access to works while ensuring that creators and publishers are fairly compensated when their works are used. This empowers Canadian creators to document our stories and weave together the fabric of the Canadian experience. These stories tell us who we are, where we come from and where we are going.

I'm here today because the education sector outside of Quebec went back on their promise to creators and publishers and to the legislative committee that was examining amendments to the Copyright Act.

Representatives of the education sector repeatedly reassured the legislative committee that fair dealing for education would not impact collective licensing or the livelihood of creators and publishers, yet when the 2012 Copyright Act went into effect, Canadian educational institutions outside of Quebec, in unison, abandoned collective licensing, thereby causing significant harms to writers, visual artists and publishers. They adopted copying guidelines under the guise of fair dealing, authorizing themselves to copy for free what they used to pay for under our collective licence.

Post-secondary institutions could have all of their copying needs met under a collective licence by paying \$14.31 a year per student, the cost of a paperback book, and for a K-12 school, it was a mere \$2.41 per student per year, and yet the educational sector has spent the past 10 years depriving Canadian authors and publishers of their rightful compensation.

Six hundred million pages of published works are being copied annually with no compensation to the authors. Copying is not licensed through academic libraries or made available under open access licences. These 600 million copies are not licensed. This copying was found by the courts and this committee to harm the livelihood of creators and publishers. It substitutes for the purchase of books and it has resulted in a 76% decrease in royalties to creators and publishers. Historically, these royalties have represented 20% of creators' working incomes and 16% of publishers' profits.

Think of Coteau Books in Regina, which closed its doors after 40 years in business. The global pandemic was the final blow. Now, with one less regional publisher, fewer authors from Saskatchewan, including indigenous writers, will be able to tell their stories.

This is just the tip of the iceberg. Oxford University Press, Emond Montgomery and McGraw Hill all exited the K-12 market.

On average, the annual net income a Canadian writer earns from writing is \$9,380. Imagine being a writer during a global pandemic. Overnight, your revenue streams from book tours, festivals and school visits disappear. A royalty cheque for educational copying, which 10 years ago you could have counted on, would have been a welcome reprieve.

The marketplace for the educational use of Canadian content is broken and needs to be fixed. I'm here today to remind you that the solution and the clear path to implementing it exist. Because of the work of this committee, led by Madam Dabrusin during the statutory review of the Copyright Act, you have recommendations in the "Shifting Paradigms" report that will restore the marketplace—specifically, recommendations 18 to 21.

This is a solution that all opposition parties support.

[Translation]

I thank both committee vice-chairs, Mr. Rayes and Mr. Champoux, as well as Mr. Boulerice, the NDP critic for Canadian heritage, for writing to Minister Guilbeault to urge the immediate implementation of these recommendations.

[English]

You also have an imminent opportunity to make it happen.

CUSMA requires the government to make amendments to the Copyright Act before the end of 2022. We urge this committee to work with the government to address recommendations 18 to 21 as part of that bill.

Unless we want a Canadian society in which creativity is seen as a luxury, in which being a creator or publisher is not a way of life but just a hobby, in which students will have less access to Canadian stories and will know more about the American constitution than about the Canadian Charter of Rights and Freedoms, this is the moment to get the job done.

Thank you for your time. I'm happy to answer questions.

• (1110)

The Chair: Thank you very much.

Now we go to Glenn Rollans from the Association of Canadian Publishers.

Mr. Rollans, you have up to five minutes.

Mr. Glenn Rollans (Past President, Association of Canadian Publishers): Thank you, Mr. Chair. I'm speaking today for the Association of Canadian Publishers, or ACP, where I serve as a voluntary board member.

Before I go on, I want to acknowledge on this National Indigenous Peoples Day that I'm very grateful to be joining you from Amiskwaciwāskahikan", or Edmonton, which lies in Treaty No. 6 territory and is a traditional home and meeting ground of many indigenous peoples. I try to bring my gratitude for living and working here into my daily work as a book publisher.

I'm the owner of Brush Education and Freehand Books, both publishing companies based in Alberta. Brush Education specializes in higher education learning resources and Freehand is a liter-

ary press. I have worked as a writer, editor and publisher for more than 40 years.

ACP represents 115 independent English-language book publishing houses. Our members are Canadian owned and operate in communities across the country. Along with our francophone colleagues, we publish 80% of the new books published by Canadian writers each year. Our books cross all genres in both print and digital formats. That 80% of new books would otherwise go unpublished, silencing many marginalized voices.

Independent Canadian publishers work with teams of creators to create learning resources for Canadian students that reflect those students' lives. The faces in our resources look like the faces in their classrooms: diverse and inclusive. The values in our works are the values set out in their provinces' curricula. The languages are their languages and the spellings are their spellings. The history is their history. The places are their places. The stories are their stories.

That's what you lose when you allow widespread, unfair, uncompensated copying in the education sector.

I know today's session is intended to update this committee on the question of fair compensation in educational publishing. I was a witness here in October 2018, and I'm sorry to say I'm repeating myself today because so little has changed. We're just further down the same road we were on three years ago.

At my own company, Brush Education, licensing revenues from Access Copyright fell by roughly 80% from 2012 to 2020. This decline was mostly due to Canada's education sector outside of Quebec refusing to license with Access Copyright or to respect tariffs set by the Copyright Board of Canada. That loss of revenue represents a blow to my confidence when investing in new works; a blow to my capacity to employ writers, editors, illustrators and designers; a blow to my ability to serve instructors and students; and a blow to my opportunities to build and grow my companies.

In this environment, many of ACP's members have had to abandon or curtail their K-to-12 programs.

While we were losing direct revenue from copying, we also saw our markets for direct sales dwindle. Imagine being a cash-strapped student or instructor whose administrators tell you that you can now copy for free what you used to pay for. Not surprisingly, when you're in that situation, you stop paying publishers and creators for their new work and you become a scavenger of their old work.

I know the education sector still values our work enough to copy it; they just don't value it enough to pay us for it.

At many stages over the last decade, as the damage to my sector steadily accumulated in real time, we have been told to wait. Wait for new research. Wait for the courts. Wait for the parliamentary review of the act. You've heard or will hear that the right move now is to wait for the decision of the Supreme Court of Canada in the appeals of *Access Copyright v. York University*. I beg you to recognize that whatever the decision of the SCC, it will not fix the problem. It will kick us back into a cycle of litigation with our customers that creators and publishers hate and regret and will inevitably lose, because we have nowhere near the resources of the education sector to keep on fighting.

The good news is that this committee has already identified solutions in its "Shifting Paradigms" report of May 2019, in recommendations 18 through 21, as Ms. Levy specified.

• (1115)

On behalf of the Association of Canadian Publishers, my recommendations today are your recommendations: to repair the act so that it no longer serves as a blanket excuse for uncompensated copying.

Mr. Chair, vice-chairs and members of the committee, I thank you for your good work and for the opportunity to talk with you today.

The Chair: Thank you, Mr. Rollans.

We're now going to move on to the Canadian Society of Children's Authors, Illustrators and Performers. Here is Sylvia McNicoll.

Ms. McNicoll, go ahead, please.

Ms. Sylvia McNicoll (Author, Canadian Society of Children's Authors, Illustrators and Performers): Thank you.

Thank you for the opportunity to speak on behalf of CANSCAIP, Canadian Society of Children's Authors, Illustrators and Performers, the key creators in the educational sector, especially K to 12.

First I want to acknowledge and celebrate five indigenous colleagues with whom I share the storytelling landscape. They are Monique Gray Smith on Vancouver Island, winner of the Burt Award for First Nations, Inuit and Métis Literature; Cherie Dimoline from Vancouver, Governor General's Award winner; Jacqueline Guest from Alberta, an Order of Canada member; Melanie Florence, a Toronto-based writer and winner of the TD Canadian Children's Literature Award; and Rebecca Thomas, a Governor General's Award nominee and poet laureate from the east coast. All of these indigenous women were published through small Canadian publishers.

Thank you in advance for creating, supporting and soon implementing the "Shifting Paradigms" report.

As an author of novels for children and young adults, I began writing for a living over 33 years ago, when respect for writers and copyright was high and every school wanted to host an author visit or even a bunch of authors on an author day.

My first book was published the year the Copyright Collective was formed. It was chosen as a novel study in the Maritimes, which meant an instant sale of 2,000 books and another print run. In to-

day's numbers, this would probably bump it into the bestseller category.

I inspire kids to read and write. That's my job. It's also my passion. Parents have thrown their arms around me because their children picked up my book as their first to read. That was, of course, in the days when we could hug. Last week I got a note from Orson telling me to keep writing, and his mother sewed me an avocado pouch, so I won the avocado award last week.

Since my first novel, many of my stories have travelled around the world. Sometimes I've been lucky enough to follow. In person, I've spoken to thousands of kids in Colombia and South Korea, all of them proudly waving my book. I love being the Canadian voice that calls out to the world.

As idyllic as that may sound, I have to cobble together a living, like all authors, with school and library visits, writing books and articles, teaching and applying for grants. Public lending rights and Access Copyright Payback were welcome static income that I could count on for mortgage payments and groceries. I didn't have to work night and day for them. That was in good times. We're not in good times for Access Copyright.

Back when that early novel study sale occurred, a classroom set would typically include 30 books. As the years rolled by, it dropped to five, thanks to different philosophies of education, cost-cutting and yes, photocopying and downloading. The teachers stretch their budgets the best ways they can, and I don't blame them.

We're always on the teacher's side. This year, like most writers, I quickly outfitted myself with a mini television studio so that I could perform virtual classroom visits. I applied for grants that allowed schools fully funded presentations. Some included a \$100 package of books. Still, teachers photocopied chapters to distribute to all the students.

Colombian and Korean kids wave my novels. Hometown kids flip through paper. My own grandson's homework included reading a sloppy photocopy of an indigenous folk tale. I'm sure it looked more inspiring in book form.

With 17 virtual visits—three with northern schools, 50% indigenous students—teachers read my entire novel online. Some were instructed by their boards, due to COVID regulations, not to purchase books. Especially in the north, I allowed them to record me so that students with itinerant Internet could watch at their convenience. I know my picture book colleagues have allowed their entire books to be reproduced in such a manner, and also on story walks.

We are here for Canada. We want schools to use our work. This is the best way to grow our culture, but we need your support.

More than ever, with shuttered bookstores and frozen library budgets for schools and public libraries, book purchases have suffered. “Worst year ever”, one of my publishers said. For me, even with a contract for a new novel that I just signed and some foreign sales, my income will be halved this year, and it will be a quarter of what I earned prior to fair dealing in 2012.

• (1120)

My granddaughter wants to be a writer, but if the Canadian Heritage committee cannot implement the “Shifting Paradigms” suggestions, I will tell her to go to law school. There won't be any writing jobs, but we will be in the courts for a long time. Who will tell our stories then?

This pandemic year, I fear for how many publishers will go under. I fear for cultural jobs for our children. Most importantly, I fear for our future voice.

Thank you so much for listening.

The Chair: Thank you, Ms. McNicoll.

Now we go to the Writers' Union and John Degen, who is the executive director.

Mr. John Degen (Executive Director, The Writers' Union of Canada): Thank you very much, Chair.

Good morning. Thank you to the committee for the invitation to appear today.

I'm speaking to you today from Tkaronto, on the north shore of Lake Ontario, which is bound by Dish With One Spoon, a treaty between the Anishinabe and the Haudenosaunee to share the territory, promote peace and protect the land. I'm very, very grateful to have a home here.

I work for The Writers' Union of Canada. I'm here representing over 2,300 authors working in every province and territory in Canada. I am also chair of the International Authors Forum, headquartered in the U.K., and there I work for over 700,000 creative professionals around the globe. These are my day jobs, but if I didn't work for The Writers' Union, I would be a member of the union, because I'm a published author myself. Nothing I say here today is an abstract or theoretical concept for me. I feel the struggles of Canada's authors like Sylvia in my own experience.

On this issue, I've come to Ottawa many times. I've sat down with staff at the Prime Minister's Office, met with senators, ministers, parliamentary secretaries and members of Parliament—many of you, in fact—and as Glenn mentioned, I've testified before this committee and have written submissions to many copyright consultations. This issue is so prominent on my desk, and has been for the last decade, that I have a fairly standard script, the themes of which are fairness, damage to creative incomes, painful delay and simple solutions.

I hope we touch on all those themes during our discussion today, but for this initial presentation, I want to talk instead about something else. I want to talk about respect.

My son just completed his first year at a Canadian university. It was obviously less than ideal. He did the whole year's worth of work from his bedroom over Zoom. He will likely start his second year the same way. If my son were here, he would tell you that is a profoundly disorienting way to go through what is one of the most important times of your life. The university, understandably, shut down all in-person student services. There were no clubs, no meeting his classmates and no chance to work for the campus radio station or newspaper—at least, not in any real way, the way that I did when I was his age. My son still doesn't even have a university library card.

There's no question that the educational product delivered to my son last year was not the product advertised, and yet we did not begrudge the university its tuition or its student fees, and we would have happily paid the \$14.31 copy licensing fee as well.

Why? It's because we respect the value of education, and we think that when a service comes with a price, you pay it or you don't expect the service. Canada's authors are among the most highly educated professionals in our society. Over half the union's members have more than one degree, which means that collectively they've paid enormous amounts into the education system, out of respect. We're simply asking for the same respect in return. Because we do this for a living and because copyright is the foundation of that living, our published work comes with a price, and we expect to be fairly paid.

In all those Ottawa meetings I mentioned, I talked a lot about the economic impact of the last decade. There has certainly been a lot of earned income lost by Canada's authors because the education system decided not to pay its bills. A lot of creative careers were stunted, damaged or even ended because of the cynical destruction of that market. In a way, the damage is unmeasurable, because how do you count the number of books an author didn't write after giving up? How do you count the number of foreign rights sales from those unwritten books or the number of television or film adaptations that never happened because the author just couldn't keep going, even as their work was being taught in the nation's schools?

I talk a lot about lost income and lost creativity. Those are two hugely important losses, yet when I hear from members of the union, the thing they almost always mention first is how disrespected they feel by this situation, disrespected by an educational system they want to think of as a partner.

The current chair of the union, Rhea Tregobov, just retired from teaching at a Canadian creative writing MFA program, and she talks about how she had to go around her university's official policy to make sure no unlicensed copies of writers' works were used, out of respect for her other colleagues—the authors.

We are asking for respect right now, from the education system and from Parliament, because when we go to the Copyright Board to defend our rights, we win. We go to Federal Court to defend our rights and we win. We testify at copyright reviews and our solutions are recommended to Parliament. All of this defence of our rights costs enormous amounts of time and money—time and money that individual authors simply don't have—and yet we're still waiting for this problem to be fixed.

• (1125)

Please fix it. Implement the “Shifting Paradigms” report recommendations that have been mentioned several times. Let's do that as soon as possible, when the act is amended for CUSMA.

Thank you. I'd be happy to take questions.

The Chair: Thank you, Mr. Degen.

We go now to Universities Canada. Philip Landon is the chief operating officer.

You have up to five minutes, sir. Go ahead.

Mr. Philip Landon (Chief Operating Officer, Universities Canada): Thanks very much, Chair and committee members, for the invitation to appear on behalf of Universities Canada. I'd like to acknowledge the Algonquin nation, from whose traditional unceded territory I'm speaking today.

Universities Canada represents 96 universities whose teaching, research and learning mission is fundamental to preparing students with the skills they need to participate and compete in our economy. Universities Canada and its member institutions were actively engaged with this committee during its 2018-19 review of the Copyright Act, as well as with the Standing Committee on Industry, Science and Technology's study of the act, and contributed to the government's 2016 review of Canadian cultural policy.

Universities are creators, owners and users of copyright material and are committed to a balanced approach to copyright. Universities are an integral part of the Canadian cultural community. They care deeply about the success of the Canadian cultural industries. They see their roles as educators who are preparing the next generation of Canadian creators, cultural entrepreneurs and audiences. Universities offer education and training in more than 3,000 distinct academic programs that cover the entire gamut of culture, including the fine and performing arts, design, journalism and communications, as well as the humanities.

Our sector is committed to copyright compliance and to helping both emerging and established artists and creative industries thrive. We know first-hand that the financial challenges faced by many Canadian artists, musicians and writers are real. We understand the very real impacts the COVID-19 pandemic has had on the cultural sector. Canada's universities have also faced unprecedented challenges during these times, and have been able to pivot and adapt to online and hybrid models to ensure that students continue to learn and achieve during the uncertainty of the past 15 months. Budget pressures have been significant.

For all the pressures from the pandemic, we're optimistic that they will improve in the coming months as Canadians are vaccinated and we return to normalcy, but longer-term pressures are rooted

in digital disruption, which is changing how content is consumed around the world. It is the single largest challenge to copyright owners.

We see this fact reflected on campuses across Canada. To meet the evolving needs of their communities, libraries are changing what they buy. Students expect to be able to access course content at any time, anywhere, and across multiple platforms.

Over a 15-year period, the circulation of university libraries' print collections has steadily declined. Studies at one institution show that nearly 70% of the library's print collection has not been taken off a bookshelf, let alone signed out, since 2004. At the same time, Canadian universities' library expenditures are increasing annually. In 2018-19 university library acquisitions totalled over \$400 million. According to Statistics Canada, universities spent more than \$1 billion in the last three years combined on purchasing content for our libraries and for our students. We are purchasing more than we ever have.

For universities, the rise in digital library content and the use of e-reserves at many of our institutions are part of the opportunities that give our students more educational opportunities and make university more accessible. Unlike printed books, digital content purchased by university libraries generally includes reproduction rights. In most cases, content is shared through links protected by digital locks rather than copied.

Universities remain committed to copyright compliance. They have established copyright offices on campus, usually in libraries, that exist to advise and promote compliance among faculty, students and staff on copyright law, including how to interpret and apply fair dealing. Many universities choose to enter into a licensing agreement with a collective. Others purchase direct licences and exercise their statutory user rights, such as fair dealing. The Supreme Court of Canada identifies fair dealing for educational purposes as a right and has repeatedly recognized the importance of balancing copyright interests.

The marketplace for creative industries is changing. In their testimony on May 22, 2018, government department officials spoke at length about how the digital shift is causing large problems for the marketplace. What can the federal government do to mitigate the impacts of disruption on the creative economy? We encourage committee members to consider policies and programs that directly assist individual creators and support industries that help get creators' work to the marketplace.

Canada's future prosperity and success in the creative industries depend upon an exchange of ideas and knowledge. Changes to fair dealing would stem this vital flow, hampering the education, research, innovation and creation that are essential to a vibrant and thriving cultural ecosystem.

• (1130)

Thank you again for the opportunity to speak with you today. I welcome any questions.

The Chair: Thank you, Mr. Landon.

Now we go to Mr. Perro, who is our final guest.

Mr. Perro—I hope I've pronounced that correctly—it's nice to see you back online. We're going to do a sound check with you to make sure we can hear you. Just one word—

Mr. Bryan Perro (Writer, As an Individual): Thank you. Let's try that. Is this okay?

The Chair: That is much better.

Go ahead, Mr. Perro. You have up to five minutes.

Mr. Bryan Perro: Thank you. I'll do it in French, if you don't mind.

[Translation]

Good morning.

My name is Bryan Perro. I live in Shawinigan, but I have no connection to Jean Chrétien. I am a writer who is known in Quebec and internationally. I have sold 1.7 million books in French-speaking Canada alone. My books have been translated into 24 languages and are sold in 27 countries, making me one of the most translated Quebec writers in the world and perhaps even Canada. I wrote the *Amos Daragon* series, 15 medieval fantasy fiction books inspired by mythology.

I was a publisher for 10 years and a bookseller for five years. I have been involved in major productions, contributed to a television series based on my book and participated in large concerts with the Montreal symphony orchestra. With all of that experience, I have an intimate understanding of the interface between the book industry, show business and copyright, as well as its importance to the author who created and owns the work.

I am 53, but I began writing at 24. I wrote my first novel thanks to a \$10,000 grant from the Conseil des arts et des lettres du Québec. How many books do you think I sold? Don't answer that. It's a rhetorical question. I sold 133. You might say that, with 133 copies sold, a \$10,000 grant makes an expensive book.

I received a second grant of \$10,000 for my second novel, which did way better—134 copies sold. It was a slightly less expensive book. My third book, also written with the help of a grant, sold 800 copies. Things were picking up—nothing crazy, but it was clear things were shifting.

Then came my 15-book series, *Amos Daragon*, which, as I mentioned, sold 1.7 million copies in Quebec and French-speaking Canada. Translated into 24 languages, the series was sold in 27 countries. It did very well in France, of course, but also in Japan. You can find my books in countries as far away as Bulgaria.

Let's look at the numbers, shall we? The government, be it provincial or federal, invested \$30,000 in a young writer. The books I sold in Canada alone generated \$20,315,000 for the economy, supporting the bookselling, publishing and distribution industries, not to mention the author's share. The return on a \$30,000 investment was \$4,469,300 in taxes for the Quebec and Canadian governments.

You could argue that not everyone ends up as successful as I am. That's true, but for every successful writer like myself, how many writers does the government invest in to take up the torch and generate revenue? It's about creation, but it's also about the cultural industry. Creators are the foundation of the cultural industry; it is their contribution that brings in the revenue. When I collect my Japanese royalties and I pay my taxes in Canada, the money goes into Canada's coffers, of course, not France's. That's one reason to pay writers well, at every stage.

Copyright is an inalienable right, attributable to France's *Beaumarchais*. It belongs to the author. A person cannot use copyrighted content without paying the creator royalties. I'll give you an example. I see Mr. Rayes, whom I know. Mr. Rayes worked hard and bought himself a car. The car belongs to him. If I go over to his house and tell him that I'm going to take his car keys, he'll ask me why. If I tell him that I'm a school principal and that his car should support a good cause, he will say that he worked hard to buy his car and that he owns it. I can argue all day long that it's for a good cause, children's education, but it doesn't work that way.

All the members of Parliament are paid, are they not? Why, then, shouldn't a writer who creates a work not be paid fairly for their reproduction rights and their published work?

• (1135)

This isn't about justice, my friends; it's about fairness, and the intellectual and financial prosperity of the country.

The Chair: Thank you, Mr. Perro.

[English]

I think wishing you happy birthday is in order.

Mr. Bryan Perro: Yes, thank you. It was on the 11th of June.

The Chair: Oh, was it? Well, happy belated birthday.

Okay, everyone, thank you very much. That ends our testimony from our witnesses' opening statements.

Now we go into questions, and I have a couple of tips for everyone.

We're now on an expanded list of witnesses, as you know. We have all six of them here. Colleagues, it would help us greatly if you could identify who you want to ask your question to, as opposed to saying that you have a question and anybody can answer. That tends to chew up a lot of time and creates a bit of confusion, since we have six witnesses here. You could help me out.

As for our witnesses, now when I give colleagues time of five or six minutes, the time is their own. If you wish to get in on a conversation, you could wave your hand if you wish, or do something of that nature to try to get the attention of the person asking the question. I would ask my colleagues to be aware of that.

We are now going to the Conservatives and Mr. Rayes. Mr. Rayes, you have six minutes.

• (1140)

[*Translation*]

Mr. Alain Rayes (Richmond—Arthabaska, CPC): Thank you, Mr. Chair.

Thank you to all the witnesses for being here. I'd like to say a special hello to Mr. Perro, my fellow Quebecker.

You listed so many of your achievements and bestsellers. I have three children, and you were my son's favourite author. We have all 15 of your *Amos Daragon* books at home. Congratulations on your tremendous success. An author from my neck of the woods, Alain Bergeron, whom you no doubt know, also wrote quite a few children's books.

I can attest to the impact your work—and the work of all the creators who are here today—has on young people. Not only does it help them gain language skills, but it also helps them discover the world. The young people who read your books benefit from all that creativity you capture on paper. We all know how important reading is for the acquisition of language skills.

I used to be a high school teacher, as well as a principal at an elementary school and a high school. Unfortunately, I have seen how challenging it can be to ensure copyright rules are respected when staff make copies of material. They aren't necessarily doing it with ill intent, but it just goes to show how important it is to have good regulations and to ensure they are enforced in all schools, to support authors.

Mr. Perro, I will have a question for you, but my first question is for Ms. Levy, from Access Copyright.

As you mentioned, we sent a letter to Mr. Guilbeault. In May 2019, all the political parties took part in a study conducted by the Standing Committee on Canadian Heritage. That was over two years ago. You pointed out that recommendations 18, 20 and 21 could be implemented immediately to help authors.

Can you explain the three recommendations to committee members and those watching us today?

Ms. Roanie Levy: All right.

I'd like to thank Mr. Rayes for the opportunity to explain the recommendations that were part of the report. Basically, one of the recommendations clearly calls for a return to licensing through col-

lective societies. The other two recommendations are intended to address the technicalities around that return to collective licensing.

One of the recommendations states that, when a work is available on the market through a licence issued by a publisher or a collective society, the fair dealing exception should no longer apply to educational institutions. Fair dealing would still be available to students, but not to the institutions. The idea is to prevent works from being systematically and widely reproduced without the author being compensated. That is an important recommendation.

The other recommendation has to do with the damages prescribed by the act. The purpose is to avoid lawsuits and create an incentive to negotiate agreements with collective societies.

Mr. Alain Rayes: Thank you.

Ms. Levy, why haven't the recommendations been implemented yet?

We've met before, and I've met with some of the other witnesses here today. It seems to me it would be fairly easy to make that change. We are coming up on two years since the report was released, and we all know how difficult things are for many authors.

Can you tell us what the roadblock might be? There are always two sides to a situation, so there must be a reason why governments are not doing anything about a problem that would be pretty easy to fix.

Ms. Roanie Levy: To some extent, Mr. Landon's comments reflect the other side of the situation you mentioned. However, it's important to point out that [*Technical difficulty—Editor*] facts are misunderstood on both sides.

For example, Mr. Landon talked about the hundreds of millions of dollars universities already pay in copyright royalties. Right now, we are trying to figure out who isn't paying, not who is. We are worried about works being used under the guise of fair dealing in situations where the courts have determined that fair dealing does not apply.

It is important to understand that we have no issues with those who pay. We are talking about those who do not pay, about works being copied without creators being compensated. That is really the issue. It's also important to understand that those who pay publishers and authors, and those who copy works without paying royalties are not the same people.

They aren't at all the same people, so they shouldn't be confused.

• (1145)

Mr. Alain Rayes: Thank you, Ms. Levy.

I don't have much time left.

I have a question for Mr. Perro, who is an author.

I would think that an unknown author who is just starting out and isn't able to earn a living from their craft would really have no recourse if they were the victim of a copyright infringement. I would think the author would be left to their own devices in navigating the justice system and taking on some big organization.

Mr. Bryan Perro: The author is indeed all alone. That's why authors need organizations that provide the infrastructure and support to assert their rights. I, myself, work with Copibec and other copyright societies.

As a writer, you are alone. Few writers are as fortunate as I am to have been a publisher and bookseller. It doesn't work that way. Writers are alone with their work, and all that matters is finding a publisher so they can exist and gain some exposure for their creation.

They are at the mercy of winds blowing from all directions, so they need people to provide the copyright infrastructure so they can collect what they are owed. That is why societies like Copibec are so important for authors.

Mr. Alain Rayes: Thank you.

[*English*]

The Chair: *Merci.*

I provided a little bit of flexibility for our witnesses, but I can't provide too much, as much as I would love to. It's very interesting, though. Thank you.

We will now go to Ms. Ien for six minutes, please.

Ms. Marci Ien (Toronto Centre, Lib.): Mr. Chair, thank you so much, and I send special thanks to our witnesses for joining us here today.

Mr. Degen, I noticed that your hand was up, so I want to give you the floor and then proceed from there. Please feel free to say what you wanted to.

Mr. John Degen: I appreciate that very much, Ms. Ien.

I just wanted to elaborate a bit on what Roanie was saying about why we haven't had this seemingly simple solution yet. I think it's because on the education side they were convinced to take a huge gamble—to roll the dice—and with every passing year their bill gets larger and larger and becomes scarier and scarier. I think we're looking at a sector that is very reluctant to go backwards at this point, to go back to a situation that is only just and only fair, because they have done this gigantic gamble.

Ms. Marci Ien: Mr. Degen, thanks for that.

I actually wanted to ask you about something you said. You said, “published work comes with a price” and that it's a price that should be paid.

What price has been paid? I am asking because that's not happening right now. Can you paint a picture for us?

Mr. John Degen: We're The Writers' Union of Canada. We surveyed our members about their income—not just our members, but writers across the spectrum—and what we found was that there has been a sharp decline in income in the roughly 10 years since this exception was put in place.

Incomes are down 27% just in the last three or four years, and down as much as 78% over the last 20 years. That's not all attributable to education not paying its bills, but it's a huge part of it for sure.

Ms. Marci Ien: Mr. Degen, thank you for that.

Ms. McNicoll, I want to go to you now and thank you for your books. I have nieces and a daughter who quite enjoy them, so thank you so very much.

I have a question, though, because you talked about future voices. You talked about a granddaughter who you said wants to be a writer, but that you'll tell her she should get into law instead. To me, that is heartbreaking, because we need more creative people. We need more writers in our country. Writers are to be celebrated at every turn, and I'm not just saying that because I'm one too; I believe that to my core.

Tell me more about what you're seeing with regard to young people, the young voices, outside of your granddaughter, people who I am sure you have talked to, readers of your books. Tell me more about where things stand with them, because what happens right now directly impacts them and will into the future.

● (1150)

Ms. Sylvia McNicoll: First off, regarding the author visit, as I said, back when I started and the Copyright Collective started, we also had whole language. There was a huge focus on kids reading regular novels to teach them grammar and spelling and to enjoy them, and as I said, we went into the schools daily.

There is a technological shift too. We want to be makerspace and we want to be coding, so the heroic author, the author who comes into the school, is not coming there and there aren't these huge festivals. However, I still get snail mail and fan letters, and kids still want to be writers. The reason I showed you Orson's letter is so that I can write to him and say I showed his letter in Parliament. I am still encouraging them to be writers, but perhaps they can be lawyers part time.

In terms of the impact, the kids don't know anything about copyright, and I will say that the teachers don't either. They feel that they are doing it. In my K-to-12 sector, we're not that digital. The kids can get our books online in the library; They don't. They still need hard copies. As I said, my indigenous friends don't have strong Internet. In K to 12, we're still very much using book books and photocopying.

I think parents want to pay the \$2.41 so that children's literature is still Canadian and speaks to them. As to our future voices, we'll see. We'll have to see about that. Will there be fewer authors in the school and fewer books, and just floppy paper? I don't know.

Did I answer you? I'm sorry. I go off on tangents.

Ms. Marci Ien: I love your tangents, and you did quite well. Thank you so much.

Mr. Rollans, you too talked about future voices, but you said this has been a blow to confidence and capacity, a blow to opportunity to build, and you ended your statement by saying that we cannot wait.

Why can't we wait to make changes?

Mr. Glenn Rollans: Thanks very much for the question.

Two simple parts should be answered. One is that, as John Degen alluded to, many years have gone by since the education sector abandoned its collective licences. The direct revenues from those licences are now in arrears by about \$150 million. Every year that goes by adds about \$30 million to that licensing non-payment, or the tariff non-payment for institutions that don't access a voluntary licence.

On top of that, a company such as mine hopes to sell not to libraries, as Mr. Landon was referencing, but to students. We sell teaching and learning materials for the classrooms, and my opportunity to do that if the environment is one where copyright compliance officers in universities work in fact to make sure that they are not paying to use copyright but instead work—

The Chair: Thank you—

Mr. Glenn Rollans: Thanks very much, Mr. Simms.

The Chair: I apologize. I should have mentioned at the beginning that if you hear me say "Thank you", I give you the flexibility to finish your sentence. It doesn't mean you have to end right away. I think I unintentionally did that to Mr. Perro as well, so I apologize.

If you hear me say "Thank you", just sum up your thought very quickly. We have to get on to the next questioner.

Speaking of which, go ahead.

• (1155)

Mr. Glenn Rollans: Very quickly, we lose the opportunity to sell original resources as well as to license.

The Chair: Thank you.

[*Translation*]

Mr. Champoux, you may go ahead. You have six minutes.

Mr. Martin Champoux (Drummond, BQ): Thank you very much, Mr. Chair.

A great big thank you to all the witnesses for joining us today. This meeting is both essential and enlightening.

I would like to begin by saying hello to Mr. Perro.

Mr. Perro, last time we saw each other—and this may be far in your memory—was on the set of my cooking show *Qu'est-ce qui mijote?* You left an impression on my whole team with your thundering and contagious laugh. We remembered it fondly. Your good humour also made everyone happy. However, the topic of our discussion today is not really something that puts writers or anyone involved in publishing in a good mood.

Access Copyright's report, which we have looked at, mentions a study from the Writers' Union of Canada. That study focused on writers and their average income. Since 1998, their income has dropped by [*Technical difficulty—Editor*]. The report mentions that, on average, writers apparently make about \$9,500 a year.

Are you feeling that fact in the community? I would like you to answer my question specifically concerning Quebec.

How are our writers doing in this current context?

Mr. Bryan Perro: I cannot tell you how people who are part of the Writers' Union of Canada or Quebec writers are doing, but I can talk to you about the people I come across.

Those people have been suffering for years. They have often questioned their desire to write. They have thought twice before deciding to continue writing. A huge amount of time and work goes into writing a novel. What is more, as we know, it is not a profitable endeavour.

Mr. Champoux, do you know that Quebec authors sell 350 books on average per year? That average takes into account the 1.7 million books I have sold, and it also includes the books of known successful authors.

Year after year, 40,000 new titles in French are released in Quebec annually. I don't even want to think about what is released in English around the world and in the rest of Canada. Clearly, people like me, who are managing to make a good living, are privileged. The fact that authors do not receive at least a little something to encourage them has a dramatic impact on authors' writing process.

Mr. Martin Champoux: I found something you brought up in your opening remarks very interesting.

You said that the average is 350. So this means that the sales of your two first books were really below the average, even below half of the average.

Mr. Bryan Perro: I was not doing the series [*Inaudible—Editor*].

Mr. Martin Champoux: You lowered the average, but you recovered nicely afterwards, and so much the better.

What I am getting at is how important investing in culture is, and you talked about that.

We just completed a study on Bill C-10, where we were trying to showcase the value of our artists and content creators. We often hear the rhetoric that artists are living off grants and not bringing in any money. But that is completely false.

I would like to hear your thoughts on this. You said that investing in culture is profitable in terms of the big picture. However, that message is not getting across.

Mr. Bryan Perro: It is profitable because we have a cultural industry. That industry is profitable, and it brings in money. Aside from that, there is a serious problem in Quebec, just as in Canada. I am talking about intellectual poverty.

All you have to do to see this is look at social networks. Parliamentarians who use social networks can see that intellectual poverty is a real issue. There are two pills for overcoming intellectual poverty: education and culture.

Authors help in that respect by imbuing our population with culture, so that people can have a better life, develop their creativity and intelligence, and be able to tackle complicated issues through thinking that is not simple, that is also complicated. That mostly comes from literature. Literature is produced by authors.

There you have it.

Mr. Martin Champoux: I would also like to address Ms. Levy.

What has been your state of mind throughout this whole adventure?

I began my parliamentary career in 2019, and we held a meeting shortly after with you and Copibec representatives on this situation in universities. We produced “Shifting Paradigms”, a report that presented fairly clear and easy to implement recommendations. More than a year and a half has gone by, and practically nothing has been done. So we have sent letters to the minister.

Ms. Levy, have those letters provoked some sort of a response?

Have you had an opportunity to move your file forward? Are you under the impression that you are getting closer to the goal?

• (1200)

Ms. Roanie Levy: I hope we will achieve the goal soon.

You are asking me what my state of mind has been. What I find unfortunate is that we have been trying to move this file forward for almost 10 years. If the government does not get involved, we will have another 10 years ahead of us. Whether we win or lose in the Supreme Court, I don't doubt that we will get involved in another dispute to, once again, try to clarify the fair dealing guidelines. It is absolutely necessary for the government to get involved and make clear amendments to the Copyright Act.

What I find very encouraging is that we do have a simple solution in the recommendations laid out in “Shifting Paradigms” and that we have the support of all the opposition parties. Thank you once again, Martin Champoux, and other representatives who have written to Minister Guilbault.

The third thing I find encouraging is that there is an opportunity to make those changes soon. The Copyright Act is not often amended. However, that will have to be done by December 2022. A bill will soon look to amend the legislation related to the Canada—United States—Mexico Agreement. That will be the perfect opportunity to end this conflict and re-establish a partnership between the publishing industry and the education sector.

Mr. Martin Champoux: We will be there.

Thank you very much.

The Chair: Thank you.

[English]

We'll now go to Ms. McPherson for six minutes, please.

Ms. Heather McPherson (Edmonton Strathcona, NDP): Thank you very much, Mr. Chair, and thank you to all the witnesses for being here today.

This has been very interesting. I am a relatively new member to this committee, so I was not part of the study that was undertaken in May 2019. I hadn't been elected yet.

It is concerning and worrisome that so little has happened since that study was undertaken, because we have those recommendations in front of us. I would like to begin by asking a few questions of my fellow Edmontonian who is joining us today. I'd like to ask Mr. Rollans a few questions.

In the conversation today, we've been spending a lot of time talking about the situation in Quebec and what that means for writers in Quebec. I would like to get a sense from your perspective, knowing that we're both in Edmonton at the moment, of the situation in the rest of Canada. How is it different in the rest of Canada from what it is in Quebec?

Mr. Glenn Rollans: It's better in Quebec. Quebec is a stronger provincial supporter of its cultural industries and artists. At the moment, schools, colleges and universities are all licensed in the province of Quebec. That means if my work is copied in Quebec, I get paid. Outside of Quebec, almost no schools, colleges and universities are licensed. If Mr. Perro's work is copied outside of Quebec, he doesn't get paid. That is really unacceptable in our federation.

Ms. Heather McPherson: Maybe I'll give you a little time to talk a bit more about what that collective licensing could look like and why it is so important to the work that you're doing.

Mr. Glenn Rollans: That's a really important question. When you start talking about copyright, it quite quickly gets into detail.

For a small company like mine, trying to track small individual users in colleges, universities and K-12 schools across the country, monitoring for infringement, monitoring for payment for use of resources, and then bringing individual actions against those people if infringement happens is an absolute impossibility. I don't have the capacity to litigate at the Federal Court, the Federal Court of Appeal or the Supreme Court of Canada.

Our properly constituted collective is Access Copyright. It represents us in those transactions, making simple access affordable, and making the importance of compensation to the rights holders also simple. It's taken care of easily and affordably.

• (1205)

Ms. Heather McPherson: I understand that universities do employ copyright staff to prevent infringement, but I'm hearing from you that this is not sufficient and that in fact it puts the burden on you and other writers and producers, so the impacts are quite great.

Can you talk a bit more about what you would like to see instead? If we know that having copyright staff is not sufficient, what would “sufficient” look like, in your opinion?

Mr. Glenn Rollans: It's important to recognize that the copyright staff are administering a policy that the Federal Court has said is unfair. What they're doing is, in an arbitrary way, saying to their population of students and instructors, “You can use this much for free.” They're enforcing what is in fact an illegal policy.

On top of that, I think it's really offensive and regrettable and shows a lack of respect that they're spending almost as much on those officers as they would be spending on a licence. Hugh Stephens, who does a blog on copyright matters, has calculated that it's about \$13 or \$14 per student in direct costs for those copyright officers—whose job is to not pay publishers and not pay writers—and the cost of the licence at the post-secondary level is \$14.31.

Ms. Heather McPherson: Mr. Landon, I'm wondering about this. We are hearing quite a lot on one side of this issue, and it seems quite compelling. I'm wondering what you would say to the idea that with their copyright staff, the universities are not in fact doing what needs to be done to protect our writers across Canada.

Mr. Philip Landon: Thanks for the question and the opportunity, Ms. McPherson.

What I would say to it is that the universities are and have been following the law as it has been applied in the Copyright Act, and as the Supreme Court has upheld through five rulings. They're not cheating. They're not “scavenging”, as some of the language that has come out says. They're actually following the Canadian law on copyright, which expects that there is a balance between users' rights and creators' rights. That's what the Copyright Act of 2012 has stated, and that's what the Supreme Court has upheld.

Yes, there are numerous legal interpretations, and it's before the Supreme Court at the moment around the case that Access Copyright has taken York University to court on, but as I said in my opening statement, universities are committed to copyright compliance and they are promoting copyright compliance throughout, with officers and with alternate means.

Ms. Heather McPherson: Thank you.

I'm running out of time, but I wanted to give Ms. Levy an opportunity—it looked like her hand was going up—to comment on that as well, if you could.

Ms. Roanie Levy: I just want to highlight the fact that the Federal Court at trial and the Federal Court of Appeal both concluded that the fair dealing guidelines that are adopted by all of the universities across Canada and that were put together by the association that Mr. Landon represents are in fact not fair. What the universities are doing is not following the law—quite the contrary. It was an unequivocal conclusion by the trial and the appeal court that what they are doing is not fair and leads to illegal copying.

The Chair: I'm sorry, folks. I have to stop it right there. We have to go to our second round.

I noticed, Ms. McNicoll, that you had your hand up earlier, but perhaps we could deal with it in the next round of questioning. I want to point out that you did have your hand up, albeit virtually, but it was there.

Nevertheless, in the second round we now will go to Mr. Waugh for five minutes, please.

Mr. Kevin Waugh (Saskatoon—Grasswood, CPC): Thank you, Mr. Chair. Welcome, guests.

I was a school board trustee in Saskatchewan for 10 years and also sat on the executive of the Saskatchewan School Boards Association. As you all know, budgets everywhere have been reduced, and the first place you look at in schools is the purchase of new materials.

It's interesting, because the first cuts that we make as trustees around the table are usually to the resource library people, which is probably the last area you should look at. I do notice that in Saskatchewan—in fact, in Saskatoon right now—one school division is down \$8 million, and the first place they looked at was teacher and librarian cuts.

I'm going to start with Ms. Levy and then I'm going to go to Ms. McNicoll.

Ms. McNicoll, you were right. On the teachers side, they spend their own money on books lots of times, and on writings and so on. Could you comment on that? Somebody made the comment that teachers are often at the photocopier at 7:00 in the morning or 4:30 in the afternoon. Can you talk about that?

I'll start with Ms. McNicoll. You're not blaming the teachers. You know, as school board trustees, we really looked the other way, to be honest with you, because we were looking for ways to save money for the school division. It's not only in Saskatchewan. I can tell you that Canadian school boards also looked the other way, because everyone is looking for money.

• (1210)

Ms. Sylvia McNicoll: How to answer you best, Mr. Waugh?

Let me tell you this: When I do signings at the Ontario Library Association, I recognize the teachers from my own board. There will be three to five teachers lined up to get a free autographed book from me. That will be how they get my books.

From 2012 to 2021, sales of my books have gone from perhaps 6,000 books in Canada down to 1,400. I also feel that now we are entering into squatters' rights. Teachers and school boards have gotten away without a licence for 11 years. They can't possibly imagine paying the horrific sum of \$2.41 a child. They can't afford it, they say.

In effect, our teachers don't know this. They feel they're complying, as they are, with fair dealing, but the school boards are saying, “We can't afford culture.”

One of my daughters works for a small company that is a sub-contractor for other publishers. They were publishing a book on immigration for wide use, and this had a lot of Trump theory, so there's a huge danger in allowing our voices to be shut down.

I love teachers. I love that they read my books out loud, but you have to understand that they're reading them out loud and they're being recorded. Next year they'll use them again, and they're not going to pay me \$2.41.

Korea bought 18,000 of my books. Colombia bought 15,000. Canada bought 1,400. Yes, I know: They are different populations.

Does that answer your question, Mr. Waugh?

Mr. Kevin Waugh: I knew that because I see teachers at the photocopying machine, either in the morning or after school.

Ms. Levy, you talked about Coteau Books. It went bankrupt in Regina, and it's too bad, because Mr. Currie did wonderful work.

I do see the steady rise in the number of authors now turning to self-publishing or using local publishers instead of submitting their manuscripts to major companies. There's a big movement in western Canada with the indigenous curriculum.

How are those stories going to be told now? That's one of the big issues that I see in the future.

Ms. Roanie Levy: That's a very good question.

In preparing for this session, I was talking with the general manager for Pearson Canada. It's the largest educational publisher in Canada and in the world, I believe. She was telling me she had received a call from [*Technical difficulty—Editor*] asking her whether or not they were going to update their history textbook to reflect residential schools more appropriately.

She was sharing with me that it was very unlikely that Pearson would be able to make that investment. In fact, they significantly scaled back their investments in content for the elementary and secondary school sector. They have let go 30% of their staff in elementary and secondary publishing, simply because it is difficult to make those investments when you see your work being copied, whether it's at the photocopier or it's being digitally shared on learning management systems. There was also a continued decline in sales.

• (1215)

The Chair: Thank you, Ms. Levy.

We'll now go to Mr. Louis for five minutes please.

Mr. Tim Louis (Kitchener—Conestoga, Lib.): Thank you very much, Mr. Chair, and thank you to all our panellists.

I do want to begin, on this National Indigenous Peoples Day, by saying that I'm in Kitchener, Ontario, the traditional territory of the Anishinabe, Haudenosaunee and Neutral peoples.

This is a very interesting conversation. Ms. McPherson mentioned that a number of us, myself included, are newly elected, so we're jumping right in. It looks like there's been an ongoing discussion, and I am glad to be part of it.

Until a year and a half ago, I was a full-time musician and writer. I can see the unbelievable parallels between songwriting and writing, just in a different medium. I feel kindred.

Ms. McNicoll, your hand was up about a round ago when Ms. Levy was talking about dealing with court cases, trials and appeal courts. I wonder if you would like to add to that conversation before I continue my line of questioning.

Ms. Sylvia McNicoll: Yes and no, but I wanted to add one point, which is that Jacqueline Guest, a member of the Order of Canada, was first published by Coteau. Coteau has now gone under. I would assume that if Jacqueline Guest were beginning today, she would not have her voice heard.

Mr. Tim Louis: Point taken. I appreciate that.

Ms. Levy, you mentioned that one collective licence for students would fix this. Again, for someone new, could you explain the apparent simplicity of just applying this collective agreement? Are you talking about going back and paying back payment, or are you talking about just on a moving forward basis?

Ms. Roanie Levy: Conceptually, what has happened with the education sector is that the lion's share of them have abandoned collective licensing in exchange for guidelines that are in fact not fair, in exchange for giving themselves the authority to copy without paying.

What would solve this would be to go back to collective licence and have an agreement whereby educational institutions can make copies of works in exchange for a payment. The collective licence provides access to a broad repertoire of work. It makes it easy for teachers and educators to pick up the book that's on their shelf to scan it, or the book that's in their computer and share a chapter of it with their students in exchange for a very reasonable payment.

I just want to highlight, because the cost to the education sector has been mentioned, that when you look at it relatively speaking, you'll see that the price of the licence is 0.0004% of the cost of education, whether it's at the K-12 level or at the post-secondary level. We are not talking about huge sums of money to the education sector, but they are sums that are absolutely meaningful and impactful to the writers and publishers of the content that is being copied without compensation.

Mr. Tim Louis: Thank you, Ms. Levy.

I would go so far as to say the information and the knowledge is priceless. You really can't put a price on it.

Mr. Degen, I was going to turn to you and ask you a question next, but your hand is up, so I think you wanted to add to that. Then my question to you in the remaining time is this: Are there examples of other countries—as you work for other international authors—that we could use as a model?

First, though, you wanted to weigh in on this.

Mr. John Degen: That's terrific. Thank you for the question, Mr. Louis.

I just wanted to add to what Roanie was saying, because I'm busily paying these bills myself right now. I have two sons heading to university and I have to say that the university licence is \$14.31 per student. I work in culture and I don't make a whole lot of money. In paying the university bills, that's the lowest part of the bill by far, and the least painful part for us. We would very gladly pay that licence fee.

You asked about other countries. I do a lot of work internationally. As a matter of fact, just before coming here, Roanie Levy and I were both on a panel talking about copyright exceptions around the world. Other countries look at Canada with a little bit of discomfort and fear right now, because they have established collective licensing for educational purposes in place and they don't want to see this kind of move away from collective licensing happen within their markets because they've seen how destructive it is for us. If you look at England, if you look at Australia, if you look at some of our larger partners out there, you see that they all have very respectful licensing in place for educational uses.

• (1220)

Mr. Tim Louis: Mr. Chair, I believe that is my time. I would have more questions, but I'm just out of time. Thank you.

The Chair: You are. That is exactly five minutes. Thank you very much.

Now we have Mr. Champoux for two and a half minutes.

[Translation]

Go ahead, Mr. Champoux.

Mr. Martin Champoux: Thank you, Mr. Chair.

I would like to put a question to Mr. Landon to get an idea of universities' point of view.

Mr. Landon, we have not had the pleasure of meeting over the past few months, and I am concerned about the role of universities. For me, they don't have the same role as for-profit companies. They are institutions that disseminate knowledge, and shape the leaders of tomorrow and good citizens. In that sense, I feel that their role must focus much more on moral than on legal aspects.

You have often mentioned that you respect the law in how you manage copyright. I subscribe to all sorts of online music providers, including Apple Music, Spotify and Tidal, and I pay for the content I listen to on those platforms. However, I cannot justify paying for those subscriptions to enable me to illegally download content on other platforms.

When you say that you are already paying several million dollars in copyright fees, I get the impression that you are providing justifications. It is as if you were saying that, because you are already paying millions of dollars in copyright fees, it's not a big deal to make copies of work that is the property of writers and authors. I am somewhat under the impression that you are justifying yourself in what you are saying.

I would like you to elaborate on this, Mr. Landon, as it has left me with a bad taste in my mouth.

[English]

Mr. Philip Landon: Thank you, Mr. Champoux.

Yes, it's exactly that. The universities pay for the copyright in a variety of ways [*Technical difficulty—Editor*] and in a variety of ways that are legal, that are in the Copyright Act and that have been supported by the Supreme Court of Canada. It's similar to paying for some platforms, but then not downloading or taking songs illegally. Universities do the same with their materials.

[Translation]

Mr. Martin Champoux: You should cherish and protect your relationship with authors. They are the ones who produce the content you then pass on to students.

I am surprised to see you hiding behind legislative measures, which are imperfect, recognized as such and decried by writers' and authors' associations. I am a bit surprised by your position on that.

[English]

Mr. Philip Landon: In response, we absolutely value creators. The universities themselves are full of creators. They create the audience, they create the students, and they stimulate the future creators. Universities and creators are one and the same.

This is a legal question around a collective society. Universities hold no grudges against authors, creators, publishers or musicians.

The Chair: Thank you.

Ms. McPherson, you have two and a half minutes, please.

Ms. Heather McPherson: Thank you very much, Mr. Chair.

Again, thank you for this very interesting conversation.

I have a question for Mr. Perro.

First of all, happy birthday. It's very nice of you to join us today on your birthday.

As somebody who is trying very hard to learn French, it looks like I have my summer reading list all set up. I'm a big fantasy fan.

I have spent a lot of time working with non-profits, with charities and with international development organizations. When you were talking, one of the things that was clicking in my mind was that we've constantly asked the government for a recognition of the time it takes to develop talent, to develop projects, to develop work, and the need for long-term commitment and predictable funding mechanisms. I think you spoke about that a little, but I'll give you a bit more time, if I could, to articulate just how important those things are in ensuring that our writers can go from those hundred books sold to the massive success that you've seen.

Mr. Bryan Perro: That's what we call in French "*recherche et développement*". We just have to note that.

I will continue in French, if you don't mind.

[Translation]

No writing career develops overnight. We don't start writing, just as we don't start living—actually, few people do so—with tremendous success.

It's sort of like climbing Mount Everest. If you try to climb Mount Everest all of a sudden, you will lack air and come back down very quickly. There are steps to building a career. We need the air necessary to enable us to climb from one step to the next, thereby building a career.

You are completely right in saying that this is done over the long term. It is not an immediate or a miraculous development. It happens through work and with the support of a community of readers, government and policies, which enable us to climb that Mount Everest and to mean something to a people, a nation and a country. Authors are there to provide meaning. Few people have that function in society.

• (1225)

[English]

Am I answering the question well?

Ms. Heather McPherson: That's great. Thank you so much.

Mr. Chair, do I have time?

The Chair: Ms. McPherson, I apologize, but you have two seconds left.

Mr. Bryan Perro: That's my fault.

Ms. Heather McPherson: Two seconds—

The Chair: No, that's all right. It was very engaging.

Thank you.

We will now go to Mr. Aitchison for five minutes, please.

Mr. Scott Aitchison (Parry Sound—Muskoka, CPC): Thank you, Mr. Chair.

I feel that I'm missing something. I'm new to this committee too. I don't know who is the best person to answer this question, but it seems as though the sticking point is that this situation or this issue is before the courts, it sounds like, somewhat endlessly. What is the crux of the latest court battle? Does it really just come down to what's adequately compensated, or not?

Maybe we could start with Ms. Levy.

Ms. Roanie Levy: There are two issues before the court right now. The first issue is whether or not the copying guidelines that York University has, which are the same as the rest of the education sector, are fair. In other words, are they legal? Do they comply with the Copyright Act as well as the Supreme Court of Canada's past decisions on fair dealing? What the trial and the appeal courts said was they are not fair, and that's now before the Supreme Court.

The other question is whether tariffs that are certified by the Copyright Board, which is a quasi-judicial tribunal that sets rates to make sure that they're fair and equitable for users and for the rights holders, can be enforced. In other words, if somebody uses a work in Access Copyright's repertoire and they haven't cleared the rights and it is not under an exception, can Access Copyright enforce the

tariff to make sure that the tariff gets paid? At trial it was found that the tariffs are enforceable; at the appeal level it was found that they're not enforceable. Now the Supreme Court will say whether or not tariffs are enforceable.

This is an important question, because as you've heard from others, particularly the authors rely heavily on their collective to do not just the management but also the enforcement of the right, because it's almost impossible—"an absolute impossibility", Mr. Rollans said—to actually enforce the rights and go after users when they use materials illegally.

Those are the two questions. Now, the reason we say we can't wait for the Supreme Court of Canada decision is that we believe that "fair dealing" is so vaguely defined that even if we win at the Supreme Court—and we believe we will win at the Supreme Court, and they will say that the guidelines are not fair and are illegal—we'll be in a situation in which the university sector will just design a new set of guidelines. We will be back before the courts again with a new set of guidelines. It will be "fair dealing 2.0".

Mr. Scott Aitchison: Instead of waiting for the court to interpret a bad law, let's fix the law and make it better. Is that basically what you're saying?

Ms. Roanie Levy: That's right, because the interpretation of fair dealing will not turn it into a good law. It will still remain uncertain, and we will still be before the courts again for another 10 years. This has been going on long enough.

The damage is not just the payments to the collective for creators and publishers. The damage is not benign. I mentioned the publishers that have exited the market altogether. Authors are not writing books that otherwise would be written. The damage is not benign, and it's been going on long enough.

• (1230)

Mr. Scott Aitchison: Ms. McNicoll has her hand up. If you would like to jump in on that, I'd be happy to hear from you. I'm thinking your advice on becoming a lawyer is a good piece of advice.

Ms. Sylvia McNicoll: Actually, I wanted to drill back for the newer members. I wanted to explain something.

I just wrote back copy for my new book, and it took me about three days going back and forth with other writers. Every page of a novel or a textbook requires editors. It requires illustrators and design. There is not one page [*Technical difficulty—Editor*] exemption. The educational institutions have declared 10% free, so 10% may be a chapter of mine, but it might be a short story in *How to Pronounce Knife*, and if it is, then they could easily take one of her stories and hand it out every year to students absolutely free. That is where we are with that fair dealing exemption. It has to be reined in.

Mr. Scott Aitchison: I'm sorry I don't know how much time I have left, Mr. Landon, but if I create something, it's mine, and if I sell it, it doesn't mean that.... I just don't understand how we can justify that if we buy something once, we can then copy it and give it to a whole bunch of other people.

I'm really struggling with this issue. I'm wondering if you could speak to the educational sector and how they perceive this as sustainable, I guess. It boggles my mind that it's legal, but how is it sustainable? We won't have creators to use for educational purposes if we don't support these folks.

Mr. Philip Landon: Mr. Aitchison, fair dealing is a very common element of copyright regimes across the world, and the line as to whether it's 10% of a book or 20% of a book changes and so on and so forth. In many cases, the allowance is much higher.

It is to balance the users' rights and the creators' rights. It's to create an environment where students can learn so that in certain places there's free access to parts of a work. It's an important element of Canada's copyright law, just as it's an important element of copyright laws across the country.

Mr. Scott Aitchison: We're out of time. I have another question, but I have to stop.

Thank you.

The Chair: Ms. Dabrusin, go ahead for five minutes, please.

Ms. Julie Dabrusin (Toronto—Danforth, Lib.): Thank you, Mr. Chair.

I'm going to pick up a bit from where Mr. Aitchison was, because I have some questions going from there.

There has been a fair bit of conversation, and I'm just trying to understand. In 2012, when the Conservative government created this education exception for fair dealing, what was the upside for the universities? Can you explain to me how it's a win such that Universities Canada says that this is why they must keep the education exception?

Mr. Philip Landon: Thank you very much for the question, Ms. Dabrusin.

I think the upside is that a fair dealing exception in education— as it's included in satire, as it's also included for research purposes—is a proper element for a fair balance of materials, really, and it gives students, the public and educational institutions the ability to use material and parts of material in order to educate—

Ms. Julie Dabrusin: I'm sorry. I just want to jump in, because I don't have much time.

As an example, what is it that you can do now that you couldn't do before, just so I can have a better idea?

Mr. Philip Landon: What you can do is print a portion of a work and share it with students without paying for it.

Ms. Julie Dabrusin: Okay.

What would be the downside, then, if that were to be reversed? I ask that because there have been some numbers tossed around. I believe that it was \$14 per student and, as I think Ms. Levy said, 0.004% of the university budget. Is that the downside we're looking at for universities if we were to reverse this policy?

• (1235)

Mr. Philip Landon: I think it's very important to recognize that, first of all, that \$14 number is a recent one. Access Copyright has been asking for \$26 in Copyright Board submissions. By reversing

that, you give Access Copyright, the collective, a monopoly power over the use of collectives and give them uneven bargaining rights, which they have used in the past in a way that has been very detrimental to the community.

Ms. Julie Dabrusin: Can you explain that piece for me as to uneven bargaining rights? It's uneven bargaining rights against whom? I think we're talking about \$14 to \$26 per student.

Mr. Philip Landon: We're talking about \$14 to \$26, but in 2011 the numbers increased significantly, leaving schools and universities with very little recourse in order to push back and to find a helpful place where the costs they were proposing would work for universities and colleges.

I should add that the copyright compliance officers at universities are going to need to be there whether they have an Access Copyright licence or whether they follow fair dealing. Access Copyright does not give you the opportunity to copy 100% of the work, and universities need to follow that as well.

Ms. Julie Dabrusin: Did you have the copyright compliance people before 2012?

Mr. Philip Landon: We did. We certainly did, within libraries and in other places.

Ms. Julie Dabrusin: Is it the same number, or has that number increased since 2012?

Mr. Philip Landon: It has probably increased since 2012.

Ms. Julie Dabrusin: I have another question. We were talking a bit about the difference between Quebec and the rest of Canada. If I understand it, Universities Canada represents universities both in Quebec and outside of Quebec.

Mr. Philip Landon: We do.

Ms. Julie Dabrusin: How do you explain the discrepancy in the fact that universities in Quebec seem to be agreeable to paying into collective licensing with Copibec and yet there is a challenge outside of Quebec?

Mr. Philip Landon: Well, I think it's the question of what the market will hold. Copibec has a licence that is at \$13 and something; I don't know exactly what it was. At the time that it was last signed, the Quebec institutions agreed that it was a fair price. At that time, in front of the rest of Canada, the number facing them was \$26 for a licence. It's a level that is defined by market force.

I will say that the price is going down and that the price continues to go down, because, as I said in my earlier testimony, the actual need and desire for that in the market is not as high as it once was. That's the way it has been going.

Ms. Julie Dabrusin: What are the savings to the universities for having this education exception? Is it \$14? Is it \$26? Is it more than that?

Mr. Philip Landon: It's hard to quantify. As I said, universities are spending more and more on other forms of material and copyright-protected material, so the actual savings, I think, are minimal. I think it's shifting.

I've used an analogy to say that we used to all pay \$50 a month for our land line and now we pay \$50 a month for our cell line. We're not saving money; we're just putting the money into different ways of doing the same thing.

The Chair: Thank you, folks.

I'm sorry, Ms. Dabrusin. I sometimes get a little bit generous with the timing. Unfortunately, I have to move on because we're now starting our third round, which we don't often do, but here we are.

I know Ms. Levy and Mr. Degen had their hands up. I apologize. Hopefully, you can work that in later.

Mr. Shields was originally up, but Ms. Shin, would you like to ask a question? Before you do, can you tell me the name of your riding? I already know it, but I don't think we got a sound check from you at the beginning.

Tell me the name of your riding and in two sentences tell me why it's the best in the country.

Ms. Nelly Shin (Port Moody—Coquitlam, CPC): I'm from Port Moody—Coquitlam. We have the most beautiful, scenic places. Everyone will want to go to see the salmon runs and hatcheries. It's beautiful.

The Chair: We got a thumbs up for your description and for the sound check itself.

Ma'am, you have five minutes. Go ahead.

Ms. Nelly Shin: Thank you so much.

I'd like to thank the witnesses for speaking today on the topic of copyright and the need to update Canada's copyright laws.

As I'm listening to the discussion, I hear the frustration. I also am reminded how, in general, the public has a lot of misguided perceptions about the value of compensating writers and artists in general. I'm a composer myself. I remember before my work as an MP that it was an ongoing struggle.

It's very clear that the numbers that were passed around.... It's not a large amount. I would love to hear that conversation going further.

Could I hear from Access Copyright? What is the argument that you're hearing from those who don't want to change the laws and enforce the tariffs, etc.? What is the argument?

• (1240)

Ms. Roanie Levy: What we hear and what we've heard also before the court in the York case is that people already pay for it or that what they use is offered in open access licences and therefore they don't need to pay for it, or that the amount they use is so little that it is fair. It's done under an exception.

The court concluded, once four weeks' worth of evidence was brought before it, that they do not already pay for the stuff that gets copied without payment; that there aren't, in fact, licences there to pay for it; and that a lot gets copied and is copied in a mass and systemic way. The amount that gets copied is not fair. The amount that gets copied is not in compliance with the teachings of the

Supreme Court. The amount that gets copied is very harmful to writing and publishing and is therefore illegal.

Lots of statements are made that haven't been backed by facts, certainly not when we were before the Supreme Court.

I had my hand up a little bit earlier. Mr. Landon spoke about the rate and you also spoke about the amounts and the rates. If it's a disagreement on the amount that should be paid, then we have in Canada the perfect vehicle to address that. We have a specialized tribunal whose role is precisely to set the rates when the rights holders and the users of the content are not able to negotiate an agreement on their own. If they're not able to agree, we have a Copyright Board to set the rate. That should not be the concern about going forward and putting in place, again, a return to collective licensing.

I hope that answers your question.

Ms. Nelly Shin: Thank you. That's very helpful. I would like to ask Mr. Degen if he'd like to speak on that as well.

I just wanted to add that I don't understand what the problem is. When it comes to patented industrial materials and things like that, there is no problem enforcing different fees, etc., on those. I personally think that there is a lot of discrimination toward writers and artists in general that needs to be changed, but I'll let Mr. Degen speak further to that.

Mr. John Degen: You're expressing a lot of confusion about the arguments against our making a living from our creative work, and believe me, I share your confusion. I've been arguing about copyright online for a good decade and a half, and I still don't understand why there is this reluctance to pay.

We talked about rate. Mr. Landon talked about the \$14.31 and how it used to be \$26. Again, I can tell you that as a consumer of education, \$26, \$45 or \$100 would be a bargain for the amount of copying that is done in post-secondary education right now, so the fact that it's at \$14.31 is just an absolute bargain.

Mr. Landon also mentioned that fair dealing is a question of balancing the rights of the user and the creator. It's clear what we're talking about here: It's 10 years of non-payment and \$150 million owed. We are way out of balance in Canada, and the argument that we just need this little balancing mechanism is long past. We need to rebalance copyright and we need that done through the recommendations.

• (1245)

Ms. Nelly Shin: Thank you so much for that. Again, it just brings me back to the issue of dignity. I know that copyright is only a small portion of income, and what I see here is really a fight for the dignity of the creators.

Mr. Landon, what are some of the ways that you feel...? I could call it a debate, because that's what it seems like we're still doing. What are some ways that you think would be helpful to help you understand the side and the arguments of the content creators?

Mr. Philip Landon: I think we understand the side of the creators. It's more the question of the Access Copyright collective looking to have mandatory licences that universities and K-12 schools are compelled to pay when the law of this land, the Copyright Act, says that fair dealing is a user's right. The determination of what fair dealing is and how we get to the right place on that is a little bit of the challenge, and it is before the Supreme Court right now.

The Chair: Thank you, Ms. Shin.

Mr. Housefather, you have five minutes, please.

Mr. Anthony Housefather (Mount Royal, Lib.): Thank you very much, Mr. Chair.

Ms. McNicoll, it's a pleasure to meet you, as you are one of my favourite children's authors. I really appreciate it, and I know you're also originally from Montreal.

[*Translation*]

Mr. Perro, it is a great pleasure to meet you in person.

[*English*]

I'm going to start with a question to Ms. Levy.

We've talked a lot about the Canadian experience and fair dealing. What is the major difference between the United States' fair dealing, or fair use, versus the Canadian fair dealing? Can you give me a couple of examples of how our copyright legislation is different in Canada from that of the United States?

Ms. Roanie Levy: One thing that makes a big difference between fair use and fair dealing is that the courts in the U.S. have said that there are no bright-line rules, so you cannot come up with guidelines the way the education sector has done here and say you can copy up to 10%, a chapter, etc., and be blessed to go ahead and roll that out across the country, as has been done in Canada. In the U.S. that is not possible. There are no bright-line rules at all.

Another element that is quite different between the U.S. and Canada is that in the U.S., if there is an impact on the market for the work, that is one of the most important aspects in looking at fairness, and the availability of a licence tends to trump the fairness of the use in the U.S. It is not so clear in Canada how that works.

Mr. Anthony Housefather: Would that be similar to the court's decision that an unpublished work in Canada can essentially be used in a different way than in the U.S.?

Ms. Roanie Levy: Yes. That's another interesting difference. In the U.S., the use of an unpublished work, under fair dealing, tends to be not fair, whereas it's the opposite in Canada.

That all just points to the fact that the concept of fairness is very vague and is always changing. Another set of judges might come up with a different set of fairness rules. It's very hard to run a market on something that is so vague.

What's interesting as well is to learn from those jurisdictions that do have fair dealing—not fair use, as in the U.S.—fair dealing as [*Technical difficulty—Editor*] and how they've managed to have fair dealing for education in a more manageable and market-friendly way. The U.K. and Ireland and Australia are examples where the availability of the licence trumps fair dealing. Fair dealing for edu-

cation is still there, but when there isn't a licence that is available at a reasonable cost with reasonable effort, then fair dealing is no longer available for educational institutions. In those jurisdictions, the fair dealing is still available for students, but not for educational institutions.

The point there is to not allow the mass and systemic copying that happens when copying is directed by educational institutions.

Mr. Anthony Housefather: That was very helpful. Thanks.

Mr. Landon, in the event that you wanted to respond to that, I'd be interested in hearing your take about the U.K., Australian and Irish experience versus the Canadian. Do you feel that would be a reasonable type of compromise?

• (1250)

Mr. Philip Landon: Thanks very much, Mr. Housefather.

I would say that the fact that those jurisdictions do all include fair dealing sort of echoes my previous point that this is an international standard to have. How they apply it does change. I think Ms. Levy's point about whether you have guidelines or whether you have bright lines is a challenging one. The Supreme Court developed six factors to determine whether the dealing was fair. That's gone through a serious legal process. It's not an easy thing for a high school teacher or a university person to apply.

What is important to remember is that Access Copyright does not represent all works. Their repertoire is limited, and the educational fair dealing exception gives universities and K-12 schools access to a much broader range of material than just an Access Copyright licence does. That was, I think, the true spirit of the change of the law in 2012.

Mr. Anthony Housefather: Thanks. I agree with what you say. Reading [*Technical difficulty—Editor*] decision is not exactly clear or simple for people to follow.

Mr. Degen, maybe I can turn to you. We've talked a lot about universities and we've pointed to Mr. Landon here a lot.

Could you talk a little bit more about K-12? Ms. McNicoll talked about it from a writer's experience, but it would seem to me that there would be a lot more abuse in primary school, where people come back with photocopied books all the time, than there is at the university level.

Could you talk about The Writers' Union's experience with primary and secondary schools?

Mr. John Degen: Thank you for the question, Mr. Housefather.

Ironically, a lot of the members of The Writers' Union are teachers themselves, so they feel sort of stuck in the middle on this kind of thing. It really comes back to something that somebody was saying earlier, which was that there is obviously a lot of economic and budgetary pressure on K-12 schools these days. It seems to be that one of the first places budget makers will look is at the materials budget.

Our official position at The Writers' Union is that we're not mad at the teachers, not at all. We understand that they are in a very difficult position and we do understand that they're often spending their own money to outfit their school libraries. Really, it's a question of setting the principles in place in law and making sure that the funding is available.

The Chair: Thank you, Mr. Degen and Mr. Housefather.

[*Translation*]

Mr. Champoux, go ahead for two and a half minutes.

Mr. Martin Champoux: Thank you, Mr. Chair.

I want to come back to the situation of authors and writers, as this is something that worries me and piques my interest.

Mr. Degen, I would like to put to you a question similar to the one I put earlier to Mr. Perro on writers' income. In Canada, that income has apparently dropped markedly since 1998—so well before the act was amended in 2012. What other factors caused you concern before that amendment?

[*English*]

Mr. John Degen: That's a very complicated question to analyze.

Obviously, there are more factors than just copyright non-compliance at play. Books are, to a certain extent, old-fashioned technology, and we've been in competition with some pretty fancy and exciting new technologies as well. We feel, though, that writers and publishers can hold their own in that competition as long as it's a level playing field. The change in 2012 just completely tilted the playing field against us.

I think Ms. Levy mentioned earlier that about 20% of a writer's income depended on educational licensing. Even though 20% may not seem like a lot, it can be the difference between continuing in your career or just giving up on your career.

[*Translation*]

Mr. Martin Champoux: That is where the danger lies, and you are right to mention it. We are living in a society where we want to provide our youth with more education. We know that education is paramount, especially for countering misinformation. We want our young people to be curious and to have access to quality books. We don't want to discourage writers and authors.

Ms. Levy, I have only a few seconds left, and I would like you to answer quickly. You invited 50 authors to send a copy of their book to the Prime Minister, with a clear intention to draw attention.

What concrete outcomes do you expect from your initiative and have you seen any results already?

• (1255)

Ms. Roanie Levy: We have not had any results yet. We hope that this committee will help us.

When the Copyright Act gets amended for the Canada—United States—Mexico Agreement, we expect recommendations 18 to 21 from the committee's report to also be added. We expect the issue to be resolved once and for all, so that we can come up with courses and establish a better partnership with the education sector.

Mr. Martin Champoux: Thank you, Ms. Levy.

Mr. Chair, I think my time is up.

The Chair: Thank you, Mr. Champoux.

[*English*]

Ms. McPherson, you have two minutes and 30 seconds, please.

Ms. Heather McPherson: Thank you, Mr. Chair.

Again, thank you to all our witnesses.

I have the enviable position on this committee of always going last. I want to take a moment to give everybody just a few minutes, or perhaps a few seconds, to tell us if there is something that we didn't hear from them today. Is there something they would like to make sure that our phenomenal analysts hear before they put this information together?

I'm going to start with Mr. Rollans, as my Edmontonian guest.

Could you be brief speaking about anything that we haven't heard that isn't on the record but that you want to make sure we get down?

Mr. Glenn Rollans: That's a good question. Thank you.

I think the numbers, the percentages, and the back-and-forth between our sector and the education sector get very confusing.

The simple thing in my mind is that the lack of a tariff or a licence for copying breaks the marketplace. Before 2012 we had a marketplace that had a chance of working. Afterwards, what we have is a bright-line arbitrary definition of "fair dealing" that gives a free option to large-scale institutions to leverage that option as a source of learning materials, rather than paying for learning materials. It doesn't have anything to do with their library purchases or with their scholarly journals; it has to do with a new system that takes percentages of many books rather than the whole of one book and makes educational resources for free in-house.

I think that is what we have—a broken marketplace.

Ms. Heather McPherson: Thank you very much, Mr. Rollans.

Would anyone else like to jump in?

Mr. John Degen: Sure.

I would like to say that there's this impression out there that licensing of creative material somehow stands in the way of access because there's a price on it. In fact, licensing is a way of creating access to materials in a fair way that is fair to everyone.

Ms. Heather McPherson: Thank you, Mr. Degen.

Ms. Levy, would you comment?

Ms. Roanie Levy: The one thing that hasn't been said is that the writing and publishing sector is not against fair dealing for education. That is not what we are against, and that is not what we're asking. We're not asking for fair dealing for education to be removed; we are asking for it to be put in the proper kind of parameter and to be encompassed within the context of licensing as well.

Ms. Heather McPherson: Ms. McNicoll or Mr. Landon, does either of you have anything to add?

Ms. Sylvia McNicoll: What I would want to reiterate is that I'm not afraid for me. I think that if there were a back payment, I would probably have \$7,000. What I'm more afraid of is that publishers need that money. They will go under, and our children won't have these wonderful jobs for [*Technical difficulty—Editor*] illustrators.

Mr. Philip Landon: The last thing I'd say is what I've said throughout. It is that universities and creators are very much of the same ilk. We all want creators to have a profitable future and a way to a future. We don't believe that going back to a mandatory collective licensing system is the way to achieve that. There are other means that can help achieve that.

Ms. Heather McPherson: Mr. Perro, I think you might have the last word.

Mr. Bryan Perro: I have nothing more to say.

[*Translation*]

Let's respect authors and our collective imagination, which is the very essence of our culture, our way of thinking, our way of being different and seeing the world differently.

• (1300)

[*English*]

The Chair: Yes, I was a bit generous, Ms. McPherson, only because you provided everyone with a great extro, and thank you for doing that with your time. It's well appreciated.

Folks, I've been through a lot of conversations. As I mentioned, we keep on getting better and better. Today was an excellent meeting, very informative. Thank you to my colleagues for providing that, and equally thank you to our guests, who provided their experience, their work, and their entertainment as many not only young but also older people enjoyed your books and publications. We thank you so much for bringing that experience to us here today as we go forward.

Colleagues, this brings us to our final session of the spring session. I wanted to say a huge thank you to you all. This has been quite an interesting little session we had this spring between legislation, hearings, reports and so on and so forth. Of course, we're not done yet, as we never are, but it was a good session nonetheless.

I want take a special thank you to Aimée, Gabrielle, and to Marion, who are apart of our staff, and in absentia also to Philippe Méla for his work.

If you'll join me, colleagues, I can't think of a more appropriate way to say thank you to a group of people who are highly professional for the wonderful job that they do. They always give us the thumbs-up when we're clear. I would ask you that you join me in giving them a thumbs-up, not just for being clear but also for being

incredibly professional and patient. Thank you so much to our interpreters. Thank you.

Let me just name the guests very quickly before I go out.

Now, Ms. Levy, it appears that by a conservative count your name was differently pronounced in about 10 different ways, I think. How do you pronounce your name, Madam?

[*Translation*]

Ms. Heather McPherson: Thank you very much.

[*English*]

Ms. Roanie Levy: No worries. I answer to all of the different pronunciations.

The Chair: Go ahead.

Ms. Roanie Levy: Roanie Levy.

The Chair: Madam, thank you very much for joining us. Roanie comes from Access Copyright.

Mr. Bryan Perro is a writer and author. From the Association of Canadian Publishers, we have Glenn Rollans. From the Canadian Society of Children's Authors, Illustrators and Performers, we have Sylvia McNicoll. We also have John Degen from The Writers' Union of Canada, and Philip Landon from Universities Canada.

I'll make one quick note before we go.

Colleagues, because we are also embarking upon a study for an independent body for complaints in sports, as we talked about earlier. I know it's probably a long time before we start that, but your ideas for witnesses would truly be appreciated. If you could do that as soon as possible, it would give us a head start on things.

That being the end—

Sorry, Ms. Ien; you have a comment.

Ms. Marci Ien: I do, Mr. Chair. I just wanted to thank you for a job well done. Thank you so much for guiding this ship.

The Chair: Thank you, Ms. Ien. I appreciate it.

Go ahead, Mr. Rayes.

[*Translation*]

Mr. Alain Rayes: Ms. Ien caught me off guard, as I also wanted to congratulate you. So I'm adding my compliments to hers, and I congratulate you on your good work.

[*English*]

The Chair: Thank you.

Go ahead, Mr. Champoux.

[*Translation*]

Mr. Martin Champoux: Since you have already been congratulated by other colleagues, Mr. Chair, I will refrain. I am kidding. Congratulations, as you have done a good job of steering this ship.

I also want to highlight the nice spirit of cooperation on the committee, even at times of very strong disagreement among the parties or committee members. Our discussions and debates have always been done with the utmost respect, and that is something I really appreciate. So I want to congratulate all of us on this.

I am really looking forward to seeing you again at our next meeting.

The Chair: Thank you, Mr. Champoux.

[*English*]

Go ahead, Ms. McPherson.

Ms. Heather McPherson: I again get to go last; this NDP thing is really quite a ride.

I of course as well want to thank you very much for all of the work that you've done. We didn't know what we were getting into

when we began our committee work last year. As much as it has been a ride, I feel like I've made some real friends in this committee.

Thank you, Chair, for steering us through what have been bumpy waters.

The Chair: It certainly has. Thank you for that. I appreciate it.

Remember, I sat on the government side when I started. I sat where the Conservatives are, and Ms. McPherson, I sat where you are for many years. That's all a big part of it: empathy.

Thank you so much, everybody. Have yourselves a wonderful summer, and we'll see you soon.

The meeting is adjourned.

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