



BULLETIN

Canadian Conference of the Arts ~ Conférence canadienne des arts

Sixty years strong, the Canadian Conference of the Arts is the national forum for the arts and cultural community in Canada. It serves as a leader, authority, and catalyst to ensure that artists can contribute freely and fully to a creative, dynamic, and civil Canadian society.

For more information on the CCA's current advocacy work, please visit our website at www.ccarts.ca

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Reality check – Where business left off in the House of Commons

Ottawa, December 2, 2005 – The dissolution of Parliament for a winter election means that work in the House of Commons grinds to a halt. Now that the writ has dropped, there is much to report on where business left off. Several pieces of legislation that would have impacted Canada's artists, arts organizations, and cultural industries fell from the Order Paper; others passed and received Royal Assent; and the activities of various Standing Committees certainly lost momentum.

ACTIVITIES OF THE STANDING COMMITTEE ON CANADIAN HERITAGE

Much of the work of the Standing Committee on Canadian Heritage over the past year focused on a study on the "influence and effectiveness of the Government of Canada's Canadian Feature Film Policy (2000)", including "the structure and effectiveness of existing direct and indirect support mechanisms" (i.e. Telefilm Canada, the National Film Board, the Canadian Television Fund, federal production and services tax credits, etc.).

A final report, entitled "Scripts, Screens, and Audiences: A New Feature Film Policy For The 21st Century", <http://www.parl.gc.ca/committee/CommitteePublication.aspx?SourceId=137485>, was released just days before the non-confidence motion passed. Unfortunately, the frenetic pace of Parliament in the weeks leading up to November 28 prevented Standing Committee members from completing a planned third and final phase of consultations, which was to involve a roundtable for key stakeholders in Ottawa. CCA will certainly monitor what policy and/or legislative reforms may emerge from the report's recommendations when the next government of Canada is formed (and whatever form it may take).

Additionally, the Standing Committee on Canadian Heritage presented two separate reports in mid-November, which specifically addressed the Canadian Broadcasting Corporation. The Seventeenth Report, which is available at www.parl.gc.ca/committee/CommitteePublication.aspx?COM=8974&SourceId=135564, is notable as it declares, "That the government should undertake to establish an independent task force to review the mandate role and services of the CBC-SRC; to establish the role the public broadcaster must have and the services it must provide in light of the new media environment and technological advances."

Meanwhile, the Eighteenth Report, which is available at www.parl.gc.ca/committee/CommitteePublication.aspx?SourceId=136788, states, "That in the opinion of the committee, the federal government must tighten its policies in broadcasting, as the Committee said in the report named Our Cultural sovereignty: The Second Century of Canadian Broadcasting, so that Canada entirely controls broadcasting in radio and television on its territory." Undoubtedly, there should be pressure during this current election campaign to ensure that this work carries forward in 2006.

CANADA'S INTERNATIONAL POLICY STATEMENT

Another exercise that will be delayed is the review by the Standing Committee on Foreign Affairs and International Trade of the International Policy statement released last spring. The lengthy document, which is available online at www.dfait-maeci.gc.ca/cip-pic/ips/ips-en.asp, is the result of collaboration between the four lead departments, namely:

Finance
International Trade
Foreign Affairs
Defence

If anyone expects stirring prose and visionary language in such a document, they will be disappointed. The document, while it will not be nominated for any literary awards, must be taken seriously due to the major redirection of emphases in Canadian foreign policy.

For the cultural sector the most notable feature in the document is the elimination of the three pillars of foreign policy, especially the third pillar which was the "promotion of Canadian culture and values." The role of culture in the rather uninspiring new international policy statement has been relegated to a vague statement of the importance of "public diplomacy".

This marks a major departure for Canada's international policy and one which is worrisome for CCA. The Department of Foreign Affairs has been woefully under-resourced to support any substantial promotion of Canadian artists and talent internationally, a situation that many had hoped the new policy would address in positive terms. While the November 23 Canada Council funding announcement by Liza Frulla in Montreal also included \$11 million new dollars over three fiscal years for Foreign Affairs Canada's International Touring Program, this is but a small encouraging sign. Put simply, additional government dollars for program spending on culture must always be supported by sound policy.

In preparing for consultations on the proposed policy, the Standing Committee had prepared a questionnaire which it is asked those concerned with this issue to fill out and submit. The CCA wrote to the Chair of the Standing Committee on November 14 (the letter is available online at www.ccarts.ca/en/IntlPolicyStatement.htm) noting that the questionnaire does not provide any opportunity for respondents to comment on the significant change of direction in our international policy wrought by the elimination of the third pillar. Just days after the election began the CCA received a response from the Clerk of the Standing Committee dated November 24, which invited the CCA to submit a brief for consideration.

It is the hope of the CCA that once the election is over and the Standing Committees are reformulated that a similar invitation will be extended by the new Chair. Preparing and presenting a brief will be an excellent opportunity to address this shift in concrete and constructive terms and CCA will certainly consult its members at that time, whenever it may be. In the meantime, comments from member organizations and members on this and other issues of cultural importance are always welcome; please write to lcoletta@ccarts.ca.

BILLS THAT PASSED AND RECEIVED ROYAL ASSENT

(C-18) An Act to amend the Telefilm Canada Act

This enactment provides Telefilm Canada with a mandate to act in the audio-visual industries including film, television, and new media. The corporation is also provided the authority to act in the sound recording industry under agreements with the Department of Canadian Heritage.

(C-43) An Act to implement certain provisions of the budget tabled in Parliament on February 23, 2005 (Budget Implementation Act, 2005)

The passage of this bill before the summer recess confirmed an increase the Department of Canadian Heritage's "Tomorrow Starts Today" (TST) funding package of \$860 million over five years through (see CCA Bulletin 22/05 and 23/05 for more information on "TST" www.ccarts.ca/en/advocacy/bulletins/2005bulletins.htm).

(C-2) An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act

The act received Royal Assent in July and will fully come into force as of January 2 2006. It amends obscenity provisions in the Criminal Code with respect to the type of written, visual, and audio material that constitute child pornography.

It is regrettable that after two years of active advocacy with three different governments, CCA's efforts, along with the efforts of a number of key CCA arts service organization members and various civil liberties and legal groups, were not enough to convince members of either the House or the Senate that the artistic merit defence should not be replaced with the new, ambiguous "legitimate purpose" defence. However, a small legal victory for the protection of Canadians' right to free expression can be found in the "Observations" section of the Standing Senate Committee on Legal and Constitutional Affairs's 11th report, www.parl.gc.ca/38/1/parlbus/commbus/senate/com-e/lega-e/rep-e/rep11jul05-e.htm, as Senators expressed strong concerns about the new act's potential impact on the work of artists and creators.

(C-23) Department of Human Resources and Skills Development Act

The act establishes the Department of Human Resources and Skills Development.

(S-37) An Act to amend the Criminal Code and the Cultural Property Export and Import Act

This Senate bill amends the Criminal Code to prohibit theft, mischief, arson and robbery against cultural property protected under the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict. Those amendments allow for the prosecution of such offences when committed outside Canada by Canadians. It also amends the Cultural Property Export and Import Act to prohibit Canadians from illegally exporting or otherwise removing cultural property from an occupied territory. Those amendments allow for the prosecution of such offences when committed outside Canada by Canadians, and provide for a mechanism for the restitution of cultural property.

BILLS REFERRED TO A COMMITTEE BEFORE SECOND READING

C-21 Canada Not-for-Profit Corporations Act

This bill would have established a new framework for the governance of not-for-profit corporations and other corporations without share capital. The enactment replaces Parts II and III of the Canada Corporations Act and is mainly based on the Canada Business Corporations Act. It replaces the "letters patent" system of incorporation by an "as of right" system of incorporation. The current requirement for Ministerial review of letters patent and by-laws prior to incorporation is replaced by the granting of incorporation upon the sending of required information and payment of a fee.

BILLS AWAITING SECOND READING

C-60 An Act to amend the Copyright Act

Implements the provisions of the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty, to clarify the liability of network service providers, to facilitate technology-enhanced learning and interlibrary loans, and to up date certain other provisions of the Act. See www.ccarts.ca/en/CopyrightReform.htm for more information.

C-80 An Act to implement certain income tax reductions

Provides an increase of \$500 to the basic personal amount - the amount of income that Canadians can earn without paying federal income tax - effective January 1, 2005, and makes consequential amendments to other personal amounts accelerating the increases to the personal amounts implemented pursuant to the 2005 federal budget, and reduces the lowest 16% federal income tax rate to 15%, effective January 1, 2005.

The Canadian Conference of the Arts presents:

Mapping Canada's Cultural Policy: Where do we go from here?

March 2-4, 2006

Sheraton Hotel, Ottawa

Register now at: www.ccarts.ca/en/events/NPCCChalmers2006registration.htm

For more information, visit: www.ccarts.ca/en/events/NPCCChalmers2006.htm