



CBC's request to amend SPACQ's sector description is granted

On September 8, 2003, the Tribunal rendered Decision No. 45 regarding the application for review of Decisions No. 42 (Société professionnelle des auteurs et des compositeurs du Québec [SPACQ]) and No. 43 (Guild of Canadian Film Composers [GCFC]). The Tribunal granted the Canadian Broadcasting Corporation's (CBC) request to add the following wording to SPACQ's sector description: "In the case of the CBC, a 'production in Québec' shall mean a production initiated by one of its establishments located in Québec". The Tribunal also amended the wording of the GCFC's sector description to take this modification into account.

APVQ-STCVQ Federation's request to amend its sector description is granted

On October 20, 2003, the Tribunal rendered Decision No. 46 regarding the application for review of Decision No. 41 (Federation consisting of the Association des professionnelles et des professionnels de la vidéo du Québec [APVQ] and the

Syndicat des techniciens du cinéma et de la vidéo du Québec [STCVQ]). The Tribunal granted the Federation's request to add to the sector it represents independent contractors who perform the artistic function of still photographer. The Tribunal had already addressed the issue in Decision No. 41. In that decision, the Tribunal had concluded that the work of photographers had already been recognized in three preceding certifications and that, in the absence of convincing evidence, it could not include still photographers in the sector. However, after considering all the new evidence submitted by the Federation and the representations of the Canadian Association of Photographers and Illustrators in Communications, the Tribunal concluded that still photographers in Quebec have a greater community of interests with the Federation, had been historically represented by it,

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and should be included in the sector represented by the Federation. The Federation recently changed its name to Alliance québécoise des techniciens de l'image et du son (AQTIS).

CARFAC's request to amend its sector description is granted

On December 9, 2003, the Tribunal rendered Decision No. 47 regarding an application for review of the Certification Order of Canadian Artists Representation/le Front des artistes canadiens (CARFAC). The Tribunal granted CARFAC's request to amend its certification order by substituting the word "engaged" for the word "commissioned". CARFAC was of the opinion that the original wording of its sector limited its ability to enter into negotiations with federal producers. In response to concerns brought up by intervening parties about a possible overlapping between the *Copyright Act* and the *Status of the Artist Act* and the scope of negotiations, the Tribunal reiterated its position on the subject that it is the parties themselves that determine the matters to be included in a scale agreement. The Tribunal found that the modification of the sector requested by CARFAC was reasonable and that it would also bring the sector description in line with other sectors it had granted.

Procedural Regulations and Tribunal Procedures

The new *Procedural Regulations of the Canadian Artists and Producers Professional Relations*

Tribunal (CAPPRT) (SOR/2003-343) were published in the *Canada Gazette, Part II* on November 5th, 2003.

The *Status of the Artist Act* empowers CAPPRT to make regulations of general application that it considers conducive to the performance of its duties. The Regulations provide artists, artists' associations, producers and other persons who participate in proceedings before the Tribunal with predictable and enforceable rules of practice and procedure.

To access the complete *Regulations*, please visit our website at:

<http://www.capprt-tcrpap.gc.ca/actregs/dors2003343-b.pdf>

or contact CAPPRT at: info@capprt-tcrpap.gc.ca, 613-996-4052, 1-800-263-2787 or by fax at 613-947-4125.

Although the *Procedural Regulations* are now in force, we will continue to publish the guide *Tribunal Procedures*. This guide, written in plain language, covers the procedures related to certification, the review of decisions and complaints, amongst others. It also covers matters that could not be addressed by the *Regulations*. The upcoming fourth edition will be updated and will include references to the *Regulations*. Another tool that will be available on our Web site is a guide for persons who represent themselves before the Tribunal. These two documents will be available in the spring of 2004.

New Corporate Image

Recently, the Tribunal adopted a new corporate image. We are very proud of our new brochure, kiosk and new stationery, and we are working on updating the look of the Tribunal's Web site. This project will come to fruition as the Tribunal enters its tenth year of operation in May 2004.

Mailings

The Tribunal's information bulletin, public notices, decisions, annual report, Departmental Performance Report and press releases are all available for delivery by e-mail or by regular mail. If you

*Are you currently
preparing a course or
organizing a conference
on professional relations
in the cultural sector?*

**Tribunal personnel are available
to make presentations regarding
the *Status of the Artist Act*
and the role, procedures and
activities of the Tribunal.**

have not done so already, please send your coordinates to info@capprt-tcrpap.gc.ca, specifying which documents you would like to receive, whether you would prefer to receive the documents in English or in French and whether you would prefer a paper or an electronic copy. We encourage the use of electronic documents in an effort to preserve the environment.

Changes at the Tribunal

Marc Boucher, Analyst, Research and Communications, recently left on secondment to the Department of Canadian Heritage for one year.

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