



Amendment to the SARTeC's certification order

On September 27, 2000, the National Film Board of Canada (NFB) filed an application for review of the Tribunal's decision rendered July 28, 2000, amending the Société des auteurs de radio, télévision et cinéma's (SARTeC) sector. Following the NFB's request, SARTeC proposed an amendment that was accepted by all the interveners in the matter.

The Tribunal concluded that the certification order could be amended as proposed by the SARTeC. The SARTeC's certification order will now read as follows:

Throughout Canada, a sector composed of:

- (a) authors of original French language literary or dramatic works intended for radio, television, cinema or audio-visual media;
- (b) authors who adapt, in the form of French language scripts for radio, television, cinema or audio-visual media, literary or dramatic works originally intended for another form of public broadcast;
- (c) authors mentioned in paragraphs (a) and (b) above when they conduct their own research;

but which does not include directors in their capacity as directors. ♦

The Tribunal is pre-publishing its draft *Procedural Regulations*

Further to its announcement in December 2000, the Tribunal has released its draft *CAPPRT Procedural Regulations*. We invite artists, artists' associations and producers to send their comments on this matter.

The *Status of the Artist Act*, section 16, allows the Tribunal to make regulations touching on a variety of matters which are procedural in nature. The Tribunal may make regulations of general application that it considers conducive to the performance of its duties, and in particular regulations providing for:

- (a) the practice and procedure before the Tribunal, including the assessment and awarding of costs;
- (b) the certification of artists' associations;
- (c) the conduct of representation votes;
- (d) the period for submission by an artists' association of a new application for certification, where the Tribunal previously refused to certify the association in respect of the same or substantially the same sector;
- (e) the period for submission of an application for revocation of the certification of an artists' association, where the Tribunal previously refused an application for revocation in respect of the same sector;

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- (f) the forms to be used in any proceeding that may come before the Tribunal;
- (g) the periods in which and the circumstances under which the Tribunal may exercise its powers under section 20 which concerns interim decisions, and the review of determinations and orders;
- (h) the period and form in which evidence and information may be presented to the Tribunal in connection with any proceeding before it;
- (i) the period for sending notices and other documents, the persons and associations to which they shall be sent, and the circumstances in which they are deemed to have been sent or received;
- (j) the criteria for deciding whether an artist is represented by an artists' association;
- (k) the circumstances in which the Tribunal may receive evidence in order to establish whether any artists wish to be represented by a particular artists' association, and the circumstances in which that evidence may not be made public; and
- (l) the delegation to any person of powers and duties of the Tribunal, other than the power to delegate or to make regulations, and the obligations of that person with respect thereto.

The draft Regulations deal with each of the provisions above. They can be consulted at the Tribunal website's page «News 2001». Copies are also available by contacting the Tribunal's Secretariat.

Any comments which are received by July 31, 2001 will be considered by the Tribunal prior to forwarding the draft to the Department of Justice, Legislative Services Branch. Comments received after that date are also welcome and will be considered prior to the Tribunal's finalizing the regulations. ♦

Changes at the Tribunal

On June 5, 2001, Samantha Maislan Dickson joined the Tribunal as Legal counsel. Before joining the Tribunal, Ms. Dickson worked in the area of labour law in the private sector. She also holds a bachelor's degree in music from McGill University. Renée Caron, the Tribunal's Registrar and Senior Legal Counsel, is currently on secondment at the Privy Council Office.

Tribunal Secretariat

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*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.