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Canadian Independent Music Association

## Ottawa must put creators first as it reviews Canada's cultural industries

*"[P]erformers are more than the contributors to an industry which is big business. We realize that they also express first, their own soul, their own feelings, their own interior strength, but they also sing the song of Canada. They sing from the heart of Canada. They sing of the feelings of Canada and for this reason they deserve our support." – Former Prime Minister Pierre Trudeau, 1979.*

The year ahead will prove to be a pivotal one for Canada's music industry, and indeed for all of our creative industries.

Our Minister of Canadian Heritage, Melanie Joly, is currently undertaking a sweeping cultural policy review, in the context of how our creators will effectively create, be discovered and export their works in the digital economy.

It has the potential to be a far-reaching (and long overdue) review of Canada's programs, legislation and regulation that support and govern our music industry and its creator cousins such as film, books and television. Prime Minister Justin Trudeau and his Liberal colleagues swept to power a year ago, in part, on the promise of change and support for our cultural industries; to say that our expectations for Minister Joly's review were rather high is an understatement to say the least.

Lately, however, the music industry's expectations have been lowered to a cautious optimism, as Minister Joly and her office have retreated somewhat from her original announcement that 'everything is on the table' to be discussed and reviewed during this process.

The Canadian Independent Music Association's (CIMA) members – the national community of Canadian-owned small businesses comprising independent record labels, producers, publishers, managers, distributors, recording studios and the like (the business support network behind our talented artists) – are hopeful that Minister Joly will in fact enact real change to provide stronger support for our creators.



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In fact, CIMA is strongly urging Ottawa to embrace a *'creator-centric'* approach to these ongoing consultations, as the Minister seeks advice on ways to modernize policies and programs for the creative industries, which may also include updates to the Telecommunications Act, Broadcasting Act, CRTC mandate and yes, next year's mandatory review of the Copyright Act.

The way we see it, the Minister has *no other choice* than to view these consultations through a creator-centric lens, in order to ensure the commercial and creative needs of our creator classes are properly supported.

Without the creators – Canada's artists, songwriters, composers, and the Canadian-owned business teams supporting them -- the economic and cultural ecosystem of our creative industries will fall into decline. Our friends in the broadcasting and digital companies, as well as our fans and consumers both at home and abroad – will all be impacted without the continued and modernized support from the government in terms of policy, programs and yes, stronger regulation that protects creators and their work.

In addition, it should be a high priority of the government during this consultation process to embrace policies that address the protection of the Canadian independent music ecosystem as a whole - including the artists, the songwriters and composers and the Canadian-owned business teams that support them. The government needs to ensure that its policies support and encourage competitive choices in the marketplace (both at home and abroad). This approach will enable a level playing field, as well as ensure that costs of market access do not skyrocket, and the value underscored in a "creator-centric" approach is realized by all.

One cannot imagine any government conducting a similar review of the manufacturing industry, for instance, by not putting manufacturers' needs as the foundation of that review. It would be nonsensical for government to look at the rest of the manufacturing distribution or supply chains to see how to improve that sector, without first ensuring the health of the manufacturers themselves. It just wouldn't happen that way.

So, Minister Joly needs to ensure that the 'manufacturers of content', so to speak, are not minimized in favour of the distribution chains of our musical content.

What is at stake in this cultural policy review is ensuring that modernized Canadian laws and media regulations are amended to help the nation's music industry to promote and commercialize contemporary and diverse, original Canadian



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storytelling. There is no less need to ensure that citizens' diverse, democratic voices can be effectively expressed in Canada and beyond. To the contrary, digital technologies increase the potential for content from other countries (including the United States) to overshadow Canadian voices in our domestic cultural forums.

Together with the 2017 Copyright Act review, Minister Joly's Canadian Content in a Digital World consultation represents a critical chance to modernize our policies and programs, as well as our communications laws (some of which haven't been updated since 1991) and bring them into line with the social, technological and economic realities of the way Canadian citizens – and the world -- discover and listen to music today.

In 2016, we need to bring Canada to the world, by empowering a wide range of artists and companies to continue to create new music content that reflects the total diversity of views and experiences that currently exists in Canadian culture. Certainly, music grounded in Canadian values, experiences and storytelling deserves our ongoing support.

***There are many policy suggestions that CIMA has and will put to the Minister and her staff for consideration:***

- More investment in the Canada Music Fund;
- The creation of a \$10 million dedicated, annual music export fund;
- Levelling the playing field between our online and analog 'broadcasters' by regulating digital companies and the ISPs to contribute to the development of Canadian content;
- Closing the loopholes on our Copyright Act;
- Ensuring the Copyright Board makes decisions in a timely and fair market-driven manner; and
- Fully supporting the spirit and the regulations governing 'CanCon' policies and programs, to name but a few.

We live and compete in a global economy. Music has no borders, as technology and digital services have made access to music instantaneous and global. That very fact – that Canada's music industry must compete with the world in terms of business, fans and royalties – means the need for strong cultural policies, programs, legislation and regulation has never been more important. In fact, given the pressures of a digital world, the environment of a generation ago that led to the creation of 'CanCon' policies and regulations, are no less important today, and arguably more important, than they were decades ago.



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Former Prime Minister Pierre Trudeau said it best, during a ceremony honouring the late great Hank Snow...and whose words are just as relevant today as they were in 1979:

*"We're living in an industrial age...and thanks to this technology, music can reach out and touch many people in our country and all countries around the world.*

*"The cultural activities are the ones in which Canadians engage themselves the most of any other activity.... It's a big industry and we have to remember that, we the audiences...we the government...But, if an artist creates and performs for himself or herself, he's also up against industrial competition in Hollywood, in New York, in Europe and other parts of the world, and that's why it's not possible for any country to be without a cultural policy anymore than it is to be without an industrial policy.*

*"It's extraordinarily important that a policy be set up to make sure that the artist in a small country has the equal chance of the artist in a large country, no matter the industrial power of that country...I hope it will become increasingly so and that government at all levels, federal, provincial and municipal will take this industrial reality into account."*

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