



CFTPA

*Representing television, film
and interactive production in Canada*

ACPFT

*Porte-parole de l'industrie de la production télévisuelle,
cinématographique et interactive au Canada*

THE DEPARTMENT OF CANADIAN HERITAGE

REVIEW OF CANADIAN CONTENT IN FILM

AND TELEVISION PRODUCTIONS:

SUMMARY OF FIRST SUBMISSIONS

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INTRODUCTION

The Department of Canadian Heritage's March 2002 discussion paper entitled Canadian Content in the 21st Century: A discussion paper about Canadian Content in Film and Television Productions was developed with the aim of generating public discussion on the nature of Canadian content in film or television production. All interested Canadians were invited to submit their comments about Canadian content and/or respond to the following specific questions, by May 31, 2002:

1. How should a revised Canadian content system establish an appropriate balance between different perspectives (e.g. developing Canadian cultural stories, fostering new talent, building industrial capacity, increasing domestic market shares and maximizing international market potential)?
2. Should the general approach of the current system be retained or should a new approach to assess Canadian content be developed?
 - a. Should it be required that ownership of intellectual property rights and distribution of a production be controlled by Canadian interests?
 - b. Are all key creative positions of the current Canadian content point system still sufficient, appropriate and relevant, and are the proper weights being allotted to each position?
 - c. Should the minimum point system requirements be increased?
 - d. Is it necessary to require Canadian residency or is Canadian citizenship sufficient for key creative positions?
 - e. Should the system be redesigned to adapt to differences among the various production genres? Should the Canadian content system be limited to only certain genres?
 - f. What changes, if any, need to be made to the point system for animation?
 - g. Should the production and post-production expenditure requirements be amended?
 - h. What should be the basis of a new approach to define Canadian content, if deemed required?
 - i. A new Canadian content system would conceivably require the design of vastly different program criteria and administrative processes. How should this new approach work?
 - j. What are the commercial and cultural consequences of the proposed system?
3. Should international treaty co-productions continue to qualify as 100% Canadian content?
4. Should NFB, CBC in-house and Canada Council supported productions continue to be automatically recognized as 100% Canadian content?
5. Who should assess the Canadian content of a production and how should this be done? Should there be greater harmonization between the approaches taken by the federal departments and agencies involved in the determination of Canadian content? Should the assessment of Canadian content be centralized?
6. Should the administration body have the discretion to accommodate exceptional situations?
7. Should there be a mechanism to appeal Canadian content decisions?

I. LIST OF RESPONDENTS

The following is a comprehensive list of the fifty-five respondents (including the CFTPA) whose submissions were posted on the Department of Canadian Heritage's Web site as of August 1, 2002:

A. Broadcasters (10)

Aboriginal Peoples Television Network (APTN)
ASTRAL Media Inc.
Bell Globemedia Inc. (via CTV)
Canadian Broadcasting Corporation (CBC)
CanWest Global Communications Corp.
CFMT
CHUM Television
Corus Entertainment Inc.
Groupe TVA Inc.
Télé-Québec

B. Guilds, unions, agencies & associations (21)

Alberta Motion Picture Industries Association (AMPIA)
Alliance of Canadian Cinema, Television and Radio Artists (ACTRA)
Association des producteurs de films et de télévision du Québec (APFTQ)
Association des réalisateurs et réalisatrices du Québec (ARRQ)
Canadian Association of Broadcasters (CAB)
Canadian Association of Film Distributors and Exporters (CAFDE)
Canadian Conference of the Arts (CCA)
Canadian Film and Television Production Association (CFTPA)
Canadian Independent Film Caucus (CIFC)
Canadian Media Guild (CMG)
Canadian Motion Picture Distributors Association (CMPDA)
Conseil québécois des arts médiatiques (CQAM)
Directors Guild of Canada (DGC)
Giant Screen Consortium
Independent Film and Video Alliance (IFVA)
National Film Board of Canada (NFB)
Société de développement des entreprises culturelles du Québec (SODEC)
Société des auteurs de radio, télévision et cinéma (SARTEC)
Société professionnelle des auteurs et des compositeurs du Québec (SPACQ)
Union des artistes (UDA)
Writers Guild of Canada (WGC)

C. Companies (production & other) (8)

Alliance Atlantis Communications
Cellar Door Productions (Gretha Rose)
Crescent Entertainment
Distraction Formats
Équipe Spectra
Green Lion Productions (Catherine Mullins)
Lowenbe Holdings Ltd. (Geoff Le Boutillier)
Norflicks Productions Ltd.

D. Funds (7)

Bell Broadcast and New Media Fund
Canadian Independent Film & Video Fund (CIFVF)
Canadian Television Fund (CTF)
Fonds Cogéco de développement d'émissions
Harold Greenberg Fund
Independent Production Fund (IPF)
Shaw Television Broadcast Fund

E. Individuals (9)

Allison Outhit
B.M. Adanak
Christopher Maule
Gary Ogden
James O'Regan
Mallory Clyne
Marie-Odile Thibault
Mike M.
W. Paterson Ferns

II. EXECUTIVE SUMMARY

The respondents generally agreed that there should be a basic definition of Canadian content that is demanding enough to ensure that Canadian creators and producers are supported, while providing Canadian creators with favourable access to both the domestic market and to new international markets. The CanCon system needs to have more transparent, simple, clear and objective rules to dramatically reduce the occurrence of subjective decision making, and should provide an opportunity to meet the goals of cultural diversity while ensuring the availability of cultural inputs from the widest variety of international sources.

Except for the CMPDA, respondents agreed that Canadians should own copyright of the production (not its underlying rights), as well as distribution rights. The CBC reserved its opinion until further examination of the CanCon system. The remainder of the respondents did not comment in this issue.

The majority of the respondents who commented on the production and post-production expenditure requirements recommended that the rules need to be reviewed to address concerns such as costs associated with the documentary and animation genres, and the calculation of the 75% expenditure rules.

Views on increasing the minimum points system requirement were divided: APFTQ, Astral Media, CIBC, SPACQ, Allison Outhit, CMG and CQAM want the system redesigned; ACTRA (8/10), ARRQ (8/10), CAFDE (8/12), CCA (7/10 for CAVCO purposes), DGC (7/10), IFVA (7/10), SARTEC (8/10), UDA (8/10), Télé-Québec (for CTF), Norflicks Productions Ltd. (8/14) and WGC (8/10) want to see an increase in the point system; CMPDA wants to see a decrease in the point system; Alliance Atlantis, AMPIA, Green Lion Productions (Catherine Mullins), CHUM Television, AMPIA, Astral Media Inc., CFTPA, Corus Entertainment, CCA (for CRTC purposes), Équipe Spectra, Giant Screen Consortium, Shaw Television Broadcast Fund, Lowenbe Holdings Ltd. and Télé-Québec (for CAVCO purposes) prefer status quo. The remainder of the respondents did not comment in this issue.

Opinions were divided on the question of residency requirements for key creative personnel. The ARRQ, CIFC, CMG, CQAM, SARTEC, SPACQ, Télé-Québec, Allison Outhit, SPACQ and WGC would support residency requirements; ACTRA, Alliance Atlantis Communications, IPF (& Fonds Cogéco de développement d'émissions), AMPIA, APFTQ, Astral Media Inc., CAFDE, CFTPA, Green Lion Productions (Catherine Mullins), CCA, CHUM Television, Corus Entertainment, DGC, Équipe Spectra, Giant Screen Consortium, Harold Greenberg Fund, Lowenbe Holdings Ltd. and IFVA (for key creative personnel) would not support residency requirements. IFVA would support residency requirements for producers; UDA would be against residency requirements if at least 2 of 3 individuals in the director, screenwriter and actor positions reside in Canada; the CBC and the CMPDA reserve their opinion until further examination of the current CanCon system. The remainder of the respondents did not comment in this issue.

ACTRA, Astral Media Inc., Allison Outhit, Harold Greenberg Fund, APFTQ, ARRQ, CCA, CIFC, CanWest Global Communications Corp., DGC, Giant Screen Consortium, IFVA, SODEC, SARTEC, Alliance Atlantis Communications, Crescent Entertainment Ltd., Équipe Spectra, Bell Broadcast and New Media Fund, CIFVF, IPF (& Fonds Cogéco de développement d'émissions), Green Lion Productions (Catherine Mullins), W. Paterson Ferns and Cellar Door Productions (Gretha Rose) would not support the use of "visibly Canadian" CanCon requirements (such as the CTF's) as the basis of a new CanCon definition. CMPDA, CBC, Mallory Clyne, Mike M. would support such a requirement. The remainder of the respondents did not comment in this issue.

III. SUMMARY OF ISSUES

A. Broadcasters

APTN:

- Outside of the Aboriginal language envelope, which represents only one per cent of funding dispersed, Aboriginal producers have been repeatedly shut out of the main English and French-language CTF and Telefilm envelopes
- The government should consider a less cumbersome means of facilitating co-productions between American and Canadian aboriginal producers
- The government should make a conscious effort to include Aboriginal productions as a key factor in developing Canadian stories, fostering new talent and building native industrial capacity. Supporting aboriginal productions has to be identified as a top priority.
- All programs and films produced by American aboriginal and Canadian aboriginal producers should qualify for Canadian content

Astral Media Inc.:

- Must make the distinction between "definition" of CanCon and CanCon "program/funding eligibility requirements"
- Any CanCon definition should apply to all genres, be objective, with predictable results and be able to balance the many goals of public policy
- 75% expenditure rules should be reduced to 60% of combined production and post-production costs
- Disagrees with the CTF's "visibly Canadian" CanCon requirement: this requirement should not be incorporated into any new CanCon definition

- A “Canadian production” is produced by a corporation that is owned and controlled by Canadians; creative and financial control rests with Canadians; copyright is held by Canadians; achieves 6 out of 10 points; at least 60% of production expenditures are paid for services rendered in Canada by Canadians; is distributed in Canada by a corporation that is owned and controlled by Canadians; is shown in Canada by an entity that is owned and controlled by Canadians
- Administrative simplification: a producer should be able to submit an affidavit attesting to a production’s compliance to program/system requirements
- Does not support residency requirement

Bell Globemedia Inc. (via CTV):

- Does not recommend any major change to the existing CanCon system. Believes that certainty works to the advantage of every participant in the broadcasting system. Redesigning the cornerstones on which broadcasters have laid long-term business strategies will undermine the best efforts of the Department of Canadian Heritage, the CRTC and the industry.
- Would like to see stable, long-term funding for the Canadian Television Fund
- Would like to have a tax credit for the promotion and marketing of Canadian programming
- Elimination of excess licence fees so that the money can be redirected to Canadian programming (CTV commits to use these additional funds for Canadian drama)
- Legislative changes to permit pharmaceutical advertising and its revenue opportunities, again allowing each broadcaster to direct these new revenues towards strengthening its Canadian programming schedule (CTV commits to use these additional funds for Canadian drama)
- Continued modernization of the copyright regime to allow full value for program rights across all media platforms

CBC:

- The CanCon review must ensure 1) that the objectives of the definition of Canadian programming, the regulatory environment and public financing continue to be well-defined and 2) that the industrial and cultural instruments in the system are effective vis-à-vis well-defined objectives
- Government financing of Canadian programs should be modified to provide greater support for those television programs that target cultural objectives
- The current definition of Canadian programs, of which the citizenship of the program’s creative talent is one element, does not sufficiently capture distinctly-Canadian programming, particularly drama programming
- The current regulatory environment, which encourages the broadcast of under-represented programming and the use of Canadian creative talent, does not sufficiently promote the broadcast of distinctly-Canadian priority programming, particularly drama programming. Introduce greater flexibility in the regulatory environment to better satisfy cultural and industrial objectives, and appeal to the varying needs of Canadian production and broadcast participants.
- The current public financing system for television programs does not sufficiently recognize the distinctly Canadian nature of programs, particularly drama programs, as a condition of eligibility
- Definitional changes should flow through to the regulatory and financing areas of the system
- CRTC & CAVCO certification should be harmonized and centralized in one office, and an expedited process be put in place to certify Canadian programs that are not eligible for the Canadian Film or Video Production Tax Credit

CanWest Global Communications Corp.:

- Eligibility rules should be structured so that all Canadian producers/distributors should qualify. There should be no distinction between producers/distributors who are affiliated with broadcasters and those who are not.
- Foster production of "industrial" projects as the most likely to showcase Canadian talent internationally and the most likely to achieve commercial success
- Canadian ownership of intellectual property rights and control of domestic and international distribution should receive bonus points in the measurement of compliance with the ten-point system, and in measurement of the minimum 6 point eligibility for CAVCO tax credits
- Does not support centralization of Canadian content assessment

CFMT:

- Many funds are not accessible by third-language programming producers. There has not been government or industry action to rectify this funding inequity.
- Much needed funding for third-language programming would empower Canada's ethnic producers and generate a creative force for Canada's rapidly evolving and diverse multicultural society

CHUM Television:

- Concerned that ill advised changes to current rules would have a deleterious effect on Canadian production and the ability of broadcasters to meet their respective Conditions of Licence
- Believes that Canadian production must better reflect the multi-cultural, multi-ethnic and culturally diverse reality of the country. CHUM's Citytv was founded on the principles of inclusion and diversity.
- Does not support residency requirement

Corus Entertainment Inc.:

- The existing system should be retained, with minor changes, as discussed in greater detail below. Any significant change to the system at this point would create unnecessary uncertainty that, instead of encouraging the creation of more quality Canadian programming, could, in fact, frustrate its development.
- Proposes that the following revised points system for animation be developed which reflects the many technical innovations taking place in the animation industry:

Director	1	
Scriptwriter and storyboard supervisor	1	
First or second leading performer	1	
Design supervisor or modeling in Canada	1	
Art Director	1	
Music composer	1	
Picture editor	1	
Animation Timing in Canada	1	
Key Animation in Canada	1	
Compositing in Canada	1	Total of 10 points

Director **or** Scriptwriter **and** Storyboard Supervisor **must** be Canadian;
Key Animation **must** be performed in Canada;
First or second leading performer **must** be Canadian.
- Supports production and post-production expenditure requirements. However, it may be appropriate to consider reducing these levels or establishing different levels depending upon the overall budget of the production.

- NFB, CBC in-house and Canada Council supported productions should be required to satisfy the same Canadian content requirements applicable to all other Canadian producers
- Canadian content decisions based on objective criteria should be subject to appeal in order to ensure that the certification system is fair and equitable
- Does not support residency requirement

Groupe TVA Inc.:

- The CRTC prime time hours should be broadened from the current 7pm-11pm, to 6pm-midnight. This larger time frame would allow broadcasters to better program their schedule in accordance with viewing tendencies. This flexibility would be in keeping with the CRTC's public policy to show a broader range of Canadian programming when Canadian viewers are more apt to be watching television.

Télé-Québec:

- CanCon revision should seek to preserve the Canadian cultural identity with content aimed at opening new doors towards the world, promote Canadian talent and strengthen the industry's infrastructure
- Supports residency requirement

B. Guilds, unions, agencies & associations

AMPIA:

- Suggests the creation of an incentive program to assist distributors to market Canadian programs
- Need for greater harmonization among agencies, simplification of administration process generally, streamlining of the administrative process, standardizing and perhaps centralizing paperwork
- Does not support residency requirement

ACTRA:

- A Canadian program is one conceived, written, performed, directed and produced entirely by Canadians – such a program will look and feel Canadian, regardless of what the story is about, or where it is set. This must become the new definition of a Canadian program, with relevant policies and programs amended over the next three years to conform to it. (exception to this new definition: where the engagement of a foreign artist is an essential element of the story being told and fundamental to the script)
- Proposes the following limitations on the use of non-Canadian performers in other program genres that benefit from designation as Canadian Content:
 - Documentary Program – all voice performers must be Canadian.
 - Quiz, Panel or Game Program – host must be Canadian and no more than 1-in-4 of the regular panel may be non-Canadian.
 - Variety or Music Program – where a program or series features an act or star, such star must be Canadian – other performers may be non-Canadian, subject to the 1-in-4 limit.
 - Talk, Interview or Public Affairs Program – recurring roles, such as host, must be Canadian – non-Canadians may appear as guests, without limit.
 - Sports Program – sports broadcasters must be Canadian, with the exception of expert analysts, subject to an overall 1-in-4 limit.
- Producers benefiting from the Canadian content tax credit system and CRTC recognition should be required to obtain 8 out of 10 points

- A television project that is patently not Canadian in character should no longer enjoy status as a Canadian program – this includes production packages, co-ventures, twinning and individual episodes in a series that fail to achieve the appropriate points
- A program produced under an official co-production treaty that utilizes third party country participants should not qualify as Canadian
- Levies from film distributors for the production, marketing and promotion of Canadian movies, adequate space on theatre screens for those movies and a significant television movie channel for Canadian filmmakers
- Reinstatement of strong CRTC regulations to stimulate the production of drama programs
- A radically new public broadcaster – with more television channels, not more transmission towers – with more drama programs and films, not more staff
- Public/private partnerships that eliminate the need to rely on foreign financing to make Canadian shows
- CRTC regulations that give priority carriage to public interest television services; that recognize the changing nature of the broadcasting system and the growing importance of the smaller private broadcasters, such as the specialty services; and that ensure the larger players, who use public airwaves for private profit, contribute handsomely to the public/private partnerships
- A revitalized independent production sector – Canadian tax dollars should support only those who bring Canadian stories to the screen and who share in the financial risk
- Does not support residency requirement

APFTQ:

- Must make the distinction between “definition” of CanCon and CanCon program/funding “eligibility requirements”
- Any CanCon definition should apply to all genres, be objective, with predictable results and be able to balance the many goals of public policy
- 75% expenditure rules should be based on combined production and post-production costs
- Disagrees with the CTF’s “visibly Canadian” CanCon requirement: this requirement should not be incorporated into any new CanCon definition
- A “Canadian production” is produced by a corporation that is owned and controlled by Canadians; creative and financial control rests with Canadians; copyright is held by Canadians; achieves 6 out of 10 points; is distributed in Canada by a corporation that is owned and controlled by Canadians; initial control of incensing is held by Canadians, is shown in Canada by an entity that is owned and controlled by Canadians
- One entity should be responsible for Canadian content certification for both tax credit purposes and CRTC recognition, with regional offices in large production centres
- 60% of key creative positions should be filled by Canadians (the 6 out of 10 requirement is only valid for dramas). Example: if only 7 creative positions are filled, 60% of the 7 positions should be filled by Canadians.
- Points system should vary based on different genres (eg. variety shows like Spectra produces often do not fulfill the music composer point requirement)
- Series should not be certified episode by episode: like the CRTC, the series should be certified as a whole
- No more than 25% of the production budget should be spent on non-Canadian stock footage
- Does not support residency requirement

ARRQ:

- Government should not adopt CTF's "visibly Canadian" CanCon requirement. Content should be looked at in terms of quality and cultural relevance
- Recommends points system be increased to 8 out of 10 in order to weed out "false" Canadian productions and reduce the falsification of information for funding purposes
- Favours residency requirement for tax reasons

CAB:

- Believes a review of the measures used to foster and support the Canadian film and television industry is critical to the future success of Canadian program production, and is encouraged by the Government's efforts in this regard. However, any changes to such measures must take into consideration both the public and commercial interests at play in the system and recognize the commercial realities of the Canadian broadcasting and production industries.
- Believes that it is important to undertake a review of Canadian content in this broader context. For this reason, it will review all submissions filed on May 31, 2002 and consult further with its television, specialty and pay members on the challenges and opportunities they will face with respect to Canadian content and the financing of Canadian programming in the future. Intends to file a second submission that examines these matters in more detail.

CAFDE:

- It is essential to distinguish feature film from other media when considering Canadian content criteria. In the feature film sector, funding and regulation have been deficient over the years. No regulations exist to support the domestic feature film industry in the same way the *Broadcasting Act* contributes to the development of Canadian television programming and recorded music for radio.
- The feature film industry needs Canadian content criteria that recognizes the difficult market situation Canadian producers and distributors face in their own domestic market
- There should be one national standard for determining CanCon, which may vary according to genres (television programming, feature films, new media)
- The lack of guaranteed distribution has a fundamental effect on how Canadian films are financed. The majority of Canadian films must finance a portion of their budgets from the international market place (i.e. foreign distributors, whose first concern is "who are the film's stars?").
- Recommends increasing points system from 8 out of 12 in order to increase primary roles in a film to 4 with the possibility of 2 of the roles going to non-Canadian on screen talent
- Creating a level playing field between Canadian domestic and international co-productions: given the new Feature Film policy which calls on Canadian film makers to develop feature films that will attract Canadian audiences, it is imperative to give producers the flexibility within any Canadian content criteria to develop the needed films without having to resort to co-productions.
- Does not support residency requirement

CCA:

- The CRTC should no longer permit special recognition for co-ventures which exempt certain programs from the director or producer requirement or the leading performer requirements if all other creative positions are filled by Canadians
- CRTC should use as demanding a test of the writer credit as does CAVCO

- Drama programs benefiting from the 125% credit should meet a minimum of 8 out of 10 points
- The CRTC should reinstate the 150% credit for 10 point Canadian children's programs
- Broadcaster in-house productions and NFB productions should be required to meet the 6 out of 10 point scale and the spending requirements of CAVCO and the CRTC
- The CRTC should make occasional random audits, particularly of programs that are broadcast on several services
- The point count necessary for the Canadian Film or Video Tax Credit should be raised to 7 out of 10. This new level should be reviewed within five years with a view to evaluating the appropriateness of raising the level to 8.
- The CTF should review its four Essential Requirements (in particular, the requirements for Canadian themes and shooting in Canada) with a view to removing limits on the topics to be developed by film-makers. Requirements are inappropriate and over-limiting to creators.
- Does not support residency requirement

CIFC:

- Broadcaster affiliated production companies should not have access to direct assistance from funders
- Duplication, complications and unnecessary paper burden in the current CanCon system should be eliminated
- Do not use the CTF's "visibly Canadian" requirement in any revised CanCon definition. For documentaries, the nationality of a documentary should be based on the nationality of the filmmaker - not the subject matter.
- Factual programming, public affairs programming and documentaries need to be better defined: these are not long form documentaries as indicated in broadcast logs by their broadcasters.
- A revision of the Canadian content certification system ought to be made in order to fully accommodate documentaries as a genre that, like drama and animation, has specific requirements for purposes of certification
- The point system should not be increased, but redesigned for documentaries in the following way: 2 points each for director, writer and editor; 1 point each for narrator, researcher, D.o.P. and music composer
- Documentary treaty co-productions should continue to count as 100% Canadian content
- The CRTC's Canadian content time credit should be raised to 150% for 10 point feature length documentaries broadcast during prime time, or 100% key creative talent (e.g. 9/9 or 8/8 points). The 150% time credit only exists for programs with 90% dramatic content: suggests that in the case of documentaries of any length with dramatic segments, the time credit bonus apply to them if they have 50% dramatic content.
- The PSTC rate of 11% of "qualified Canadian labour expenditures" be reduced to 8% and the CPTC rate be increased from 12% to 14% to underscore a significant distinction between tax credits for domestic productions (including treaty co-productions) and service productions
- The CanCon system be simplified in the following manner: allow CAVCO to exchange information with other governmental agencies; adopt a universal production number for tax credit (CPTC or PSTC) certification, financial assistance or broadcast certification; monitor statistical data and analyze trends aided by the universal production number.
- Believes it is appropriate for this review to fully assess how funding for co-productions is being used: concerned that money is going to fund programs aimed at offshore markets with a potential for abuse or unexpected consequences.
- Favours residency requirement

CFTPA:

- Greater need for simplicity and clarity in the rules and criteria for all direct funds and tax incentives. CAVCO should keep administrative discretion to a minimum in decision-making, improve application-processing time and provide a clear standard of service commitment to its clients. Producer control requirements need to be much simpler and clearer, in order to reduce uncertainty and expedite more timely production financing.
- Greater attention needs to be given to the value foreign-based distributors may bring to the Canadian market: important to encourage greater competition and investment in this area
- The CAVCO writer definition needs to make some accommodation for projects written by Canadians, but based on projects, novels, ideas developed by non-Canadians
- Genres such as “documentary” and “variety” may need be reassessed, clarified and harmonized with the definitions used by various private and public funding agencies
- Does not favour residency requirement
- Recommends the creation of a specific technical force representing Canadian animation producers and creators to review the present level of relevancy of the current key creative and cost requirements
- Suggests that the dual production and post production calculation could be reviewed by a technical task force of industry experts to consider ways of simplifying and streamlining the calculation
- Need for greater harmonization among agencies and simplification of administration process generally. Recommends a review of procedures in conjunction with the tax credit simplification agenda.
- The review of Canadian costs should consider approaches to productions which may have difficulty achieving the cost thresholds, but which meet the points requirements and represent a significant overall benefit to Canadian creators and technicians
- Recommends the creation of an independent advisory panel to CAVCO made up of industry experts who could provide expert advice on complex situations and reduce the need for formal appeals

CMG:

- The system that determines what qualifies as Canadian content has become too difficult to navigate, too cumbersome and too bureaucratic
- The system should be strengthened as the maturity of the Canadian industry makes it appropriate to raise the CanCon bar
- Proposes that the CBC be self-regulating on the issue of Canadian content. The CBC remains the single major provider of Canadian content, historically as well as currently.
- Public monies now funneled to independent producers and private broadcasters should be re-directed towards the CBC for more internal production of Canadian content
- Favours residency requirement

CMPDA:

- A more flexible approach to defining Canadian content is desirable from the point of view of producers, distributors, broadcasters and the public. Such an approach is more likely to fulfill both cultural and industrial objectives.
- Takes issue with the continuance of current broadcast quotas

- Each incentive program should use the same definition and that the definition should be amended to 1) remove requirements that do not contribute to cultural or industrial goals (ie. restrictions on the nationality of distributors, copyright owners, individual producers); 2) add requirements that do promote these goals (ie. Canadian stories, themes, settings); and 3) allow for degrees of "Canadianness" by providing for some Canadian content credit for any production that meets any of the criteria to any significant degree
- Supports a decrease in the minimum points system with a corresponding decrease in subsidy eligibility and quota fulfillment
- All incentive programs should harmonize their requirements and streamline their administration

CQAM:

- CanCon should support Canadian creative talent without restrictions based on subject matter or location
- Favours residency requirement
- Three of the following 5 key creative positions should be filled by Canadians and be worth 2 points each: producer, director, screenwriter, first lead performer and music composer. For "private" co-productions ("coproductions privées"), producer should hold at least 65% of the copyright in the production, the key creative positions of director, screenwriter and first lead performer should all be worth the same points, and 2 of the 3 other key creative positions should be filled by Canadians.

DGC:

- Supports an increase in the point system to 7 out of 10 points
- Believes that the system works well and is not in need of a major overhaul
- Does not support residency requirement

Giant Screen Consortium:

- Large format productions (giant screen) cannot comply with CTF requirements for Canadian subject matter and principal photography in Canada. The giant screen format is presently experimenting with new genres and is in constant evolution: the CanCon rules need to be relaxed
- The 75% expenditure rules should be relaxed to allow for production services that are not available in Canada
- The 75 minute feature film length requirement is inappropriate for large format productions. If producers cannot comply with this requirement, they are unable to access various funding programs such as Telefilm's selective envelope or provincial funding programs. Several European countries (eg, France, Spain, Germany) have already changed their content rules and acknowledge that the length of a feature film is dictated by various large format markets.
- Does not favour residency requirement

IFVA:

- The Canadian nationality status of the key creative personnel is the core basis of evaluating Canadian content - not the theme, the subject matter or the shooting location. Canada is a multicultural country and productions shot in various countries are a reflection of Canada's demographic and cultural reality.
- Favours residency requirement for producer, but not for key creative personnel (no explanation provided)
- Recommends increase in point system to 7 out of 10
- Does not support the CTF's "visibly Canadian" CanCon requirement

NFB:

- The federal government should launch a significant review of Canada's distribution system. Regulatory instruments, incentives and resources must be developed and made available to improve and ensure access to Canadian screens.
- Incentives for the distribution in theatres of feature length documentaries and audience building mechanisms should be explored, as well as providing incentives (i.e. funding for 35mm prints or equipping theatres with state of the art digital projectors as it is currently done in Europe) to distributors to screen Canadian animated shorts before features
- Need more demanding Canadian content conditions by the CRTC, such as increasing required levels of Canadian content programming in specific genres (ie. for drama, documentaries, children's programming, and animation) with menu and channel positioning
- A performance evaluation should be undertaken to assess whether the Canadian content system of policies, rules and regulations, along with other government policies, are meeting their objectives

SARTEC:

- Any CanCon definition should consider the fragility and the uniqueness of French screenwriting
- The Department of Canadian Heritage should protect and encourage French language animation projects
- The point system should be raised to 8 out of 10 points
- The federal tax credit program should be revised to include more cultural elements
- Information should be published in order that the cultural and economic impacts of various programs or audiovisual requirements can be assessed (eg. CAVCO should publish titles of certified productions)
- Artists and creators should be included in any discussion or consultation on Canadian content
- Supports residency requirement

SODEC:

- The federal government should think of the ways in which changes to the current CanCon rules may affect Quebec requirements. Certain CanCon changes (eg. for key creative personnel) may affect Quebec's wish and capacity to finance productions and may lead it to reexamine how and why it should revisit its own certification/funding definitions.
- Does not support the CTF's "visibly Canadian" CanCon requirement

SPACQ:

- Government should strengthen and increase Canadian content requirements if it wants to promote Canadian talent and tell Canadian stories
- The point system for key creative personnel should be revised to include more key creative positions and require that the point for music composer become one of the mandatory points
- Supports a residency requirement
- Advocates the promotion of French language production

UDA:

- Advocates an 8 out of 10 point system given that 93.7% of certified productions are awarded 8 out of 10 points

- Recommends that additional points be awarded (or a similar incentive) for French language co-productions or French productions destined for foreign markets
- Does not favour residency requirement if at least 2 of 3 individuals in the director, screenwriter and actor positions reside in Canada

WGC:

- Raise the points requirement from to 8 out of 10 points
- For Canadian-certified productions, require that both the writer and director positions be filled by Canadians
- For episodic television series, require that story departments be based in Canada
- Canadianize the Canadian Film or Video Tax Credit: revise the definition of 'eligible labour expenses' so that it applies only to creative talent resident in Canada for tax purposes
- Bring transparency to the system by amending the *Income Tax Act* to allow publication of the names of CAVCO-certified productions
- Favours residency requirement

C. Companies (production & other)

Alliance Atlantis Communications:

- Canadian content definitions should not have tests based on Canadian themes and/or subject matter (all types of Canadian content productions serve a role in Canada whether they are Canadian stories told by Canadians to Canadians or fictional stories set in far away lands)
- Greater transparency, clarity of rules to minimize uncertainty and eliminate the potential for, or perception of, unwritten rules of interpretation
- Does not support residency requirement

Cellar Door Productions (Gretha Rose):

- Does not support the CTF's "visibly Canadian" requirement
- Need to harmonize funding and certification system: CAVCO, CRTC and CTF have various conflicting mandates and requirements, and national/international broadcasters do not embrace an economic model on something as restrictive as Canadian content and cultural diversity
- It should be a requirement for broadcasters to show a certain amount of regional programs

Crescent Entertainment Ltd.:

- Central assessment of Canadian Content by CAVCO. The latticework of regulations, guidelines, public notices and the like that define Canadian content variously for CAVCO, Telefilm, the CTF and CRTC creates duplication and confusion.
- Harmonize the provincial and federal regimes
- Sliding scale of Canadianness: might be addressed by varying the current federal incentive of 25% of the qualified labour expenditures. This proposed weighting is intended to be cost neutral to Treasury - it is not a suggestion to increase federal tax credit support overall.
- Exceptions to allow a non-Canadian in the writing department, perhaps solely in an editor/rewriter capacity
- Does not support the CTF's "visibly Canadian" requirement
- Advocates revisiting the "producer" definition: current definition does not necessarily reflect the reality of current television and often of feature film production, where the role of producer is likely to be fulfilled by several individuals working in collaboration.

Distraction Formats:

- The creation, development and management of formats and the overseeing management of the production puts a format sale onto a quasi production basis where many areas of television related expertise is involved (note: a format package includes tapes, case history, ratings, a production bible detailing all the production information, including the expertise and formats acquired for distribution in all media , and merchandising rights).
- A format sale is a 'live' sale where there are, in terms of Canada as a territory, opportunities to use Canadian production/marketing/format expertise at home and abroad. With the current tax credit situation, formats qualify. However, for other types of funding, they do not (this is where change is needed).

Équipe Spectra:

- Does not agree with CTF's "visibly Canadian" CanCon requirement. It is unacceptable that creators of a program must create within the confines of this program's requirements
- Does not support residency requirement

Green Lion Productions (Catherine Mullins):

- Believes that the problems currently experienced are unrelated to Canadian content issues; rather, they are the result of guidelines that were imposed on the industry as a result of the creation of the Canadian Television Fund and an ineffectual points system. Unfair distribution of funds because of a system that cannot distinguish between a well prepared and important documentary and one that was simply an easier sell to a broadcaster.
- Should return to the pre-CTF guidelines wherein projects received funding based on the strength of their content and the track record of the production team.

Lowenbe Holdings Ltd. (Geoff Le Boutillier):

- Does not favour residency requirement
- Favours centralization of Canadian content certification
- In-house productions by organizations like the CBC, NFB or Canada Council must achieve 10 out of 10 points, or conform to the most stringent level of CanCon prescribed by any new regime
- Need CanCon guidelines for new media
- Need to update animation points system: digitalization and converged media are challenging the existing regime
- International co-production treaties should be amended to include new media

Norflicks Productions Ltd.:

- Canadian broadcasters, the CBC being only a partial exception, treat talent badly, do little to promote it, or develop it, or to acknowledge its vital importance. Neglect, more than any other factor, is the reason Canadian content provides little substance and is mere window dressing in response to regulations that make it a necessity.
- The CBC and the National Film Board should be maintained and strengthened
- No profound reason why Canada should have a feature film industry. One should be encouraged only if the objective is to achieve success in the world market.
- The quality of Canadian programs will be improved by exposure and money: private broadcasters need to contribute more

- In order to ensure that Canadian talent is encouraged, would make a distinction between the television and feature film industries.
- For Canadian television programs, including MOWs:
 - Must be 100% Canadian
 - Must constitute 30% of the non-news and sports schedule. No more than a third of this 30% should be documentary or variety.
 - 20% of all private broadcast schedules should be made up of Canadian drama, all of which should receive prime time exposure
 - Broadcasters should account for their scheduling on a quarterly basis
 - Canadian news, sports, drama and variety should make up 70% of the total network and station schedules
 - Television networks should be prohibited from producing Canadian feature films and using the broadcast fund for documentaries produced by them
 - Where a Canadian independent is used as a co-producer, the broadcaster should be rewarded with an extra 25% of Canadian content (eg. a two-hour MOW produced with an independent would give them an additional half-hour of Canadian content compared to one that is produced in house)
 - Independent producers should be compensated to some degree for the loss of that portion of the broadcast fund which will now go to support the networks' produced programming
 - Aboriginal language production should be encouraged by making its programs represent three-times the Canadian content of a program produced in either official language (ie. a half-hour program in an aboriginal language broadcast on a main network will be the equivalent of 90 minutes of Canadian content)
- For feature films:
 - Eliminate the Feature Film Fund and direct this money to broadcasters to increase the price producers receive from Canadian television. Aim to reach a figure of 20% of a film's box office gross worldwide, up to a maximum of \$1 million. The Fund's portion of that license fee would be recoverable from profits, *pari passu* with other investors.
 - Producer and the production company originating and managing the production must be Canadian
 - New point system: three points each for the writer, director, and lead actor; the second lead two points; cinematographer, editor and composer one point each, making a total of 14. Of this 14, 8 would be required for certification as a Canadian film without which a film would not be eligible for the broadcasters' subsidy
 - Canadian features should spend 70% of their budget on Canadian elements but not including expenditures on writer, director or lead performer. No provision will be made for co-production treaties.

D. Funds

Bell Broadcast and New Media Fund:

- Does not support the CTF's "visibly Canadian" CanCon requirement: it is subjective and gives rise to unpredictable rulings and discretionary funding judgments based on arbitrary interpretations of what content reflects Canadian culture

CIFVF:

- Does not support the CTF's "visibly Canadian " requirement. The programs that it funds involve explorations of knowledge, information and viewpoints: the world must be available and open to inquiry by the documentary maker.

CTF:

- One of the essential requirements for entry to the Fund is that the project garner 10 out of 10 Canadian content points based on the CAVCO scale (with the noted exceptions in certain genres). Any conclusions or recommendations coming from the process should add to the ability of the various components of the system to complement one another.

Harold Greenberg Fund:

- Canadian producers or production companies must hold copyright to access any form of government or private investment funding or to be broadcast or distributed as certified Canadian content
- A Canadian production must be produced by a Canadian-owned and -controlled production company, budgetary and creative control of the production must be fully held by (a) Canadian producer(s), must be distributed and/or broadcast in Canada by a distributor or broadcaster who is Canadian-owned and -controlled
- Canadian content rules cannot be viewed in isolation. There are numerous other forums in which, and mechanisms by which, subjective, qualitative assessments are appropriate and are made every day.
- It is important to continue to allow producers to participate in these reviews. Producers need to be made very clear on any policy and guidelines changes with adequate lead-time to make adjustments.
- Does not support residency requirement
- Does not support the CTF's "visibly Canadian" CanCon requirement

IPF (& Fonds Cogéco de développement d'émissions):

- The needs of the producers, the broadcasters, and the government would be best served not by applying the CAVCO Canadian content point system as THE exclusive touchstone of "Canadian-ness" for films and television programs across the board
- Does not support the CTF's "visibly Canadian" CanCon requirement
- Recommends a "sliding scale" CanCon mechanism: projects achieving between 6 and 10 points would qualify to receive the proportionate percentage of public funding support (ie. a 6 point production would be eligible to receive as maximum public funding support 60% of what it might have been entitled to receive had it been designed as a 10 point production).
- Does not support residency requirement

Shaw Television Broadcast Fund:

- Since its inception, the CAVCO 10 point system has fostered the growth, diversity and international success of high-quality Canadian programming. The current system is clear, concise and objective and generally works well.

E. Individuals

Allison Outhit (submitted in her personal capacity, not as VP Business Affairs at Collideascope Digital Productions)

- The discussion paper does not propose a clear differential between the cultural and economic objectives of the Canadian content system. Industrial discussions should endeavour to address these objectives separately and meaningfully.

- Does not support the CTF's "visibly Canadian" CanCon requirement
- A revised Canadian content system should do away with the notion that a Canadian production must promote Canadian cultural or "visibly Canadian" content. Canadians do not demonstrably prefer Canadian-made film and television.
- Point system should be reduced, or amended to include points for production personnel, location and other production realities
- Favours residency requirement

B.M. Adanak:

- Canada needs to advertise its artistic product, and the advertising needs to be of top quality, written and designed by the best, and promoted by the best

Christopher Maule:

- Any decision as to how the rules might be modified needs to consider not the rules as they now are, but in the light of what it is the rules are trying to achieve, whether they achieve their purpose or what alternative policy mix might be more appropriate.
- Public broadcasting is an instrument to promote the supply and distribution of Canadian content along with the content rules for private broadcasters. The government owns the public broadcaster and can instruct it to produce and distribute those genres of Canadian content that it considers to be undersupplied by commercial broadcasters.

Gary Ogden:

- (one paragraph submission reproduced in its entirety) "Read the subject. Shouldn't our tax dollars go to more beneficial things, such as health care, poverty etc instead of deciding whether a film has a certain amount of Canadian content? Leave it alone."

James O'Regan:

- While absolutely every other element, skill set, good and service involved in the development, manufacturing and exploitation of movie product is essential, without actors, one merely has a nature documentary
- Any proposed change to Canadian Content rules and regulations must base itself upon the fact that actors are what people pay to see: actors are the core content of any movie or show. By focusing its attention on core product, actors, government can help producers and broadcasters understand what kind of business they are in.
- If government resources direct their energies at supporting Canadian actors, Canadian audiences will flock to screens of all sizes

Mallory Clyne:

- There is a noticeable lack of Canadian content on not only television but on the big screen as well. It should be a government priority to have real Canadian content on all our screens big and small.
- Many young Canadian writers with imaginative screenplays and ideas cannot be heard or seen because the Canadian film industry doesn't offer them the chance
- Government should spend a little more time, energy and money on making something that reaches the average Canadian who can't get an NFB film or doesn't watch the CBC and isn't particularly interested in a diet of documentaries or news shows
- Teens have no Canadian cultural reference points, except for those who've gone south

- Proposes that a contest, advertised on Much Music, in which young Canadians submit their scripts and stories for the production of a movie filmed in eg. Montreal or Vancouver, with an all Canadian crew, a Canadian director, Canadian actors and a Canadian soundtrack

Marie-Odile Thibault

- Does not specifically address CanCon in film and television productions: proposes CanCon measures for magazines (a Canadian magazine is one which has at least 50% CanCon, excluding advertising, and which should be produced in Canada) and theatres (limit distribution of foreign productions in Canada).
- Comment: it would be anti-democratic do allow private broadcasters to unilaterally influence Canada's audiovisual industry. The CTF helps create jobs across the country and promotes a cultural milieu that depends on government support (grants, tax credits, expertise and material).

Mike M.:

- The average Canadian has no clue what's going on in its arts sector. The Canadian government needs to promote culture better via newspapers (school, city, provincial, national), magazines, posters, flyers, brochures, club/bar announcements, websites, TV (MuchMusic and other Canadian channels), news.
- If the government wants recognizable Canadian content, it needs to stop promoting the U.S. format of production (quote: "most of our TV, movies, plays etc. look like they could've been made in the basement of some guy in Michigan").
- The government should encourage people to find new ways of expression. Canadian content doesn't have to mean looking and feeling like a U.S indie film.

W. Paterson Ferns (submitted in his personal capacity, not as President and CEO of the Banff Television Festival):

- The success of the Canadian film and television industry is the result of a combination of inspired public policy and private entrepreneurship. At the heart of this achievement, has been the point system, which has worked well because it is clear and objective.
- Key cultural institutions such as the CBC, the CTF and Telefilm Canada should have the ability to structure policy to "tell our own stories"
- Each separate policy objective may require a separate instrument - the government should not try to achieve all of its ends in one policy measure. A bouquet of instruments will work, keeping the current point system at the heart of the structure.

INDUSTRY RESPONSES

1) How should a revised Canadian Content system establish an appropriate balance between different perspectives (eg. developing Canadian cultural stories, fostering new talent, building industrial capacity, increasing domestic market shares and maximizing international market potential)?

CFTPA: No pressing need to revise the system. CAVCO's system sets out a minimum standard by which a significant level of Canadian creative and technical participation, and strengthened producer control and ownership, is encouraged. There is a coherence and balance between the various definitions used (CAVCO, CTF, Feature Film Fund). Greater need for simplicity and clarity in the rules and criteria for all direct funds and tax incentives. CAVCO should keep administrative discretion to a minimum in decision-making, improve application-processing time and provide a clear standard of service commitment to its clients. Producer control requirements need to be much simpler and clearer, in order to reduce uncertainty and expedite more timely production financing.

Allison Outhit: Developing Canadian cultural stories, fostering new talent, building industrial capacity, increasing domestic market shares and maximizing international market potential are objectives, not perspectives. Important to make this distinction because objectives create rules and perspectives open doors to subjective decision-making. Government agencies should not have the ability to decide what is “Canadian culture.” Enforcing Canadian cultural content on Canadian producers does not enhance their ability to make compelling, audience-catching programming. A revised Canadian content system should do away with the notion that a Canadian production must promote Canadian cultural or “visibly Canadian” content.

ACTRA: A Canadian program is one conceived, written, performed, directed and produced entirely by Canadians – such a program will look and feel Canadian, regardless of what the story is about, or where it is set. This must become the new definition of a Canadian program, with relevant policies and programs amended over the next three years to conform to it. (exception to this new definition: where the engagement of a foreign artist is an essential element of the story being told and fundamental to the script)

- Proposes the following limitations on the use of non-Canadian performers in other program genres that benefit from designation as Canadian Content
 - Documentary Program – all voice performers must be Canadian.
 - Quiz, Panel or Game Program – host must be Canadian and no more than 1-in-4 of the regular panel may be non-Canadian.
 - Variety or Music Program – where a program or series features an act or star, such star must be Canadian – other performers may be non-Canadian, subject to the 1-in-4 limit.
 - Talk, Interview or Public Affairs Program – recurring roles, such as host, must be Canadian – non-Canadians may appear as guests, without limit.
 - Sports Program – sports broadcasters must be Canadian, with the exception of expert analysts, subject to an overall 1-in-4 limit.
- Producers benefiting from the Canadian content tax credit system and CRTC recognition should be required to obtain 8 out of 10 points
- A television project that is patently not Canadian in character should no longer enjoy status as a Canadian program – this includes production packages, co-ventures, twinning and individual episodes in a series that fail to achieve the appropriate points

- A program produced under an official co-production treaty that utilizes third party country participants should not qualify as Canadian
- Levies from film distributors for the production, marketing and promotion of Canadian movies, adequate space on theatre screens for those movies and a significant television movie channel for Canadian filmmakers
- Reinstatement of strong CRTC regulations to stimulate the production of drama programs
- A radically new public broadcaster – with more television channels, not more transmission towers – with more drama programs and films, not more staff
- Public/private partnerships that eliminate the need to rely on foreign financing to make Canadian shows.
- CRTC regulations that give priority carriage to public interest television services; that recognize the changing nature of the broadcasting system and the growing importance of the smaller private broadcasters, such as the specialty services; and that ensure the larger players, who use public airwaves for private profit, contribute handsomely to the public/private partnerships
- A revitalized independent production sector – Canadian tax dollars should support only those who bring Canadian stories to the screen and who share in the financial risk

Alliance Atlantis Communications: The current Canadian content definition strikes the appropriate balance between cultural objectives and other perspectives. CAVCO and CRTC Canadian content definitions should be viewed as setting the standard for minimum levels of Canadian content.

AMPIA: The issue of requiring 100% Canadian content and wanting to recoup needs to be thoroughly examined. In some cases, such as documentaries, it is difficult to recoup in the marketplace when the content is “so Canadian”.

APFTQ: The CAVCO and CRTC CanCon definitions adequately represent the needs of the film and television production industry. The criteria used for program eligibility are objective: budgetary and creative control must rest with Canadians, a majority of key creative positions must be filled by Canadians and a large portion of the production budget must be spent in Canada. The CTF “visibly Canadian” criteria should not be adopted if a new CanCon definition is developed.

APTN: Recommends that the government make a conscious effort to include Aboriginal productions as a key factor in “developing Canadian stories, fostering new talent and building [native] industrial capacity.” Supporting aboriginal productions has to be identified as a top priority.

ARRQ: Does not see the need to revise the CanCon system. However, should the Department wish to develop another system, the ARRQ will provide its input at that time. The domestic market may be strengthened by imposing quotas - like other countries presently do. The present CanCon system should, in its political ideology as well as its day to day operations, provide directors greater visibility.

Astral Media Inc.: no comment provided

Bell Broadcast and New Media Fund: no comment provided

Bell Globemedia Inc. (via CTV): no comment provided

B. M. Adanak: no comment provided

CAB: no comment provided

CAFDE: no comment provided

CanWest Global Communications Corp.: no comment provided

CBC: Review the objective of each of the industrial and cultural instruments in use within the system (definition of a CanCon program, the regulatory environment and government financing of television programs). The over-riding objective of the system should be to enable the maximum distribution of original high-quality distinctly Canadian priority programs in prime time when most Canadians are available to watch TV.

CCA: Does not suggest radical change to the current system but rather some fine-tuning through incremental change. The existing system of support for Canadian programming has been quite successful in creating programs of relevance to Canadians, establishing a viable production industry and providing opportunities for artists and creators to practice their crafts.

Cellar Door Productions (Gretha Rose): no comment provided

CFMT: no comment provided

Christopher Maule: no comment provided

CHUM Television: The current Canadian content system has served Canada and its cultural industries very well. Any attempt to evaluate content as to its degree of cultural relevance or specificity is an exercise that is doomed to failure.

CIFC: no comment provided

CIFVF: no comment provided

CMG: no comment provided

CMPDA: In addition to the government's stated goals (industrial growth and talent development), recommends the promotion of a cultural objective to tell distinctly Canadian stories. Government could consider whether the story is set in Canada, is about Canadians, involves Canadian themes or is told from a Canadian perspective. Recommends that a new system recognize each of the principal policy objectives as distinct, and that separate requirements be established for each of them. Any production that satisfies any of the requirements should qualify for a percentage of eligibility toward quota fulfillment or access to funding, on a cumulative basis. A production would continue to earn CanCon credits reflecting the extent to which Canadians perform key creative roles and/or commensurate with the level of Canadian expenditure.

Corus Entertainment Inc.: The existing system should be retained, with minor changes. Any significant change to the system at this point would create unnecessary uncertainty that, instead of encouraging the creation of more quality Canadian programming, could, in fact, frustrate its development.

CQAM: no comment provided

Crescent Entertainment Ltd.: no comment provided

CTF: no comment provided

DGC: System works well and is not in need of a major overhaul.

Distraction Formats: no comment provided

Équipe Spectra: no comment

Gary Ogden: no comment provided

Giant Screen Consortium: no comment

Green Lion Productions (Catherine Mullins): no comment provided

Groupe TVA Inc.: no comment

Harold Greenberg Fund: no comment

IFVA: The Canadian content system should be seen as a mechanism to safeguard and ensure the development of works of cultural expression by Canadians and a means to help allocate limited resources (eg. the airwaves, government funding, tax credit) to works that truly qualify as Canadian.

IPF (& Fonds Cogéco de développement d'émissions): no comment provided

James O'Regan: no comment provided

Lowenbe Holdings Ltd. (Geoff Le Boutillier): Canadian content rules must protect the interests of Canadians and foster the Canadian perspective.

Mallory Clyne: no comment provided

Marie-Odile Thibault: no comment provided

Mike M.: no comment provided

NFB: no comment provided

Norflicks Productions Ltd.: see question 2i

SARTEC: The government should stress a cultural objective rather than an industrial one. It should find ways to strengthen its cultural objectives and put artists/creators in the forefront of any Canadian content definition.

Shaw Television Broadcast Fund: no comment provided

SODEC: no comment provided

SPACQ: Government should strengthen and increase Canadian content requirements if it wants to promote Canadian talent and tell Canadian stories. The point for music composer should be mandatory.

Télé-Québec: An appropriate balance between different perspectives can be achieved by requiring that the production be produced and owned by a prescribed taxable Canadian corporation, with a Canadian producer, a minimum of 6 out of 10 points for key creative personnel, with production and post production expenditures principally made in Canada and distribution rights held by Canadians.

UDA: The CanCon system should be about creating Canadian programs for the Canadian market. Points system should be raised to 8 out of 10 to promote the telling of Canadian stories, nurture Canadian talent and expand the domestic market.

WGC: Raise the points requirement to 8 out of 10 points; make a Canadian writer and director mandatory for Canadian-certified productions; for episodic television series, require that story departments be based in Canada; revise the definition of 'eligible labour expenses' so that it applies only to creative talent resident in Canada for tax purposes; bring transparency to the system by amending the *Income Tax Act* to allow publication of the names of CAVCO-certified productions.

W. Paterson Ferns: no comment provided

2) Should the general approach of the current system be retained or should a new approach to assess Canadian Content be developed?

<p>CFTPA: General approach of the current system should be retained. The CAVCO/CRTC definition provides an effective minimum for defining Canadian Content and provides an effective balance of cultural and commercial objectives. Administrative deficiencies and duplication are significant, however, and undermine the effectiveness of the current system.</p>

Allison Ouhit: New approaches to assessing both Canadian cultural and commercial content should be devised, with the goal of eliminating the subjective valuation of cultural content, and the encouragement of economic and commercial content (a free market, rather than protectionist approach on both counts).

ACTRA: no comment provided

Alliance Atlantis Communications: General approach of the current system should be retained, BUT with a return to more basic criteria and set of rules defining Canadian Content. Certification process and regulations need to be more predictable, transparent, simple and clear to eliminate potential for, or perception of, unwritten rules of interpretation. Department should complete its review of the "Producer Control Guidelines" (which continues to be a source of uncertainty to the industry) and put in place, in a more formal way, the service standards (turnaround times) it discussed with the industry in February 2002 at the CFTPA Policy Conference in Ottawa.

AMPIA: General approach of the current system should be retained. Thinks that the current system of 6/10 with a 75% minimum of costs expended in Canada works quite well.

APFTQ: no comment provided

APTN: no comment provided

ARRQ: General approach of the current system should be retained. A new CanCon system would sever or restrict the flow of the CanCon system that has been in place for years. Financial costs in implementing a new system should be taken into account.

Astral Media Inc.: General approach of the current system should be retained. The two CanCon definitions (CAVCO and CRTC) adequately represent the needs of the film and television production industry. The criteria used for program eligibility are objective: budgetary and creative control must rest with Canadians, a majority of key creative positions must be filled by Canadians and a large portion of the production budget must be spent in Canada. The CTF "visibly Canadian" criteria should not be incorporated into any new CanCon definition.

Bell Broadcast and New Media Fund: General approach of the current system should be retained. It is essential to apply an objective and predictable measure to determine the Canadian status of productions. Do not use the CTF's "visibly Canadian" requirement: it is subjective and gives rise to unpredictable rulings and discretionary funding judgments based on arbitrary interpretations of what content reflects Canadian culture.

Bell Globemedia Inc. (via CTV): no comment provided

B. M. Adanak: no comment provided

CAB: no comment provided

CAFDE: no comment provided

CanWest Global Communications Corp.: New approach needed. Canadian ownership of the intellectual property rights and control of domestic and international distribution should receive bonus points in the measurement of compliance with the 10 point system, and in measurement of the minimum 6 point eligibility for CAVCO tax credits. If a Canadian producer or distributor retains international distribution rights a bonus point would make the difference between eligibility and non-eligibility (eg. a 5 point production that earns 1 bonus point for distribution rights would then qualify for certification).

CBC: New approach needed. The current system needs re-examination in order to verify the objective of the cultural and industrial instruments (definition of a CanCon program, the regulatory environment and government financing of television programs).

CCA: General approach of the current system should be retained.

Cellar Door Productions (Gretha Rose): Believes more focus should be on the strength of the business, growing Canadian production companies to do more productions. Possibly allow exemptions for more commercial projects using Canadian talent in appropriate roles. Allow the industry to focus on strong universal themes and projects that are viable. Focus on Canadian elements that make a project feasible or attractive to foundational stakeholders. It should be a requirement for broadcasters to show a certain amount of regional programs.

CFMT: no comment provided

Christopher Maule: Any decision as to how the rules might be modified needs to consider not the rules as they now are but in the light of what it is the rules are trying to achieve, whether they achieve their purpose and or what alternative policy mix might be more appropriate.

CHUM Television: General approach of the current system should be retained. The current system, which has been developed and refined over the past decades, provides the stability and predictability necessary to foster Canadian production.

CIFC: General approach of the current system should be retained, BUT duplication, complications and unnecessary paper burden should be eliminated. Do not use the CTF's "visibly Canadian" in a CanCon definition. For documentaries, the nationality of a documentary should be based on the nationality of the filmmaker and not the subject matter. Factual programming, public affairs programming and documentaries need to be better defined: these are not long form documentaries as indicated in broadcast logs by their broadcasters. Broadcaster affiliated companies should not have access to direct assistance from funders.

CIFVF: no comment provided

CMG: no comment provided

CMPDA: New approach needed. New system would: 1) Encourage culturally relevant Canadian productions by awarding points for a production that actually contains Canadian content, including Canadian themes, settings, and subject matter; 2) Recognize each of the principal policy objectives as distinct, and establish separate requirements aimed to promote each of the them. Any production that satisfies any of the requirements should qualify for a percentage of eligibility towards quota fulfillment or access to funding, on a cumulative basis; 3) Ease the current restrictions on the participation of non-Canadian producers, distributors or rights holders. The result would tend to expand sources of funding and to optimize domestic and international distribution of Canadian productions.

Corus Entertainment Inc.: General approach of the current system should be retained, BUT certain minor modifications to the point system to accommodate developments relating to the production of animated programming are required.

CQAM: no comment provided

Crescent Entertainment Ltd.: New approach needed. New system would include the following elements: 1) variable rate. Proposes a “sliding scale” of Canadianness by varying the current federal incentive of 25% of the qualified labour expenditures, while maintaining revenue neutrality to the Treasury Board (ie. if a project obtained 6 points in the current 10 point system, the incentive would be reduced to 20%, and so on, as follows: 7 points - 22.5%; 8 points - 25.0%; 9 points - 27.5%; 10 points - 30.0%); 2) Exception should be created to allow a non-Canadian in the writing department, perhaps solely in an editor/rewriter capacity; 3) requirement that projects be shot and set primarily in Canada (Telefilm and CTF) should be eliminated; 4) Review definition of “producer”: the role of producer is likely to be filled by several individuals working in collaboration.

CTF: no comment provided

DGC: No opinion. Comment: government should not forget that: 1) those with responsibility for evaluating changes proposed to public policy measures might want to start by considering the possible harm that a proposed change can bring about, and what possible harm combinations of proposed changes can bring about; 2) the chances of errors in policy formulation and administration might be reduced if those who propose changes to policy were invited to comment on the reasons underlying the policy, which stakeholders benefit from the policy as it currently exists and the impact on stakeholders of any proposed changes; 3) will any proposed changes be more likely or less likely to achieve public policy objectives? Will proposed changes increase cost to Canadians noted above? Will proposed changes increase the “benefit to Canada” noted above?

Distraction Formats: no comment provided

Équipe Spectra: no comment provided

Gary Ogden: no comment provided

Giant Screen Consortium: New approach for CTF rules should be adopted. Rules are too restrictive for giant screen productions.

Green Lion Productions (Catherine Mullins): Believes that the status quo of balancing cultural goals with commercial trends should be maintained, not expanded to benefit commercial concerns.

Groupe TVA Inc.: General approach of the current system should be retained. The current system is adequate and is not in need of a major overhaul.

Harold Greenberg Fund: General approach of the current system should be retained. The underlying principles of the current Canadian content system fundamentally work and should be maintained. They have largely worked for 30 years because of their objectivity. However, the CTF's "visibly Canadian" subjective criteria are too broad and are therefore fraught with too much discretionary decision-making and unpredictability.

IFVA: no comment provided

IPF (& Fonds Cogéco de développement d'émissions): New approach needed. Recommends a new "sliding scale" of funding which is linked to the number of Canadian content points obtained by each Canadian production. A production obtaining 6 points would be eligible for maximum public funding support of 60% of what the project might have been entitled to had it been designed as a 10-point production. Canadian productions should also count as CanCon for broadcasters at an equivalent percentage value (i.e. 7/10 points only has a value of 70% towards the broadcaster's CRTC obligations).

James O'Regan: no comment provided

Lowenbe Holdings Ltd. (Geoff Le Boutillier): General approach should be retained, BUT need CanCon guidelines for new media, a new points system for animation and international co-production treaties should be amended to include new media.

Mallory Clyne: no comment provided

Marie-Odile Thibault: no comment provided

Mike M.: no comment provided

NFB: General approach of the current system should be retained. A new system of defining Canadian content should remain flexible enough in such a way that innovation, experimentation and new audiovisual idioms are not excluded.

Norflicks Productions Ltd.: Need new approach - see question 2i.

SARTEC: General approach of the current system should be retained, with recommended changes.

Shaw Television Broadcast Fund: General approach of the current system should be retained. The CAVCO "10" point system has fostered the growth, diversity and international success of high-quality Canadian programming. The current system is clear, concise and objective and generally works well.

SODEC: no comment provided

SPACQ: no comment provided

Télé-Québec: no comment provided

UDA: General approach of the current system should be retained. The present system functions very well.

WGC: General approach of the current system should be retained.

W. Paterson Ferns: no comment provided

a) Should it be required that ownership of intellectual property rights and distribution of a production be controlled by Canadian interests?

CFTPA: Yes. Retention of intellectual property rights by Canadians is a fundamental feature of the CAVCO definition system and central to Canadian industry development. Ownership and control of Canadian copyright for 25 years is helpful for corporate development and the commercial exploitation requirements of the regulations encourage Canadian producers to control the exploitation of their projects in Canada and abroad. Needs to be greater attention to the value foreign-based distributors may bring to the Canadian market: important to encourage greater competition and investment in this area.

Allison Outhit: Yes, to a large degree. Ownership of intellectual property and exploitation rights account for 100% of a producer's stock-in-trade. Commercially speaking, there isn't a better way to define what is Canadian. However, allowances should be made for co-productions and some co-ventures.

ACTRA: Yes. The requirement for the beneficial owner of the copyright in the movie or television program to be Canadian remains valid.

Alliance Atlantis Communications: Yes. The requirement that Canadians own and control certified Canadian content productions is an underlying principle that should be upheld. Intellectual property rights in the production should be limited to the production and not to all ancillary rights (eg. merchandising and publishing rights)

AMPIA: Yes. Members have raised questions in relation to the requirement of a Canadian distributor. Many distributors will not provide significant distribution advances for drama and virtually nothing for documentary programming. Wonders if there could be an incentive to assist distributors to market Canadian programs.

APFTQ: Yes.

APTN: no comment provided

ARRQ: Yes. These should remain essential eligibility requirements. Perhaps appropriate to raise eligibility requirements for distribution.

Astral Media Inc.: Yes. A "Canadian production" is produced by a corporation that is owned and controlled by Canadians; creative and financial control rests with Canadians; copyright is held by Canadians; is distributed and shown in Canada, by corporations that are owned and controlled by Canadians.

Bell Broadcast and New Media Fund : no comment provided

Bell Globemedia Inc. (via CTV): no comment provided

B. M. Adanak: no comment provided

CAB: no comment provided

CAFDE: Yes.

CanWest Global Communications Corp.: no comment provided

CBC: Perhaps. The current system needs re-examination in order to verify the objective of the cultural and industrial instruments (definition of a CanCon program, the regulatory environment and government financing of television programs). Rules should be established that enable the maximum distribution of high impact Canadian content.

CCA: Yes. Clearly ownership of intellectual property and distribution rights by Canadians is key to ensuring that Canadian values and ideas are contained in the productions certified. Clearly ownership of intellectual property rights by Canadians is key to ensuring that Canadian values and ideas are contained in the productions certified. Distribution by foreign companies is less likely to be sensitive to Canadian cultural needs.

Cellar Door Productions (Gretha Rose): no comment provided

CFMT: no comment provided

Christopher Maule: no comment provided

CHUM Television: Yes. Canadian ownership and control of intellectual property and distribution rights is an important goal. Where the majority of benefits flow to Canadians it is appropriate that the resulting productions may be classified as Canadian provided that Canadians actually control the production. Producers should be encouraged to first offer their product to Canadian distributors (including broadcasters), but then should be allowed the option of shopping for additional foreign distribution resources in those specific instances where domestic players have not risen to the call.

CIFC: Yes. Expects that “digital” copyright process currently underway will include provisions for increased transparency in reporting revenues from the exploitation of copyright. International rights should be available to whoever can best exercise them in the producer’s opinion.

CIFVF: no comment provided

CMG: Yes.

CMPDA: No. Intellectual property rights, including distribution rights, are only valuable if they can be sold. Restricting the pool of potential buyers (i.e. of potential funding sources), increases the burden on scarce public funding and restricts the production’s likelihood of reaching an audience. There is no cultural benefit or broadcast policy that justifies any restriction on the nationality of the individual producer of a Canadian film or television production. Likewise, there is no cultural justification for a policy that restricts a Canadian producer’s choice of a distributor on the basis of nationality.

Corus Entertainment Inc.: Yes. Producers are not prevented from entering into arrangements with foreign distributors to distribute programming in jurisdictions other than Canada. Furthermore, they can raise capital through treaty co-productions, which allow for the copyright in the production to be shared between the co-producers and still qualify under the point system.

CQAM: Yes. Sub distribution agreements could be allowed in order that to better promote and export Canadian programs.

Crescent Entertainment Ltd.: no comment provided

CTF: no comment provided

DGC: Yes. Any change would fail the “value for money” test (ie. Will any proposed changes be more likely or less likely to achieve public policy objectives? Will proposed changes increase cost to Canadians [CAVCO recognition and recognition of a production as a treaty co-production makes programs eligible for tax credits at the higher level provided for Canadian content programs]?) and reduce benefits to Canada (eg. promotion of identity and national unity and is a significant priority of the federal government, creation of employment, development of expertise and building of the infrastructure).

Distraction Formats: no comment provided

Équipe Spectra: Yes.

Gary Ogden: no comment provided

Giant Screen Consortium: no comment provided

Green Lion Productions (Catherine Mullins): Yes.

Groupe TVA Inc.: no comment provided

Harold Greenberg Fund: Yes.

IFVA: Yes.

IPF (& Fonds Cogéco de développement d'émissions): Yes.

James O'Regan: no comment provided

Lowenbe Holdings Ltd. (Geoff Le Boutillier): Yes.

Mallory Clyne: no comment provided

Marie-Odile Thibault: no comment provided

Mike M.: no comment provided

NFB: no comment provided

Norflicks Productions Ltd.: Yes.

SARTEC: Yes. Sees no reason to change status quo.

Shaw Television Broadcast Fund: no comment provided

SODEC: Yes.

SPACQ: Yes. It is important that Canadians retain distribution rights because globalization dictates that they retain production rights (Canadians would otherwise be obligated to import foreign content programming).

Télé-Québec: Yes. They are important financing sources, contribute to a vital Canadian industry, important in the preservation of Canadian heritage and the building of a library for future use. Broadcasters should continue being co-owners of rights, at least in the Canadian territory, to permit the dissemination of Canadian productions.

UDA: Yes. They are key eligibility requirements for funding and to preserve the Canadian culture. However, these criteria do not render a production “Canadian.”

WGC: Yes. These requirements continue to be fundamental indicators of whether a Canadian truly controls a production.

W. Paterson Ferns: no comment provided

b) Are all key creative positions of the current Canadian content point system still sufficient, appropriate and relevant, and are the proper weights being allotted to each position?

CFTPA: Yes. The points categories and weightings are still relevant and well thought out. The minimum six points is still a good minimum, providing important flexibility and well balanced by the mandatory first or second highest paid performer, and the director or screenwriter position. The CAVCO writer definition needs to make some accommodation for projects written by Canadians, but based on projects, novels, ideas developed by non-Canadians.

Allison Outhit: No. Why not consider a system that balances "above the line" personnel as well as "below the line"?

ACTRA: Yes. Supports the underlying basis of the current system since it is appropriate to leave the storytelling to the creators.

Alliance Atlantis Communications: Yes. However, greater transparency and clarity of rules is needed to remove the appearance of uncertainty about the application of these rules (eg. whether an individual is a point person, what constitutes the second highest paid leading performer)

AMPIA: Yes.

APFTQ: No. Suggests that the point system for dramas be maintained, but for all other genres of production, 60% of key creative positions must be filled by Canadians (eg. if only 7 key creative positions can be filled, 60% of the 7 positions [ie. 4 positions] should be filled by Canadians). The points concerning the first/second lead performers, as well as the director/screenwriter would be maintained. A "percentage" approach to the point system would be flexible enough to allow new key creative positions to emerge in keeping with new technology (eg. for animation).

APTN: no comment provided

ARRQ: Yes.

Astral Media Inc.: No. The system should be adapted to each eligible genre of production in keeping with the types of key creative positions necessary for the type so that it can be possible to achieve 10 points.

Bell Broadcast and New Media Fund: Yes. The CAVCO point system is efficient, effective and direct to administer, providing a consistent standard for all applicants, and a metric that balances creative and technical participation with ownership responsibilities.

Bell Globemedia Inc. (via CTV): no comment provided

B. M. Adanak: no comment provided

CAB: no comment provided

CAFDE: no comment provided

CanWest Global Communications Corp.: no comment provided

CBC: Perhaps. The current system needs re-examination in order to verify the objective of the cultural and industrial instruments (definition of a CanCon program, the regulatory environment and government financing of television programs). Rules should be established that enable the maximum distribution of high impact Canadian content.

CCA: Yes.

Cellar Door Productions (Gretha Rose): no comment provided

CFMT: no comment provided

Christopher Maule: no comment provided

CHUM Television: Yes - the hierarchy over who does what in a production has not changed over the last 30 years.

CIFC: No. The point system should not be increased, but redesigned for documentaries in the following way: 2 points each for Director, Writer and Editor; 1 point each for Narrator, Researcher, D.O.P. and Music Composer.

CIFVF: no comment provided

CMG: No. Formal point allocations should be drawn up for all genres. The original points system was developed with only 2 genres in mind: live action and animation.

CMPDA: Yes, BUT points should also be given when the underlying work, such as a novel, is written by a Canadian and that story-teller points should be given when the individual producer is Canadian.

Corus Entertainment Inc.: Yes - the key creative positions associated with live action productions have changed very little in the last 30 years. However, the animation points system should be revised: how animation is produced has changed dramatically over the last decade.

CQAM: No. The CTF point system is inadequate for documentaries that lose points if certain eligibility requirements are impossible to meet (like shooting inside Canada). Three of the following 5 key creative positions should be filled by Canadians: producer, director, screenwriter, first lead performer and music composer. These positions should all be worth 2 points. For "private" co-productions (coproductions privées), producer should own at least 65% of the copyright in the production, the key creative positions of director, screenwriter and first lead performer should all be worth the same points, 2 of the 3 other key creative positions should be filled by Canadians.

Crescent Entertainment Ltd.: no comment provided

CTF: no comment provided

DGC: Yes, for the time being.

Distraction Formats: no comment provided

Équipe Spectra: Yes, but recommends a more inclusive point system.

Gary Ogden: no comment provided

Giant Screen Consortium: Yes.

Green Lion Productions (Catherine Mullins): Yes.

Groupe TVA Inc.: no comment provided

Harold Greenberg Fund: no comment provided

IFVA: no comment provided

IPF (& Fonds Cogéco de développement d'émissions): Yes.

James O'Regan: no comment provided

Lowenbe Holdings Ltd. (Geoff Le Boutillier): Yes.

Mallory Clyne: no comment provided

Marie-Odile Thibault: Yes – the point system covers all aspects of production.

Mike M.: no comment provided

NFB: no comment provided

Norflicks Productions Ltd.: No. Suggests new points system: three points each for the writer, director, and lead actor; the second lead two points, cinematographer, editor and composer one point each, making a total of 14. Of this 14, 8 would be required for certification as a Canadian film without which a film would not be eligible for the broadcasters' subsidy. At least one of screenwriter, lead actor, or director would be a Canadian. If there is only one, then all the other categories (second star, composer, editor and cameraman) would have to be Canadian. If two of the categories worth three points are Canadian only two additional points would be required.

SARTEC: Comment - except for international treaty co-productions, all CanCon definitions should include Canadian screenwriters. Any non-Canadian screenwriting presence on a project would mean the loss of the key creative point(s) awarded to screenwriters.

Shaw Television Broadcast Fund: no comment provided

SODEC: Yes. The current requirements ensure that projects reflect the artistic milieu from which it originated.

SPACQ: No. The point system should be revised to include the music composer point among the mandatory points. This change would more accurately reflect the importance of music composers and music collectives in the audio-visual sector.

Télé-Québec: Yes.

UDA: Yes.

WGC: No. For a production to qualify as Canadian the producer, writer and director must be Canadian.

W. Paterson Ferns: Yes. The success of the Canadian film and television industry is the result of a combination of inspired public policy and private entrepreneurship. At the heart of this achievement, has been the point system, which has worked well because it is clear and objective.

c) Should the minimum point system requirements be increased?

<p>CFTPA: No. An increase in the points requirement would be counterproductive to the interests of the entire industry. The current minimum provides a strong incentive for Canadian creative elements while allowing for appropriate levels of international talent.</p>
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Allison Outhit: No. It should be reduced, or amended to include points for production personnel, location, and other production realities.

ACTRA: Yes - to 8 out of 10 points

Alliance Atlantis Communications: No.

AMPIA: No. Without a substantial “star” system in Canada, many times American “stars” are attached to the projects to increase viewership and their salability in the marketplace.

APFTQ: No. Suggests that the point system for dramas be maintained, but for all other genres of production, 60% of key creative positions be filled by Canadians (eg. if only 7 key creative positions can be filled, 60% of the 7 positions (ie.4 positions) should be filled by Canadians.

APTN: no comment provided

ARRQ: Yes - to 8 out of 10 points. This would minimize pseudo Canadian productions and the manipulation of information to meet various funding program requirements.

Astral Media Inc.: No.

Bell Broadcast and New Media Fund: no comment provided

Bell Globemedia Inc. (via CTV): no comment provided

B.M. Adanak: no comment provided

CAB: no comment provided

CAFDE: Yes – to 8 out of 12 points. This would permit the increase of primary roles in a film to 4 with the possibility of 2 of the roles going to non-Canadian on screen talent.

CanWest Global Communications Corp.: no comment provided

CBC: Perhaps. The current system needs re-examination in order to verify the objective of the cultural and industrial instruments (definition of a CanCon program, the regulatory environment and government financing of television programs).

CCA: Yes. The current level of 6 points out of 10 points for CRTC recognition should be maintained. However, the level should be increased to 7 out of 10 points for qualification for the federal tax credit. Programs receiving any bonusing from the CRTC should meet a minimum of 8 points for the 125% credit and 10 points for the 150% credit. Programs qualifying for the CTF should meet 10 of 10 points or all the points available to the production.

Cellar Door Productions (Gretha Rose): no comment provided

CFMT: no comment provided

Christopher Maule: no comment provided

CHUM Television: No.

CIFC: No, BUT changes should be made to the documentary points system.

CIFVF: no comment provided

CMG: Yes. Raise the bar on subsidies that are automatic, such as the CPTC.

CMPDA: No. In fact, it should be decreased with a corresponding decrease in subsidy eligibility and quota fulfillment. Likewise, a production that uses Canadians in all key creative roles and 100% of its budget is spent in Canada and tells a Canadian story would be eligible for more subsidy and count more heavily toward quota fulfillment than one that only meets some of these standards

Corus Entertainment Inc.: No. An increase would reduce the ability of Canadians to produce programming well suited for international and domestic markets.

CQAM: no comment provided

Crescent Entertainment Ltd.: no comment provided

CTF: no comment provided

DGC: Yes – to 7 out of 10 points. Increasing the number of “points” required would increase the value that Canadian stakeholders derive for the benefits provided by or based on the CAVCO point system. This would therefore increase the “value for money” derived, without increasing the cost of the benefit.

Distraction Formats: no comment provided

Équipe Spectra: No.

Gary Ogden: no comment provided

Giant Screen Consortium: No.

Green Lion Productions (Catherine Mullins): No. Supports current requirement that for documentary productions with less than 6 points, all key creative positions must be filled by Canadians.

Groupe TVA Inc.: no comment provided

Harold Greenberg Fund: no comment provided

IFVA: Yes - to 7 out of 10 points.

IPF (& Fonds Cogéco de développement d'émissions): No, BUT a sliding scale for CanCon should be adopted in which projects achieving between 6 and 10 points would qualify to receive the proportionate percentage of public funding support (ie. a 6 point production would be eligible to receive as maximum public funding support 60% of what it might have been entitled to receive had it been designed as a 10 point production).

James O'Regan: no comment provided

Lowenbe Holdings Ltd. (Geoff Le Boutillier): No.

Mallory Clyne: no comment provided

Marie-Odile Thibault: no comment provided

Mike M.: no comment provided

NFB: no comment provided

Norflicks Productions Ltd.: Yes - to 8 out of 14 points (see question 2b)

SARTEC: Yes - to 8 out of 10 points

Shaw Television Broadcast Fund: No.

SODEC: no comment provided

SPACQ: Yes, in order to include other creative talent as important as the current talent presently encompassed by the point system.

Télé-Québec: No for CAVCO point system, yes for CTF.

UDA: Yes - to 8 out of 10 points.

WGC: Yes - to 8 out of 10 points.

W. Paterson Ferns: no comment provided

d) Is it necessary to require Canadian residency or is Canadian citizenship sufficient for key creative positions?

CFTPA: Does not favour residency requirement. Canadian citizenship should be fundamental to the determination of program eligibility. The industry is increasingly international and Canadians will ultimately need to locate wherever it makes sense. Many highly skilled creative and technical talents are not living in Canada.

Allison Outhit: Favours residency requirement. Assuming the economic mandate is to help grow the industry, the criteria should be citizenship and where the citizen pays his/her income taxes ("we want to encourage talented people to stay and work in Canada, not live and work in LA and steer labour tax credits away from people who stuck it out in Canada").

ACTRA: Does not favour residency requirement.

Alliance Atlantis Communications: Does not favour residency requirement. Citizenship should remain the test and not residency. A Canadian is a Canadian no matter where he or she lives. Many top Canadian creative personnel work in Canada, the U.S. and around the world. Canadian content productions need every advantage to succeed and a restriction like this would be a huge handicap on market success.

AMPIA: Does not favour residency requirement. Canadian citizenship should be fundamental to the determining eligibility for Canadian programs. Residency should not be an issue.

APFTQ: Does not favour residency requirement for either CRTC or CAVCO. A residency requirement would seriously handicap Canadian producers on the international market front.

APTN: Recommends that all programs and films produced by American (US) Indian producers and Canadian Aboriginal producers qualify for Canadian content. This rationale is based on the Jay Treaty of 1794, which formed the basis for the free flow of status indigenous persons across the border dividing the United States and what was then the British colonies and became Canada. The treaty guarantees the rights of status Aboriginals to enter the other country to pursue traditional, cultural and lifestyle endeavours.

ARRQ: Favours residency requirement for tax reasons. Must consider administrative consequences of such a change in policy.

Astral Media Inc.: Does not favour residency requirement.

Bell Broadcast and New Media Fund: no comment provided

Bell Globemedia Inc. (via CTV): no comment provided.

B.M. Adanak: no comment provided

CAB: no comment provided

CAFDE: Does not favour residency requirement: it would prevent Canadian productions from benefiting from quality Canadian talent that is available.

CanWest Global Communications Corp.: no comment provided

CBC: Undecided. The current system needs re-examination in order to verify the objective of the cultural and industrial instruments (definition of a CanCon program, the regulatory environment and government financing of television programs).

CCA: Does not favour residency requirements.

Cellar Door Productions (Gretha Rose): no comment provided

CFMT: no comment provided

Christopher Maule: no comment provided

CHUM Television: does not favour residency requirements - talent will always "follow the money."

CIFC: Favours residency requirement in any Canadian content definition.

CIFVF: no comment provided

CMG: Favours residency requirement in order to repatriate Canadian stars for Canadian productions. Citizenship should not necessarily be required: rules should be broadened to include permanent residents to open the door to a wider diversity of stories and better reflect Canada today.

CMPDA: Depends upon which objective the policy is intended to serve. From an industrial point of view, income to Canadian residents (regardless of whether they are also Canadian citizens) is beneficial. Alternatively, from a cultural perspective Canadian citizenship may be relevant in reflecting a "Canadian" point of view. Accordingly, a more flexible approach, which values either Canadian residency or citizenship, may be warranted.

Corus Entertainment Inc.: Does not favour residency requirement. The United States remains the center of the global entertainment industry. Due to Canada's proximity to the U.S., numerous Canadian performers and directors have chosen to reside south of the border or split time between the two countries.

CQAM: Favours residency requirement.

Crescent Entertainment Ltd.: no comment provided

CTF: no comment provided

DGC: Does not favour residency requirement. Such a proposed change may have negative implications that may not have been considered: an impact statement and time to consider it might be beneficial.

Distraction Formats: no comment provided

Équipe Spectra: Strongly opposes residency requirement.

Gary Ogden: no comment provided

Giant Screen Consortium: Does not favour residency requirement: there is not enough local talent at this point. Only 4-6 giant screen projects are produced each year: key creative personnel must earn their living where they can - including outside of Canada.

Green Lion Productions (Catherine Mullins): Does not favour residency requirement.

Groupe TVA Inc.: no comment provided

Harold Greenberg Fund: Does not favour residency requirement. Producers need flexibility in choice of talent in order to maximize the film and television production's potential quality and audience reach both in Canada and internationally.

IFVA: Favours Canadian residency for the producer, but not for key creative personnel

IPF (& Fonds Cogéco de développement d'émissions): Does not favour residency requirement.

James O'Regan: no comment provided

Lowenbe Holdings Ltd. (Geoff Le Boutillier): Does not favour residency requirement.

Mallory Clyne: no comment provided

Marie-Odile Thibault: no comment provided

Mike M.: no comment provided

NFB: no comment provided

Norflicks Productions Ltd.: no comment provided

SARTEC: Favours residency requirement.

Shaw Television Broadcast Fund: no comment provided

SODEC: no comment provided

SPACQ: Favours residency requirement. Canadian content policies are currently being discussed for the benefit of tax-paying residents.

Télé-Québec: Favours residency requirement in order to support the Canadian industry.

UDA: Does not favour residency requirement if at least 2 of 3 individuals in the director, screenwriter and actor positions reside in Canada.

WGC: Favours residency requirement. Having public funded programs for residents will keep a core of working professionals in Canada and provide an incentive for others to return when they choose.

W. Paterson Ferns: no comment provided

e) Should the system be redesigned to adapt to the differences among the various production genres? Should the Canadian content system be limited to only certain genres?

CFTPA: The point system adapts reasonably well to different genres. However, genres such as “documentary” and “variety” may need be reassessed, clarified and harmonized with the definitions used by various private and public funding agencies. No need to limit further beyond the current exclusions.

Allison Outhit: The system should include different point structures to accommodate the natural needs of different genres. For example, a 100% Canadian science fiction series should get maximum points, even though Canada may never be seen or heard or referenced in any way in the production, for such is the nature of sci-fi.

ACTRA: no comment provided

Alliance Atlantis Communications: It useful and acceptable that some genres that do not qualify at CAVCO (to access tax credits) do qualify as Canadian Content under CRTC rules, such as news, public affairs, talk shows and sports programming. There should be different eligible genres depending on the level of recognition from the most basic certification at CRTC through to targeted financing at CTF/Telefilm.

AMPIA: Would like to produce culturally relevant programming but it is difficult to sell in international markets. If the whole idea of producing inherently Canadian programming is to maintain our Canadian culture, and understanding the realities of the marketplace, then surely some thought must be given to the recoupment strategies and requirements of the EIP program. From the reports of their members, it is extremely difficult to recoup on 100% Canadian programs if that is a requirement of one of the funds that supports Canadian production.

APFTQ: no comment provided

APTN: no comment provided

ARRQ: Does not wish comment at this stage of the CanCon consultation.

Astral Media Inc.: no comment provided

Bell Broadcast and New Media Fund: no comment provided

Bell Globemedia Inc. (via CTV): no comment provided

B. M. Adanak: no comment provided

CAB: no comment provided

CAFDE: no comment provided

CanWest Global Communications Corp.: no comment provided

CBC: System should remain the way it is: it is flexible enough to handle differences among the various production genres.

CCA: No - it works well for all genres.

Cellar Door Productions (Gretha Rose): no comment provided

CFMT: no comment provided

Christopher Maule: no comment provided

CHUM Television: The current system works well for all genres, with the exception of animation (which it considers to be a production technique, not a genre). Subjective genre determination should be avoided at all costs. The subjectivity of such an approach could well lend itself to abuse (or charges of such abuse) and bring the entire system into disrepute.

CIFC: Yes, system should be redesigned to fully accommodate documentaries as a genre that, like drama and animation, has specific requirements for purposes of certification.

CIFVF: no comment provided

CMG: no comment provided

CMPDA: Yes, the system should be limited to only certain genres. Genres that would be produced, distributed and watched in the absence of regulations (e.g. news, sports) should not be eligible for subsidy or quota fulfillment, or should be given a lower weight.

Corus Entertainment Inc.: No change to the system is necessary. Applying a different system for different program genres or limiting the Canadian content system to certain genres would be ill advised: it would cause confusion and would introduce a level of subjectivity.

CQAM: no comment provided

Crescent Entertainment Ltd.: no comment provided

CTF: no comment provided

DGC: No comment at this time. Supports the current exclusions in the CAVCO system relating to ineligible categories of production.

Distraction Formats: no comment provided

Équipe Spectra: Should be limited to the genres that the CRTC certifies. CRTC genres should be updated.

Gary Ogden: no comment provided

Giant Screen Consortium: no comment provided

Green Lion Productions (Catherine Mullins): Perhaps. However, since her experience is limited to documentary at this time, she would like to become better informed on this point.

Groupe TVA Inc.: no comment provided

Harold Greenberg Fund: no comment provided

IFVA: no comment provided

IPF (& Fonds Cogéco de développement d'émissions): no comment provided

James O'Regan: no comment provided

Lowenbe Holdings Ltd. (Geoff Le Boutillier): no comment provided

Mallory Clyne: no comment provided

Marie-Odile Thibault: no comment provided

Mike M.: no comment provided

NFB: The system should be more transparent and look to better align the definition(s) of "Canadian content" to the different genres. Concerned particularly with the provisions that demand the clearly national character of the content of documentaries. The rigidity of such rules prevents Canadian documentary filmmakers from producing for Canadians documentaries on matters of importance that offer a discovery of other people, a world view, through a unique Canadian perspective.

Norflix Productions Ltd.: Yes, the system should be redesigned to adapt to the differences among the various production genres - see question 2i.

SARTEC: Genre differences should be abolished.

Shaw Television Broadcast Fund: no comment provided

SODEC: no comment provided

SPACQ: Productions will be deemed “Canadian” as long as Canadians fill key creative positions.

Télé-Québec: The system should not be redesigned, BUT the CanCon criteria should not be applied the same way to all genres.

UDA: There should not be subjective criteria, like Canadian subject matter, in a Canadian production - especially not in a Canadian documentary. If the vast majority of the artists and creators are Canadian, Canadian content is naturally present in a project.

WGC: The point system remains relevant to all genres of production.

W. Paterson Ferns: no comment provided

f) What changes, if any, need to be made to the point system for animation?

<p>CFTPA: The CAVCO/CRTC animation definition is out-of-date and has been overtaken by changes in production technology. Recommends the creation of a specific technical force representing Canadian animation producers and creators to review the present level of relevancy of the current key creative and cost requirements.</p>
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Allison Outhit: These rules should be philosophically consistent with live action and other genres. There is no reason why the location where animation takes place should be treated differently than the location of a live action production. The animation rules were designed to give animation producers the ability to ship most of the work overseas because it's cheaper than doing it in Canada, and the argument is that cheaper is the only way to be competitive. That wouldn't fly with live action, and it shouldn't for animation either.

ACTRA: no comment provided

Alliance Atlantis Communications: As Alliance Atlantis' experience with Canadian animation projects to date has been primarily financing/distributing Canadian-based animation, particularly newer desktop digital technology, they are not in a position to comment on the specifics of this area.

AMPIA: no comment provided

APFTQ: no comment provided

APTN: no comment provided

ARRQ: Would favour incentives aimed at promoting French language productions.

Astral Media Inc.: no comment provided

Bell Broadcast and New Media Fund: no comment provided

Bell Globemedia Inc. (via CTV): no comment provided

B. M. Adanak: no comment provided

CAB: no comment provided

CAFDE: no comment provided

CanWest Global Communications Corp.: no comment provided

CBC: Does not wish to comment at this stage of the CanCon evaluation; may provide comments in the second round of submissions.

CCA: The current point system for animation is appropriate and no changes need to be made.

Cellar Door Productions (Gretha Rose): no comment provided

CFMT: no comment provided

Christopher Maule: no comment provided

CHUM Television: Some recognition of the specific nature of animation, the multiple dubbing of dialogue in numerous languages, and the high level of "in-betweening" and colouring functions that have to be shipped to foreign countries for budgetary reasons must be taken into consideration.

CIFC: no comment provided

CIFVF: no comment provided

CMG: no comment provided

CMPDA: "no comment"

Corus Entertainment Inc.: The existing animation point system was developed to accommodate traditional two-dimensional animated productions. With the move from two-dimensional animation to digital animation and three-dimensional animation, several of these functions are no longer relevant. Proposes the following points system:

Director	1	
Scriptwriter and storyboard supervisor	1	
First or second leading performer	1	
Design supervisor or modeling in Canada	1	
Art Director	1	
Music composer	1	
Picture editor	1	
Animation Timing in Canada	1	
Key Animation in Canada	1	
Compositing in Canada	1	Total of 10 points

Director **or** Scriptwriter **and** Storyboard Supervisor **must** be Canadian;
Key Animation **must** be performed in Canada;
First or second leading performer **must** be Canadian.

CQAM: no comment provided

Crescent Entertainment Ltd.: no comment provided

CTF: no comment provided

DGC: no comment at this time

Distraction Formats: no comment provided

Équipe Spectra: no comment provided

Gary Ogden: no comment provided

Giant Screen Consortium no comment provided

Green Lion Productions (Catherine Mullins): "I am totally unfamiliar with animation filmmaking."

Groupe TVA Inc.: no comment provided

Harold Greenberg Fund: no comment provided

Independent Film and Video Alliance: no comment provided

IPF (& Fonds Cogéco de développement d'émissions): no comment provided

James O'Regan: no comment provided

Lowenbe Holdings Ltd. (Geoff Le Boutillier): The present point system is outdated and inaccurate; digitalization and converged media are challenging the existing regime.

Mallory Clyne: no comment provided

Marie-Odile Thibault: no comment provided

Mike M.: no comment provided

NFB: no comment provided

Norflicks Productions Ltd.: no comment provided

SARTEC: There should not be different rules for animation and live action productions

Shaw Television Broadcast Fund: no comment provided

SODEC: no comment provided

SPACQ: The system should, at all costs, promote French language productions.

Télé-Québec: Does not wish to comment as animation is not its area of expertise.

UDA: Would like to see an incentive program for original French language productions. Productions produced in the context of a Canada/France mini-treaty should require that a majority of key creative positions be filled by francophones.

WGC: The writer position on an animation production should be assigned the same value as in live action: two points.

W. Paterson Ferns: no comment provided

g) Should the production and post-production expenditure requirements be amended?

CFTPA: Yes. Recognizing the overall policy value of these requirements, we would suggest that the dual calculation – production and post-production - could be reviewed by a technical task force of industry experts to consider ways of simplifying and streamlining the calculation.

Allison Outhit: Yes. Allowances should be made for productions to shoot outside of Canada if the creative or other compelling production realities so require.

ACTRA: no comment

Alliance Atlantis Communications: Yes. The current 75% expenditure tests (excluding the points) have generally worked well over time and strikes the appropriate balance. However, it may be more helpful if the production and post components were merged, i.e. one test for all below-the-line expenses. The lines between production and post-production are blurred in the area of live-action drama production: an amended definition might eliminate confusion while sticking to the principal of spending at least 75% of the below-the-line budget/costs in Canada.

AMPIA: Yes. Supports the expenditure of 75% of costs in Canada, but system needs to show some flexibility for documentaries which may have to travel to other countries to follow the stories they are telling.

APFTQ: Yes. Legal and auditing fees should be included in the 75% costs calculation. A new definition of production costs should be developed to include general expenses (legal fees, audit fees, insurance) and indirect costs (corporate overhead, interim financing). The 75% expenditure rules should be based on all production costs, rather than on each production and post-production expenditures, excluding costs related to key creative positions filled by non-Canadians.

APTN: no comment provided

ARRQ: Yes. Shooting in Canada is not always possible or desirable. Programs should not impose rigid requirements that impede creativity.

Astral Media Inc.: Yes. The expenditures rules should be decreased to 60% and should be calculated on total production costs. This percentage would be in sync with the 60% rule for key creative personnel and broadcasters' requirement that their broadcast day be comprised at least 60% Canadian content.

Bell Broadcast and New Media Fund: no comment provided

Bell Globemedia Inc. (via CTV): no comment provided

B. M. Adanak: no comment provided

CAB: no comment provided

CAFDE: no comment provided

CanWest Global Communications Corp.: no comment provided

CBC: Perhaps. The current system needs re-examination in order to verify the objective of the cultural and industrial instruments (definition of a CanCon program, the regulatory environment and government financing of television programs).

CCA: Yes. The spending requirements for animation need to be reviewed to ensure that they take into account current practices in the animation industry (eg. in-betweening, which is not a creative role but rather a labour-intensive fairly mechanical function, is almost exclusively done in Asia by all animation companies).

Cellar Door Productions (Gretha Rose): no comment provided

CFMT: no comment provided

Christopher Maule: no comment provided

CHUM Television: No.

CIFC: Yes. For documentaries, a more flexible formula should be used for documentary production expenditures to allow for location shooting. Suggests an average of 75% of production *and* post-production expenditures should be located in Canada

CIFVF: no comment provided

CMG: Yes. Raise the bar so that 75% of the total spent on production services should also be spent in Canada, not just paid to Canadians. At the same time, allow for exceptions.

CMPDA: Yes. It may be appropriate to give it less weight than other criteria. Because all restrictions distort markets and tend to reduce the likelihood of commercial success, only requirements that are necessary to attain policy goals should be maintained.

Corus Entertainment Inc.: Yes. Supports current expenditures levels, but it may be appropriate to consider reducing these levels or establishing different levels depending upon the overall budget of the production.

CQAM: no comment provided

Crescent Entertainment Ltd.: no comment provided

CTF: no comment provided

DGC: Does not advocate any change to the current expenditure requirements at this time.

Distraction Formats: no comment provided

Équipe Spectra: Yes. The 75% calculation should be based on all production costs, rather than on both production and post-production expenditures. Documentaries are heavily penalized by the 75% production expenditure rule (ie. often shoot outside of Canada, obtain non-Canadian stock footage and hire non-Canadian personnel on the field). For a series, the requirement should be applied to the series as a whole - not to individual episodes - because it is not easy to separate costs per episode.

Gary Ogden: no comment provided

Giant Screen Consortium: Yes. Should be amended to account for services unavailable in Canada (eg. access to large screen cameras). Quebec already makes such an allowance.

Green Lion Productions (Catherine Mullins): Perhaps. "Would need more information about this."

Groupe TVA Inc.: no comment provided

Harold Greenberg Fund: no comment provided

IFVA: no comment provided

IPF (& Fonds Cogéco de développement d'émissions): no comment provided

James O'Regan: no comment provided

Lowenbe Holdings Ltd. (Geoff Le Boutillier): No.

Mallory Clyne: no comment provided

Marie-Odile Thibault: no comment provided

Mike M.: no comment provided

NFB: no comment provided

Norflicks Productions Ltd.: Yes. Canadian feature films should spend 70% of their budget on Canadian elements but not including expenditures on screenwriters, directors or lead actors. No provision will be made for co-production treaties.

SARTEC: no comment provided

Shaw Television Broadcast Fund: no comment provided

SODEC: Perhaps. The 75% rule for post-production expenditures should be reevaluated: emerging technologies and the creation of large economic groups allow Canadian companies to obtain most or all of their technical post-production services from abroad. Given that the impact of these major changes has not been fully evaluated, it is difficult for SODEC to opine at this time.

SPACQ: These requirements should facilitate the hiring of Canadian creators. The Status of the Artist Act has allowed them to negotiate satisfactory minimum tariff rates.

Télé-Québec: No. The present amount allows for differences between genres.

UDA: No. The existing requirements seem adequate.

WGC: No. The existing requirements are appropriate.

W. Paterson Ferns: no comment provided

h) What should be the basis of a new approach to define Canadian content, if deemed required?

CFTPA: Not needed, as outlined above

Allison Outhit: We should be working from a primarily commercial ownership definition of content, as opposed to a nationalist/cultural one. Concentration of intellectual property rights and exploitation rights should be the primary definition. There will of course be some grey areas, such as where a Canadian producer acquires a work written by a non-Canadian, but produces an otherwise Canadian production. In the balance of circumstances, the production could still be "Canadian" even though the underlying creative was not.

ACTRA: no comment provided

Alliance Atlantis Communications: The current system works generally well. Have identified major areas where they system could be improved, including simplifying the system and sticking to the basic principles of Canadian content certification as noted above.

AMPIA: no comment provided

APFTQ: no comment provided

APTN: no comment provided

ARRQ: n/a

Astral Media Inc.: no comment provided

Bell Broadcast and New Media Fund: no comment provided

Bell Globemedia Inc. (via CTV): no comment provided

B. M. Adanak: no comment provided

CAB: no comment provided

CAFDE: no comment provided

CanWest Global Communications Corp.: no comment provided

CBC: One that gives greater credit for culturally distinct programming, but that provides broadcasters with the flexibility to supply varying levels of both generic and culturally-distinct programming.

CCA: No need for a new approach

Cellar Door Productions (Gretha Rose): no comment provided

CFMT: no comment provided

Christopher Maule: no comment provided

CHUM Television: No need for a new approach. However, if it will be changed, the abiding principle must be objective criteria with a high degree of predictability.

CIFC: no comment provided

CIFVF: no comment provided

CMG: no comment provided

CMPDA: In addition to the government's stated goals (industrial growth and talent development), recommends the promotion of a cultural objective to tell distinctly Canadian stories. Government could consider whether the story is set in Canada, is about Canadians, involves Canadian themes or is told from a Canadian perspective. Recommends that a new system recognize each of the principal policy objectives as distinct, and that separate requirements be established for each of them. Any production that satisfies any of the requirements should qualify for a percentage of eligibility toward quota fulfillment or access to funding, on a cumulative basis. A production would continue to earn CanCon credits reflecting the extent to which Canadians perform key creative roles and/or commensurate with the level of Canadian expenditure.

Corus Entertainment Inc.: Maintain status quo. If government develops new approach, should be objective, transparent and straightforward in order to ensure that the system is fair, with a minimum amount of confusion.

CQAM: no comment provided

Crescent Entertainment Ltd.: no comment provided

CTF: no comment provided

DGC: no comment at this time

Distraction Formats: no comment provided

Équipe Spectra: Any revised CanCon system should develop a cultural policy addressing the fact that the French and English markets are very different. CanCon requirements should not impede creativity, and should encourage an industry that is strong and competitive on the domestic and international fronts.

Gary Ogden: no comment provided

Giant Screen Consortium no comment provided

Green Lion Productions (Catherine Mullins): "Would need more information about this."

Groupe TVA Inc.: no comment provided

Harold Greenberg Fund: no comment provided

IFVA: no comment provided

IPF (& Fonds Cogéco de développement d'émissions): no comment provided

James O'Regan: Any proposed change to Canadian Content rules and regulations must base itself upon the fact that actors are what people pay to see: actors are the core content of any movie or show. By focusing its attention on core product (actors), government can help producers and broadcasters understand what kind of business they are in.

Lowenbe Holdings Ltd. (Geoff Le Boutillier): New regime should be accessible and objective, with clear rules. Flexibility should also be key as the industry undergoes technological change and enjoys new delivery mechanisms.

Mallory Clyne: no comment provided

Marie-Odile Thibault: no comment provided

Mike M.: no comment provided

NFB: no comment provided

Norflicks Productions Ltd.: see question 2i

SARTEC: no comment provided

Shaw Television Broadcast Fund: no comment provided

SODEC: no comment provided

SPACQ: All individuals responsible for the creation of content should be included in the Canadian content calculation. How can we continue to justify the exclusion of music composers from the mandatory point system? Why have they been ostracized for so long?

Télé-Québec: Criteria should be objective and flexible to account for different genres. Canadian cultural identity should be enforced, without shutting doors to the world market. Canadian talent should be promoted.

UDA: no comment provided

WGC: Does not envisage the need for a radical revision to the existing model.

W. Paterson Ferns: no comment provided

i) A new Canadian content system would conceivably require the design of vastly different program criteria and administrative processes. How should this new approach work?

CFTPA: Not needed, as outlined above.
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Allison Outhit: Consistency and predictability are key. Therefore, one set of rules should be devised and implemented for all agencies. An independent production industry arbiter should be made available to deal with appeals and inconsistencies.

ACTRA: no comment provided

Alliance Atlantis Communications: The current system works generally well. Have identified major areas where the system could be improved, including simplifying the system and sticking to the basic principles of Canadian content certification as noted above.

AMPIA: no comment provided

APFTQ: no comment provided

APTN: no comment provided

ARRQ: n/a

Astral Media Inc.: no comment provided

Bell Broadcast and New Media Fund: no comment provided

Bell Globemedia Inc. (via CTV): no comment provided

B. M. Adanak: no comment provided

CAB: no comment provided

CAFDE: no comment provided

CanWest Global Communications Corp.: no comment provided

CBC: Give greater credit for culturally distinct programming, but that provide broadcasters with the flexibility to supply varying levels of both generic and culturally-distinct programming. The structure of government financing of Canadian programs should be modified to provide greater support for those television programs that target cultural objectives. The targeting of funding for distinctly Canadian priority programs could involve certain changes to the Canadian Film or Video Production Tax Credit. This could include introducing a two-tiered system of recognition by CAVCO that allows for greater recognition of distinctly Canadian programs in the eligible tax credit categories and a higher level of funding for such programs. Harmonize the CRTC's and CAVCO's rules for Canadian content certification. The certification process could then be centralized in one office and an expedited process instituted to certify Canadian programs that are not eligible for the Canadian Film or Video Production Tax Credit. The same program criteria and administrative processes would apply.

CCA: No need for a new approach.

Cellar Door Productions (Gretha Rose): no comment provided

CFMT: no comment provided

Christopher Maule: no comment provided

CHUM Television: CRTC and CAVCO certification systems work well. Subjective analysis should be minimized. Telefilm should stop favouring the so-called independent production sector over others. Quality nine and ten point culturally relevant storytelling should be encouraged from all sectors. Continuing to exclusively favour one "sector" over another in this age of vertical integration is patently untenable and inequitable.

CIFC: no comment provided

CIFVF: no comment provided

CMG: no comment provided

CMPDA: see question 5

Corus Entertainment Inc.: no new approach needed

CQAM: no comment provided

Crescent Entertainment Ltd.: no comment provided

CTF: no comment provided

DGC: Except for an increase in the number of points awarded to key creative personnel, a new Canadian content system might not work at all. Reiterates the comments made above in response to Questions 1 and 2.

Distraction Formats: no comment provided

Équipe Spectra: New system criteria:

- 1) Production produced by Canadian company (as per current CAVCO regulatory requirements);
- 2) Producer is a Canadian citizen;
- 3) Maintain 10 point system, but with more inclusive definitions to cover dramas, variety and direct to tape (eg. concerts) programming (eg. screenwriter (or choreographer); music composer (or orchestra conductor);
- 4) Review way in which the 3 CAVCO criteria for lead performer (time on screen, remuneration and billing) are applied;
- 5) Update and use CRTC eligible genres;
- 6) The 75% calculation should be based on all production costs, rather than on both production and post-production expenditures. Documentaries are heavily penalized by the 5% production expenditure rule (ie. Often shoots outside of Canada, obtain non-Canadian stock footage and hire non-Canadian personnel on the field). For a series, the requirement should be applied to the series as a whole - not to individual episodes (ie. It is not easy to separate costs per episode);
- 7) Production rights – not underlying rights - should be held by a Canadian company;
- 8) Distribution rights should be held by a Canadian company;
- 9) A distribution/broadcasting commitment by a Canadian broadcaster/distributor to show the production in Canada;
- 10) The application of CanCon requirements should be flexible given that productions are first and foremost artistic works - not industrial ones; and,
- 11) Telefilm Canada should certify treaty-co-productions. Co-ventures should continue being CanCon certified – but may receive less than 100% CanCon recognition.

Gary Ogden: no comment provided

Giant Screen Consortium no comment provided

Green Lion Productions (Catherine Mullins): Unquestionably, there is room for improvement with the current CAVCO administrative system where the backlog seems to worsen every year. A revised system should take into account the point of view of producers who are currently required to provide an excessive amount of paperwork.

Groupe TVA Inc.: no comment provided

Harold Greenberg Fund: no comment provided

IFVA: no comment provided

IPF (& Fonds Cogéco de développement d'émissions): no comment provided

James O'Regan: no comment provided

Lowenbe Holdings Ltd. (Geoff Le Boutillier): no comment provided

Mallory Clyne: no comment provided

Marie-Odile Thibault: no comment provided

Mike M.: no comment provided

NFB: no comment provided

Norflicks Productions Ltd.: In order to ensure that Canadian talent is encouraged, would make a distinction between the television and feature film industries:

For Canadian television programs, including MOWs

- 1) Must be 100% Canadian
- 2) Constitute 30% of the non-news and sports schedule. No more than a third of this 30% should be documentary or variety.
- 3) 20% of all private broadcast schedules should be made up of Canadian drama, all of which should receive prime time exposure.
- 4) Broadcasters should account for their scheduling on a quarterly basis
- 5) Canadian news, sports, drama and variety should make up 70% of the total network and station schedules
- 6) Television networks should be prohibited from producing Canadian feature films and using the broadcast fund for documentaries produced by themselves
- 7) Where a Canadian independent is used as a co-producer, the broadcaster should be rewarded with an extra 25% of Canadian content (eg. a two-hour MOW produced with an independent would give them an additional half-hour of Canadian content compared to one that is produced in house)
- 8) Independent producers should be compensated to some degree for the loss of that portion of the broadcast fund which will now go to support the networks' produced programming
- 9) Aboriginal language production should be encouraged by making its programs represent three-times the Canadian content of a program produced in either official language (ie. a half-hour program in an aboriginal language broadcast on a main network will be the equivalent of ninety minutes of Canadian content)

For feature films

- 1) Eliminate the Feature Film Fund and direct this money to broadcasters to increase the price producers receive from Canadian television. Aim to reach a figure of 20% of a film's box office gross worldwide, up to a maximum of \$1 million. The Fund's portion of that license fee would be recoverable from profits, *pari passu* with other investors. Government money would be the cost of the tax credits plus the top-up fund to encourage Canadian broadcasters to support Canadian features.
- 2) Producer and the production company originating and managing the production must be Canadian
- 3) New point system: three points each for the writer, director, and lead actor; the second lead two points, cinematographer, editor and composer one point each, making a total of 14. Of this 14, 8 would be required for certification as a Canadian film without which a film would not be eligible for the broadcasters' subsidy. (see above). At least one of screenwriter, lead actor, or director would be a Canadian. If there is only one, then all the other categories (second star, composer, editor and cameraman) would have to be Canadian. Such a formula would ensure that if two of the categories worth three points are Canadian only two additional points would be required.
- 4) Canadian features should spend 70% of their budget on Canadian elements but not including expenditures on any of the top three categories. No provision will be made for co-production.

SARTEC: no comment provided

Shaw Television Broadcast Fund: no comment provided

SODEC: no comment provided

SPACQ: It should not be any more difficult to administer a new system that has added key creative personnel than it is to administer the current system (with its present key creative personnel).

Télé-Québec: The industry should be awarded the opportunity to comment on any new administrative process and new program criteria.

UDA: no comment provided

WGC: “no comment” - as there is no need to replace the existing system outright.

W. Paterson Ferns: no comment provided

j) What are the commercial and cultural consequences of the proposed system?

CFTPA: N/A

Allison Outhit: A new system would encourage truly market-competitive quality productions. Commercially, this would boost the Canadian industry both domestically and internationally. The cultural consequences would be that Canadians would be able to watch films and TV programs that show Canadians as world citizens as a matter of course.

ACTRA: no comment provided

Alliance Atlantis Communications: The current system works generally well. We have identified major areas where they system could be improved and they include simplifying the system and sticking to the basic principles of Canadian content certification as noted above.

AMPIA: no comment provided

APFTQ: no comment provided

APTN: no comment provided

ARRQ: n/a

Astral Media Inc.: no comment provided

Bell Broadcast and New Media Fund: no comment provided

Bell Globemedia Inc. (via CTV): no comment provided

B. M. Adanak: no comment provided

CAB: no comment provided

CAFDE: no comment provided

CanWest Global Communications Corp.: no comment provided

CBC: The goal of the CBC's proposal is to provide a greater supply of culturally distinct Canadian programming, to augment viewing to Canadian programming, and to provide broadcasters with greater flexibility.

CCA: n/a

Cellar Door Productions (Gretha Rose): no comment provided

CFMT: no comment provided

Christopher Maule: no comment provided

CHUM Television: This is a matter best addressed by the CRTC, which governs broadcasting in this country, and not by intervention from the cultural funding agencies or by the tax credit certification offices.

CIFC: no comment provided

CIFVF: no comment provided

CMG: no comment provided

CMPDA: Cultural objectives are not served without commercial success.

Corus Entertainment Inc.: No new approach required. The existing system has resulted in the production of both commercially successful and culturally relevant Canadian films and television programs.

CQAM: no comment provided

Crescent Entertainment Ltd.: no comment provided

CTF: no comment provided

DGC: Waiting to see the impact statements from those who advocate any proposed changes to the current system. An increase in the number of points awarded: 1) would increase the value that the Canadian industry as a whole derives from benefits provided to producers for Canadian content productions, by increasing the minimum required participation by individuals in points categories; 2) productions that would go from being Canadian content to being non-Canadian content as a result of such a proposed change ("6 point" productions) are the productions with the least participation by Canadians in "points" categories; 3) would increase the "value for money" derived, without increasing the cost of the benefit.

Distraction Formats: no comment provided

Équipe Spectra: no comment provided

Gary Ogden: no comment provided

Giant Screen Consortium no comment provided

Green Lion Productions (Catherine Mullins): "To be determined as this process gets underway."

Groupe TVA Inc.: no comment provided

Harold Greenberg Fund: no comment provided

IFVA: no comment provided

IPF (& Fonds Cogéco de développement d'émissions): no comment provided

James O'Regan: no comment provided

Lowenbe Holdings Ltd. (Geoff Le Boutillier): no comment provided

Mallory Clyne: no comment provided

Marie-Odile Thibault: no comment provided

Mike M.: no comment provided

NFB: no comment provided

Norflicks Productions Ltd.: Proposed modifications to system should encourage television networks to produce drama and to use independent producers as co-producers. Proposed point system recognizes that a writer, if he/she is good, should be able to attract top directorial talent, whether Canadian or not, and that a director who can attract major stars could make an otherwise non-profitable film, profitable. A level playing field would be created for all Canadian producers who would survive or fail on their ability to develop writers, stars and directors who can make films that attract an audience, and be profitable. Government money would be the cost of the tax credits plus the top-up fund to encourage Canadian broadcasters to support Canadian features.

SARTEC: no comment provided

Shaw Television Broadcast Fund: no comment provided

SODEC: no comment provided

SPACQ: Our role is to promote the presence of Canadian music composers in films and television programs. We don't see any substantial increase in the producer's financial outlay since the sums set aside by Telefilm remain the same. This modification of the system will create an incentive to hire Canadian music composers.

Télé-Québec: An appropriate balance between different perspectives can be achieved by requiring that the production be produced and owned by a prescribed taxable Canadian corporation, with a Canadian producer, a minimum of 6 out of 10 points for key creative personnel, with production and post production expenditures principally made in Canada and distribution rights held by Canadians. Intellectual property rights should vest with Canadians and broadcasters should continue being co-owners of rights, at least in the Canadian territory, to permit the dissemination of Canadian productions. Institute a residency requirement in order to support the Canadian industry.

UDA: no comment provided

WGC: Any initial resistance to changes in the Canadian content standard will be mitigated by the practical reality that there will continue to be powerful economic incentives for industrial export production to remain in Canada.

W. Paterson Ferns: no comment provided

3) Should international treaty co-productions continue to qualify as 100% Canadian content?

CFTPA: Yes. Co-productions are essential part of system, and must continue to be treated as domestic content for purposes of broadcasting and for the tax system. Loss of their status as domestic content would undermine the value of our agreements and jeopardize our international agreements.

Allison Outhit: For the time being, yes. It will take time (if ever) before Canada can truly compete with the quality and quantity of US production. The Canadian production industry is still not reliant on a US-style studio system. Canadian producers must retain the ability to finance and produce proprietary programming. Therefore, they must be able to join forces with producers in other countries.

ACTRA: Yes, but a program produced under an official co-production treaty that utilizes third party country participants should not qualify as Canadian.

Alliance Atlantis Communications: Yes. The current practice of certifying the whole co-production as Canadian content, but only the Canadian side of the budget (not the total production budget) for tax credit eligibility should continue.

AMPIA: Yes. They must continue to be treated as domestic for purposes of broadcasting and for the tax system government support in order for our industry to attract co-production partners to help finance production. There must be a consistency of the rules across the system. Under CAVCO rules, non-Canadian personnel in a Treaty Co Production are treated as Canadian in order to enable the project to qualify as Canadian content. Currently the Canadian Television Fund allows treaty co productions to apply, yet doesn't treat non-Canadian personnel, such as writers, as Canadian, which disadvantages these projects.

APFTQ: Yes. It is difficult to find foreign financing for French language production. Co-productions are the sole alternative to substantial foreign financing and the expansion of the Canadian market abroad.

APTN: Yes. Plus, it would be appropriate to devise a treaty that would allow Canadian and US aboriginal producers to develop co-ventures that would qualify both for Canadian content recognition and CTF and Telefilm funding. Canada is behind the US in developing native writers, producers and directors, and we need to mentor our talent with that south of the border.

ARRQ: Yes. The Canadian portion of the budget of a treaty co-production may be considered Canadian.

Astral Media Inc.: Yes.

Bell Broadcast and New Media Fund: no comment provided

Bell Globemedia Inc. (via CTV): no comment provided

B. M. Adanak: no comment provided

CAB: no comment provided

CAFDE: no comment provided

CanWest Global Communications Corp.: Yes. Such co-operative productions are an important tool for securing both funding and international distribution for productions that meet or exceed minimum Telefilm requirements.

CBC: Yes. International treaty co-productions form part of an industrial strategy, not a cultural strategy. Co-productions have a role to play in the financing and marketing abroad of productions that deploy a minimum number of Canadian production elements.

CCA: Yes, BUT Telefilm should continue to ensure that a reasonable balance is maintained between Canadian and foreign participation overall. It should also closely monitor co-productions that include third country partners to ensure fairness and guard against disguised service productions.

Cellar Door Productions (Gretha Rose): no comment provided

CFMT: no comment provided

Christopher Maule: no comment provided

CHUM Television: Yes. Any change to this treatment would inevitably lead to fewer opportunities for Canadian producers worldwide.

CIFC: Yes. Documentary treaty co-productions should continue to count as 100% Canadian content. The current Telefilm/CAVCO system for certifying treaty co-productions should be simplified.

CIFVF: no comment provided

CMG: Yes. If all in-house production were forced through CAVCO consideration, administered by the CRTC or any other agency, the result would be onerous.

CMPDA: Yes.

Corus Entertainment Inc.: Yes. Many of the productions developed with co-producers would be impossible to finance domestically. International treaty co-productions are especially critical to the financing of children's programs (eg. of YTV's current slate of commissioned programs, more than 40% are treaty co-productions).

CQAM: Yes, once the portion of Canadian investment reaches 65%.

Crescent Entertainment Ltd.: no comment provided

CTF: no comment provided

DGC: Yes, BUT only the Canadian side of the budget (not the total production budget) for tax credit eligibility should continue to qualify. If international treaty co-productions would no longer qualify, Canada would not be in compliance with the spirit of partnership and mutuality that underlies treaty co-productions.

Distraction Formats: no comment provided

Équipe Spectra: Yes. International treaty co-productions help form international partnerships, provide international visibility to Canadian talent, help finance productions and increase the production of higher budget projects. Canada should allow foreign investment in a treaty co-production as long as the Canadian producer controls the Canadian portion of the budget.

Gary Ogden: no comment provided

Giant Screen Consortium: Yes. International treaty co-productions help form international partnerships and finance productions, and help access giant screen venues outside of Canada.

Green Lion Productions (Catherine Mullins): Alarmed to learn that co-productions have increased dramatically over the past several years. What has their impact been on funds available for Canadian documentary production?

Groupe TVA Inc.: no comment provided

Harold Greenberg Fund: Yes. Producers should be encouraged to seek out international partners whenever possible and appropriate to the storyline. The film, thus, has more commercial appeal because it has had to generate interest and support in more than one country. For French-language market producers and animation projects, international co-production is often the only way to obtain significant foreign financing and secure a competitive budget.

IFVA: Yes, to encourage export of Canadian work.

IPF (& Fonds Cogéco de développement d'émissions): Yes.

James O'Regan: no comment provided

Lowenbe Holdings Ltd. (Geoff Le Boutillier): Yes, and the list of treaty countries should be expanded.

Mallory Clyne: no comment provided

Marie-Odile Thibault: Yes. Co-productions allow Canadian producers to broaden their horizons and their financing options.

Mike M.: no comment provided

NFB: Yes, to protect and enhance the cultural industry's public sector space at the global level, to take advantage of the emerging global market, and to increase visibility and revenues on the world stage, as well as maximize synergies, international co-productions must be promoted.

Norflicks Productions Ltd.: no comment provided

SARTEC: No, but doesn't see how the integrity of treaties can be preserved if they are not recognized as 100% Canadian content. International treaty co-productions should not be eligible to qualify for CTF, Feature Film Fund and tax credit funding if they do not meet all CanCon requirements.

Shaw Television Broadcast Fund: no comment provided

SODEC: Yes, in order to encourage business relations between Canada and other countries.

SPACQ: No. Co-production treaties can be damaging for the music sector when there aren't any incentives in place to employ Canadian composers.

Télé-Québec: Yes.

UDA: Yes. Co-productions help access diversified financing and create pan-national bonds between artists (creators) and producers. This contributes to cultural diversity. Measures to require French language production should be put in place.

WGC: Yes, provided that the recommendations discussed above are implemented to ensure that this stream of production actively involves the Canadian creative community (and creative talent from co-production partners), and as such functions as a vehicle for building a Canadian voice in international production.

W. Paterson Ferns: no comment provided

4) Should NFB, CBC in-house and Canada Council supported productions continue to be automatically recognized as 100% Canadian content?

<p>CFTPA: No. Any production qualifying for tax credits should be subject to the same criteria and application process of any independent producer. In-house production should continue to qualify but be subject to a verifiable application process at the CRTC, as independent producers would do seeking certification at the Commission, to eliminate any suggestion of a double standard for certification as content for broadcast purposes.</p>
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Allison Outhit: No. Those productions should undergo the same review as independent productions. Otherwise, we continue to wrestle with an outmoded and bureaucratic definition of what's Canadian, and therefore who should get Canadian taxpayers' money.

ACTRA: no comment

Alliance Atlantis Communications: Yes. Thinks that this type of production would meet the base level Canadian content requirements.

AMPIA: The CBC and NFB should apply and seek certification as any other independent producers would do. This would ensure that all programming is evaluated by the same criteria.

APFTQ: no comment provided

APTN: no comment provided

ARRQ: Does not wish to comment at this time of the Canadian content call for submissions.

Astral Media Inc.: Yes. For in-house productions produced by Canadian public agencies, it can be assumed that the creative and financial control lay in the hands of Canadians and that key creative positions were predominantly filled by Canadians.

Bell Broadcast and New Media Fund: no comment provided

Bell Globemedia Inc. (via CTV): no comment provided

B. M. Adanak: no comment provided

CAB: no comment provided

CAFDE: no comment provided

CanWest Global Communications Corp.: no comment provided

CBC: Yes. No real purpose would be served by changing the current system.

CCA: Yes, PLUS the CRTC should audit broadcaster productions, particularly those broadcast on several services, other than news and sports productions to ensure that the minimum point count is met.

Cellar Door Productions (Gretha Rose): no comment provided

CFMT: no comment provided

Christopher Maule: no comment provided

CHUM Television: Yes. The political and financial accountability of these publicly funded institutions ensure that they will not drift far from their cultural mandate.

CIFC: Yes. Provincial arts councils should also receive automatic 100% CanCon recognition.

CIFVF: no comment provided

CMG: no comment provided

CMPDA: “no comment”

Corus Entertainment Inc.: No. They should be required to satisfy the same Canadian content requirements applicable to all other Canadian producers.

CQAM: Yes, BUT CBC and NFB productions produced as co-productions should meet the 3 out of 5 key creative position requirement

Crescent Entertainment Ltd.: No. Projects supported by these entities should be required to conform to the same Canadian content rules as all other projects.

CTF: no comment provided

DGC: No. Wants to know the policy arguments for which these productions are exempt from Canadian content requirement.

Distraction Formats: no comment provided

Équipe Spectra: no comment provided

Gary Ogden: no comment provided

Giant Screen Consortium no comment provided

Green Lion Productions (Catherine Mullins): Only if a review of the work produced in the past several years determines that their productions meet Canadian content criteria.

Groupe TVA Inc.: no comment provided

Harold Greenberg Fund: no comment provided

IFVA: Yes, to more rapidly certify these productions.

IPF (& Fonds Cogéco de développement d'émissions): no comment provided

James O'Regan: no comment provided

Lowenbe Holdings Ltd. (Geoff Le Boutillier): No. These productions must be 10 out of 10 or conform to whatever the most stringent level of CanCon that will be prescribed by the new regime.

Mallory Clyne: no comment provided

Marie-Odile Thibault: no comment provided

Mike M.: no comment provided

NFB: no comment provided

Norflicks Productions Ltd.: no comment provided

SARTEC: Yes, as long as they meet all minimum certification requirements.

Shaw Television Broadcast Fund: no comment provided

SODEC: no comment provided

SPACQ: No. These productions should be subject to Canadian content rules. We should not deem these agencies' productions "Canadian" despite the fact that they've hired foreign creators.

Télé-Québec: Yes, because they have been recognized by Canadian public agencies and by the industry. Public broadcasters (eg. TVO, TFC, Télé-Québec) should also have their in-house productions recognized as 100% Canadian content.

UDA: Yes, BUT only if they conform to the minimum requirements. If Radio-Canada hired foreign actors or screenwriters, the production should not be recognized as 100% Canadian content.

WGC: No. The same creative participation requirements as set out in the points system should apply to in-house production from these parties as applies to independent production.

W. Paterson Ferns: no comment provided

5) Who should assess the Canadian content of a production and how should this be done? Should there be greater harmonization between the approaches taken by the federal departments and agencies involved in the determination of Canadian content? Should the assessment of Canadian content be centralized?

<p>CFTPA: There is a need for greater harmonization among agencies and a simplification of administration process generally. Recognizes the different mandates of funding agencies and regulatory bodies but something needs to be done to expedite the system. Recommends a review of procedures in conjunction with the tax credit simplification agenda.</p>
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Allison Outhit: A non-partisan board comprised of stakeholders from all aspects of the industry, including government interests, should be appointed. Consistency is essential. It is possible that a Content Board should be appointed from province to province, so that stakeholders have equal access to review.

ACTRA: no comment provided

Alliance Atlantis Communications: CRTC plays an important alternative to CAVCO, both in terms of timing of certification (CRTC is faster) and cost. Even though they would qualify at CAVCO, many lower budget shows are not submitted to CAVCO because the cost of auditing and certification are more than the tax credit benefit. Does not recommend the centralization of certification because the different levels of certification are based on different objectives.

AMPIA: There is a need for greater harmonization among agencies and a simplification of administration process generally and perhaps centralizing paperwork would benefit all concerned. Thinks there would be less difficulty in assessments if a clear, objective process was in place.

APFTQ: One entity should be responsible for determining Canadian content for CAVCO and CRTC certification purposes. Entity should have regional offices in main Canadian production centres in order to accelerate application processing. Greater harmonization among agencies; criteria for Canadian costs and key creative personnel should be identical between agencies.

APTN: no comment provided

ARRQ: Greater harmonization between agencies needed. However, if changes to the CanCon approach will be made, overall administrative costs to do so should be taken into consideration.

Astral Media Inc.: While harmonization of approaches is possible and preferable, complete uniformity (fusion of all CanCon definitions) should be avoided. Agencies have different objectives and eligibility requirements to programs/certification should reflect these differences.

Bell Broadcast and New Media Fund: no comment provided

Bell Globemedia Inc. (via CTV): no comment provided

B. M. Adanak: no comment provided

CAB: no comment provided

CAFDE: One national standard for determining CanCon should be developed. The standard would vary based on various genres, such as television programming, feature films and new media. The exact differences in each genre will depend on the consensus generated from the present public consultation to review the criteria.

CanWest Global Communications Corp.: Given that the government agencies that employ the ten-point system may be motivated by different goals, centralization of compliance would risk introducing potentially harmful new rigidities to the measurement.

CBC: Greater need for harmonization between CRTC and CAVCO CanCon rules. The certification process should be centralized in one office and an expedited process instituted to certify Canadian programs that are not eligible for the Canadian Film or Video Production Tax Credit (eg. many information and sports programs).

CCA: Not appropriate to create a single body at this point. However, believes that it is important for the various agencies involved to make a more substantial effort to ensure coherence and harmony. Where there are differences in approach, there should be good public policy reasons for them.

Cellar Door Productions (Gretha Rose): Need to harmonize funding and certification CanCon system: CAVCO, CRTC and CTF have various conflicting mandates and requirements, and national/international broadcasters do not embrace an economic model on something as restrictive as Canadian content and cultural diversity.

CFMT: no comment provided

Christopher Maule: no comment provided

CHUM Television: It is appropriate for industrial Canadian content to be objectively certified by and cultural Canadian content dealt with through agencies such as Telefilm and the CTF. The Canadian system requires both kinds of productions and therefore requires both kinds of support. Any attempt to harmonize them under one roof or approach could result in a weaker production sector.

CIFC: There should not be a single certification agency for domestic production: the distinct levels of certification (between CRTC, CAVCO and funding agencies) most likely could not be maintained by a single entity. Perhaps more efficient if CAVCO certified international treaty-co-productions.

CIFVF: Uncertain about issue - may reduce paper burden but not sure if harmonization or centralization is feasible.

CMG: no comment provided

CMPDA: Recommends greater harmonization. An applicant would need to provide the basic information (i.e. identity and nationality/citizenship of key personnel and relevant expenditures) only once, to one entity. It could be so simplified that applicants could apply on-line and then click on the programs they want to apply for. All objective criteria could be assessed automatically, subject only to verification by a single audit for all programs. This simplified system would work notwithstanding that the valuation of that information might be different depending upon whether an assessment is being made of Canadian content for quota or subsidy purposes. Each program could assign its own weight based on its own priority of objectives. There should similarly be only one audit to verify citizenship or residency and financial information in each instance.

Corus Entertainment Inc.: No centralization. The approaches to certification taken by the CRTC and CAVCO have been harmonized significantly. Each has a different mandate and certifies Canadian content for a different reason.

CQAM: no comment provided

Crescent Entertainment Ltd.: Suggests that CAVCO become the central certification body: it already processes the largest number of Canadian content determinations since it is the gatekeeper of the pool of government money most commonly accessed by producers of Canadian content - tax credits.

CTF: no comment provided

DGC: Perhaps, but only if the objectives and the rules are the same and will remain the same and if the presumed efficiency associated with centralization outweighs the loss of expertise that could result from such centralization.

Distraction Formats: no comment provided

Équipe Spectra: The CanCon assessment should be centralized and CRTC/CAVCO requirements should be harmonized. Centralized agency would decide on Canadian content and access to the (federal) tax credit program.

Gary Ogden: no comment provided

Giant Screen Consortium: no comment provided

Green Lion Productions (Catherine Mullins): Feels that the process is already centralized in that all productions require CAVCO certification.

Groupe TVA Inc.: no comment provided

Harold Greenberg Fund: Both the CRTC and CAVCO Canadian content certification processes should be maintained. They are both needed and serve distinct purposes.

IFVA: The CRTC and CAVCO systems should eventually be harmonized, and streamlined to more easily facilitate the process of applying for certification as a Canadian production.

IPF (& Fonds Cogéco de développement d'émissions): Harmonization in the assessment of Canadian content is an excellent idea. CAVCO's evaluation and authorization should be sufficient for all other bodies.

James O'Regan: no comment provided

Lowenbe Holdings Ltd. (Geoff Le Boutillier): A central body with a fully conformed set of rules could simplify the process and make life easier for all concerned.

Mallory Clyne: no comment provided

Marie-Odile Thibault: no comment provided

Mike M.: no comment provided

NFB: Yes, but not if such an organization creates but another bureaucracy in the system, does not account for differences in genres, and further frustrates and slows down the industry, then such a model should be rejected. Suggests a private-public partnership in the form of a supervisory-advisory body could be established and mandated to evaluate changes brought to the system and monitor the results.

Norflicks Productions Ltd.: no comment provided

SARTEC: The system should be harmonized to CAVCO's CanCon criteria. Funding agencies such as CTF and Telefilm should maintain their own CanCon certification standards given their respective objectives. CAVCO certification (or its equivalent) should be a requirement of the funding agencies.

Shaw Television Broadcast Fund: no comment provided

SODEC: Any harmonized definition of CanCon should only be applied for "technical" purposes.

SPACQ: Harmonization would be useful if the new system was based on an improved version of Canadian content criteria taken from the entity using the most stringent criteria.

Télé-Québec: Need to distinguish “definition” from “application” of CanCon. On the definitional side, systems should be harmonized. On the application side, the duties, procedures and level of centralization need to be determined. Hard to make any suggestions without knowing the future of the agencies that are presently part of the Canadian content system. Government should consult the industry after it suggests plausible scenarios for reform.

UDA: No centralization. Each entity could adapt the basic system to its needs and objectives.

WGC: No centralization. The CRTC remains the appropriate body to certify Canadian television production, the CTF and Telefilm remain the appropriate agencies to certify projects seeking funding from their respective programs and Telefilm, as the administrator of Canada’s co-production treaties, remains the appropriate agency to certify that the Canadian components of certified treaty co-productions are valid.

W. Paterson Ferns: no comment provided

6) Should the administration body have the discretion to accommodate exceptional situations?

<p>CFTPA: No. Exceptional circumstances tend to raise the potential for increased managerial discretion on rulings, where there is a need for greater predictability and certainty up front. However, the review of Canadian costs should consider approaches to productions which may have difficulty achieving the cost thresholds, but which meet the points requirements and represent a significant overall benefit to Canadian creators and technicians.</p>

Allison Outhit: Yes, but there must be lucid guidelines under which this may happen.

ACTRA: no comment provided

Alliance Atlantis Communications: Yes, for the time being. In the current set of CAVCO Canadian Content guidelines, exceptional situations need to be accommodated because at times a clearly Canadian content production might get caught up in a rule designed to address a completely different issue. If the CAVCO rules become simpler and more transparent in terms of predictability, producers may not need individual accommodations: this should be a set goal.

AMPIA: This should fall under the appeal process.

APFTQ: no comment provided

APTN: no comment provided

ARRQ: No opinion provided. Comment: any decision should be made public in order to avoid favouritism in the decision making process.

Astral Media Inc.: no comment provided

Bell Broadcast and New Media Fund: no comment provided

Bell Globemedia Inc. (via CTV): no comment provided

B. M. Adanak: no comment provided

CAB: no comment provided

CAFDE: no comment provided

CanWest Global Communications Corp.: no comment provided

CBC: The designated administrative body should have no more discretion than it does now and should operate at arms' length from the Government of Canada.

CCA: n/a

Cellar Door Productions (Gretha Rose): no comment provided

CFMT: no comment provided

Christopher Maule: no comment provided

CHUM Television: Bureaucratic discretion is to be avoided whenever possible. Businesses cannot grow or plan without some measure of certainty as to outcome. It is the current drift towards subjective discretion that is seriously undermining the effectiveness of the LFP program of the CTF.

CIFC: Yes. However, decisions should be published - especially any exceptions to the rules.

CIFVF: Yes.

CMG: Yes, BUT any exceptions must be for cultural rather than industrial reasons.

CMPDA: Reserves comment until more specific proposals are available. This type of flexibility may compete with consistency and transparency.

Corus Entertainment Inc.: Yes. Circumstances can arise where the point system does not keep pace with developments in technology.

CQAM: no comment provided

Crescent Entertainment Ltd.: Yes. Whatever body oversees determinations of Canadian content, feels that it should have the discretion to accommodate exceptional situations.

CTF: no comment provided

DGC: No comment at this time.

Distraction Formats: no comment provided

Équipe Spectra: Yes. Productions are first and foremost artistic in nature - not industrial.

Gary Ogden: no comment provided

Giant Screen Consortium : no comment provided

Green Lion Productions (Catherine Mullins): Only if this is conducted in a totally fair manner: she has lost faith in the "fairness" factor particularly with regard to the Canadian Television Fund process and would tend to avoid this flexibility for the time being until the serious problems that presently exist have been fixed.

Groupe TVA Inc.: no comment provided

Harold Greenberg Fund: Yes.

IFVA: Yes, BUT lean towards projects with a cultural objective, not productions of a primarily commercial nature.

IPF (& Fonds Cogéco de développement d'émissions): no comment provided

James O'Regan: no comment provided

Lowenbe Holdings Ltd. (Geoff Le Boutillier): no comment provided

Mallory Clyne: no comment provided

Marie-Odile Thibault: no comment provided

Mike M.: no comment provided

NFB: no comment provided

Norflicks Productions Ltd.: no comment provided

SARTEC: Not more than they have right now.

Shaw Television Broadcast Fund: no comment provided

SODEC: no comment provided

SPACQ: no comment provided

Télé-Québec: Cannot answer question without knowing the exact nature and constitution of the administrative body. How would a new CanCon system stand up in the face of "discretion" and "exceptional cases"?

UDA: Yes, BUT only if the administrative body limits the number of exceptions that it makes and its decision making process is transparent. Criteria surrounding cases in which exceptions can be made should be established at the outset.

WGC: No need to change the existing processes.

W. Paterson Ferns: no comment provided

7) Should there be a mechanism to appeal Canadian content decisions?

<p>CFTPA: Perhaps. Simple, clear rules should reduce the need for appeals. The Department's ruling should be binding but there may be some need for a time-efficient mechanism that can provide a second opinion on the details of a project to the Department. An independent advisory panel to CAVCO made up of industry experts could provide expert advice on complex situations and reduce the need for formal appeals.</p>

Allison Outhit: Absolutely, as a matter of basic administrative fairness.

ACTRA: no comment provided

Alliance Atlantis Communications: Yes. At this time an appeal process is needed given the complexity of the rules and the level of interpretation available to both the producer and CAVCO. The system should be improved so there are fewer but clearer requirements making an appeal process a theoretical one, and one rarely needed or used.

AMPIA: Perhaps. Simple, clear rules should reduce the need for appeals. An independent advisory panel to CAVCO made up of working industry experts that do not have any actual or perceived conflict of interest, could provide advice on complex situations and reduce the need for formal appeals. Appeals should never be considered by the same individuals who rendered the initial decision.

APFTQ: Yes. While the need for appeals would be diminished if CanCon requirements are objective, production companies need to be able to appeal decisions in specific cases. The administrative appeal body should be independent from the certification body.

APTN: no comment provided

ARRQ: No. Does not see the relevance in weighing down the system with yet another bureaucratic process. Appeals could be handled by an ad hoc committee.

Astral Media Inc.: The CanCon system should rely on criteria that are objective, definable and factual. This should reduce the need for appeals of CanCon decisions. However, should an appeal mechanism be created, it should be “user friendly” and expedient.

Bell Broadcast and New Media Fund: no comment provided

Bell Globemedia Inc. (via CTV): no comment provided

B. M. Adanak: no comment provided

CAB: no comment provided

CAFDE: no comment provided

CanWest Global Communications Corp.: no comment provided

CBC: Perhaps, BUT no appeal process should be instituted that requires a decision by parties outside the agency responsible for certification.

CCA: Adding an additional step to the certification process could mean an even longer delay to the system, will add to the cost and delay the making of the program or film. Of course, it would be up to a producer to select this option and to live with the delays.

Cellar Door Productions (Gretha Rose): no comment provided

CFMT: no comment provided

Christopher Maule: no comment provided

CHUM Television: Yes. Even the most objective of decision-making may occasionally result in borderline calls that could merit a revisit. A system of higher appeal ensures that fair and equitable decision-making is available to all.

CIFC: Yes. Appeals should be heard and publicized by an independent ombudsman appointed by the Minister.

CIFVF: no comment provided

CMG: no comment provided

CMPDA: Reserves comment on this question, depending on how decisions will be made in the revised regime.

Corus Entertainment Inc.: Yes. Situations do occur where a decision is questionable, even when assessed against the most objective standards.

CQAM: no comment provided

Crescent Entertainment Ltd.: Yes.

CTF: no comment provided

DGC: No comment at this time – will consider views of others.

Distraction Formats: no comment provided

Équipe Spectra: Yes – by an independent review committee.

Gary Ogden: no comment provided

Giant Screen Consortium no comment provided

Green Lion Productions (Catherine Mullins): “Probably”

Groupe TVA Inc.: no comment provided

Harold Greenberg Fund: Perhaps. Any “appeal process” that is established must be timely, based on objective criteria, and be administered neutrally.

IFVA: no comment provided

IPF (& Fonds Cogéco de développement d’émissions): There would likely be no need to appeal Canadian content decisions if they are evaluated on the point system. However, an appeal mechanism is always an important indicator of openness.

James O’Regan: no comment provided

Lowenbe Holdings Ltd. (Geoff Le Boutillier): Yes. Final decisions should be made by a body comprised of all stakeholders, including government and industry.

Mallory Clyne: no comment provided

Marie-Odile Thibault: no comment provided

Mike M.: no comment provided

NFB: no comment provided

Norflicks Productions Ltd.: no comment provided

SARTEC: Clear rules would limit the number of appeals. The need for an appeal mechanism may be questionable if an administrative body has limited discretionary authority.

Shaw Television Broadcast Fund: no comment provided

SODEC: no comment provided

SPACQ: no comment provided

Télé-Québec: Yes. It is part of the democratic process.

UDA: Yes, BUT there should not be any underground decisions (ie. any decision arising from the committee should be transparent and public). For exceptional situation cases, all interested parties should be able to intervene and provide their comments.

WGC: Questions need for such a mechanism in the context of a clear approach to defining Canadian content and limited discretionary latitude.

W. Paterson Ferns: no comment provided

RESPONDENTS' BIOS (excluding individuals)

Aboriginal Peoples Television Network (APTN) APTN is the world's first and only full-time national television service reflecting Aboriginal languages, cultures and life experiences. The Canadian Radio-television and Telecommunications Commission (CRTC) licensed APTN on 22 February 1999. In that decision, the CRTC noted that *"APTN will offer a high-quality, general interest television service with a broad range of programming that reflects the diverse perspectives of Aboriginal peoples, their lives and cultures. The schedule will include programming in English, French and up to 15 different Aboriginal languages."* APTN is available in over eight million Canadian households as part of the basic service provided by cable and direct-to-home distributors.

Alberta Motion Picture Industries Association (AMPIA): For 28 years, AMPIA has represented independent producers and members involved in all aspects of the film and television industry in Alberta. The mandate of the association is to ensure the growth and development of the indigenous industry at the producer, technical, talent and craft levels. Central to this mandate is maintaining an environment in which Alberta producers can initiate, develop and produce films and programs over which they have creative and financial control. AMPIA has a total of 275 members representing a cross-section of more than 3,000 industry professionals, including but not limited to: producers, directors, performers, writers, craftspeople, distributors, broadcasters, suppliers and exhibitors.

Alliance Atlantis Communications: Alliance Atlantis Communications is a vertically integrated Canadian broadcaster, creator and international distributor of filmed entertainment content with significant ownership interests in the Canadian specialty broadcast industry. The Company's principal business activities are conducted through three operating groups: the Broadcast Group, the Motion Picture Distribution Group, and the Entertainment Group. Headquartered in Toronto, Alliance Atlantis operates offices in Los Angeles, London, Montreal, Dublin, Edmonton, Halifax, Shannon and Sydney.

Alliance of Canadian Cinema, Television and Radio Artists (ACTRA): ACTRA represents professional artists working in Canada's recorded media. ACTRA's principal function is looking after the collective bargaining needs of more than 18,000 performers who work in films, television, commercials, digital media, sound recordings, radio and other productions.

Association des producteurs de films et de television du Québec (APFTQ): The APFTQ has existed for over thirty years, but officially only since 1971. It groups under the same corporation the key sectors of cinematography and television production in Quebec. The APFTQ includes over 100 film and television production companies specialized in feature films, television, documentary, variety, animation and commercials. The APFTQ represents its members towards governments and organizations and encourages tight co-operation between all parties involved in the film and television industry. The APFTQ promotes the interests of producers at the Quebec, Canadian, and international levels and meets the needs of its members, whether they be administrative, technical or professional. The APFTQ negotiates all the collective agreements with artists associations and offers a service of counsel, interpretation and representation. The APFTQ is a major partner in representing Quebec abroad in the film and television markets.

Association des réalisateurs et réalisatrices du Québec (ARRQ): Créée en 1973, l'ARRQ s'emploie à la défense et au développement des intérêts professionnels, économiques, culturels, sociaux et moraux de ses membres. L'ARRQ a pour mandat de représenter les réalisateurs dans toute occasion et dans tout dossier. L'ARRQ regroupe près de 400 réalisateurs et réalisatrices qui œuvrent en langue française au Canada et particulièrement au Québec.

ASTRAL Media Inc.: Astral Media is one of Canada's leading media companies, engaged in reaching people through an entertaining and dynamic array of media properties in specialty and pay television, radio, outdoor advertising and e-business. The Company is the country's largest operator of English and French specialty, pay, and pay-per-view television services, currently involved, on its own or with partners, in 20 network licences. Astral Media is also involved in another 13 licences for new digital specialty services recently awarded by the CRTC. With its leading role in television, Astral Media has become the largest private sector supporter of Canadian feature films. In radio, Astral Media owns nine FM stations, including the top-rated, French-language Radio Énergie FM network, and three AM stations. The Company also owns 50 per cent of Radiomédia, which operates two of Québec's foremost AM stations and its leading news and sports radio networks.

Bell Broadcast and New Media Fund: The Bell Broadcast and New Media Fund was established by Bell Canada in September 1997. The Bell Fund is a not-for-profit organization, certified by the CRTC as an independent production fund eligible to receive and administer contributions from broadcast distribution undertakings. It is governed by a nine member Board of Directors operating as an arms-length corporation with representatives from broadcasting, the television and new media production sectors and from Bell ExpressVu and its affiliates. Bell invested \$12 million in 1997 to establish the Bell Broadcast and New Media Fund to encourage the production of Canadian content for the new media and broadcasting marketplace. Since January 2000, Bell ExpressVu committed to maintain the Bell Fund with contributions of over \$2 million annually, which are expected to increase each year for an indefinite period. The Bell Fund stimulates partnerships between new media producers and broadcast producers to maximize synergies in these converging fields.

Bell Globemedia Inc.: Bell Globemedia brings together Canada's strongest media brands - CTV, The Globe and Mail, Canada's National Newspaper, Globe Interactive, a leading Internet content provider, and Sympatico, Canada's number one Internet portal. The focus of the new company will be to grow these properties through continued investment in content for new and traditional media, thus creating a strong, competitive multi-media company. Bell Globemedia has approximately 4,000 full-time employees in its operations across Canada (CTV Inc. - 2,000; Globe and Mail - 1,000; NetStar Communications Inc. - 700; and Sympatico - 300). Bell Globemedia has 18 owned CTV affiliates; six owned CBC affiliates; one independent station, VTV; and a satellite-to-cable service, ASN. It holds affiliation agreements with eight independently-owned CTV stations, with its network operations reaching 99 per cent of English-speaking Canadians. It has a leading presence in pay and specialty channels, owning interests in 13 Canadian networks and holding five newly licensed category-1 digital specialty licences and 19 in category-2. (Cable companies must carry category-1 licences, while category-2 licences are subject to discretionary placement).

Canadian Association of Broadcasters (CAB): CAB is the national voice of Canada's private broadcasters, representing the vast majority of Canadian programming services, including private television and radio stations, networks, and specialty and pay and pay-per-view television services.

Canadian Association of Film Distributors and Exporters (CAFDE): CAFDE's mission is to foster and promote the health of the Canadian motion picture industry. By its activities aimed at strengthening the feature film distribution and export sector, CAFDE contributes to the development of national and international audiences for Canada's cinematography and opens its domestic market to foreign films. The association presently consists of ten Canadian owned and controlled companies: Alliance Atlantis Distribution, Christal Films, Equinox Films, Film Tonic, Keystone Releasing (Canada), Lions Gate Films, Odeon Films, Remstar Distribution, Seville Pictures and TVA Films.

Canadian Broadcasting Corporation (CBC): The CBC is a crown corporation governed by the 1991 *Broadcasting Act* and subject to regulations of the Canadian Radio-television and Telecommunications Commission (CRTC). It reports each year on its operations to Parliament, through the Minister of Canadian Heritage. The Board Of Directors is made up of 12 members, including the Chairperson and the President and CEO, all appointed by the Governor in Council. Financed mainly by public funds: \$759.5 million in parliamentary appropriation for 1998-99. Receives supplementary revenues from commercial advertising on its television networks.

Canadian Conference of the Arts (CCA): The CCA is Canada's oldest and largest arts advocacy group. Founded in 1945 by the leading artists of the day, the CCA was created to impress upon governments and the general public the importance of the arts and cultural industries in Canadian society. The CCA is an independent, non-partisan organization and a registered charity. Lobbies government, monitor developments on the political and legislative front, make submissions to standing committees and appear at legislative and budget hearings. The CCA also works to generate public awareness of artists' and cultural workers' concerns by keeping the media informed through constant communication and regular press releases.

Canadian Film and Television Production Association (CFTPA): The CFTPA is a federally incorporated, non-profit organization with a Board of up to a maximum of 26 Directors elected from the voting membership, of which at least 12 are from majority-Canadian-owned companies actively engaged in television production. The association was formed as a result of the merger on October 25, 1990 of the Canadian Film and Television Association (CFTA) and the Association of Canadian Film and Television Producers (ACFTP). Since 1995, the Association has also been actively lobbying both federal and provincial governments to maintain and in some cases to improve policies affecting the well-being of the film, television and new media industry.

Canadian Independent Film & Video Fund (CIFVF): The CIFVF is a private sector non-profit organization dedicated to supporting the development of the non-theatrical industry through the creation of films, videos and new media projects which promote lifelong learning and are produced by Canadian independent producers. The CIFVF is the only national organization in Canada working to support the program production sector that specializes in Canadian educational and informational programming.

Canadian Independent Film Caucus (CIFC): The CIFC is a national non-profit professional organization dedicated to the professional development and promotion of independent documentary filmmaking and filmmakers in Canada. The CIFC was founded in Toronto by Rudy Buttignol, Paul Jay, Bob Lang, Peter Raymont, Laura Sky and John Walker, in 1983. Now representing over 560 directors, producers, and craftspeople in every province and territory through four regional chapters, the CIFC is the national voice of the independent documentary filmmaker.

Canadian Media Guild (CMG): The Canadian Media Guild is a democratic trade union, duly recognized and certified under federal and provincial labour legislation. Currently has over 5000 members, all of whom work in the Canadian media. The major employers with whom they have collective agreements are the Canadian Broadcasting Corporation/Société Radio-Canada, Canadian Press/Broadcast News, Reuters, Agence France-Presse and TVOntario. CMG members are the reporters and editors who write much of the material you read in your daily newspapers or on Canadian news websites, or the news that you hear on radio stations across the country. The CMG is one local of The Newspaper Guild Canada. TNG Canada is in turn affiliated with the Communication Workers of America, which has a membership of over six hundred thousand workers across North America. Their mission is to advance the interests of our members through collective bargaining.

Canadian Motion Picture Distributors Association (CMPDA): The CMPDA is a trade association whose members are major international distributors of feature films and television programs (eg. Buena Vista (Disney), Columbia, Metro-Goldwyn-Mayer, Paramount, Twentieth Century Fox, Universal and Warner Bros).

Canadian Television Fund (CTF): The Department of Canadian Heritage, the Cable Production Fund (a creation of the Canadian cable industry), and subsequently the Canadian direct-to-home satellite industry, and Telefilm Canada joined forces in 1996 to create the CTF. The CTF is a unique partner with the Government in that it combines funding from both the public and private sectors in support of culturally significant Canadian film and television programming. The CTF operates as a private not-for-profit corporation with an annual budget of close to \$230 million a year. The Fund is overseen by a Board of Directors which develops policies and establishes guidelines, and is comprised of public and private sector representatives. The Fund consists of three distinct programs: the Equity Investment Program (EIP), administered for the CTF by Telefilm Canada, and the Licence Fee Program (LFP) and Promotion of Programming Fund (POP), administered by the CTF. The objective of the CTF is to assist the creation and broadcast in prime time of high-quality, culturally significant Canadian television programs in both official languages in the genres of drama, variety, children's, documentaries and performing arts.

CanWest Global Communications Corp.: CanWest Global Communications Corp. is the owner of sixteen conventional Canadian television stations covering every province except Newfoundland. Eleven of these stations comprise the Global Television network. Three stations, located in Victoria, Hamilton and Montreal offer the separate and distinct CH schedule of programs as well as multilingual programming in the case of CH Montreal. Additionally, two stations in Kelowna, BC and Red Deer Alberta, acquired from WIC two years ago, remain affiliated with the CBC. CanWest also owns one analogue specialty and six digital specialty channels distributed to Canadians across the country via satellite and cable systems.

Cellar Door Productions: Founded in 1997, Cellar Door Productions Inc. is a creative and diverse film and television company, specializing in developing, financing and producing quality, value based animated and live-action productions with national and international partners.

CFMT: CFMT is an award-winning multilingual television broadcaster, with over two decades of experience and a proven long-term business model for ethnic television.

CHUM Television: CHUM Limited is one of Canada's leading media companies and content providers based in Toronto. CHUM owns and operates 28 radio stations, eight local independent television stations and 17 specialty television channels.

Conseil québécois des arts médiatiques (CQAM): Fondé en 1998, le CQAM est le seul regroupement disciplinaire au Québec qui représente les associations, les collectifs, les organismes et les créateurs professionnels indépendants en arts médiatiques du Québec. Il est soutenu par le Conseil des arts et des lettres du Québec (CALQ), le Conseil des Arts du Canada, Emploi Québec et le Fonds de stabilisation des arts et de la culture du Québec. Son mandat est de défendre, de promouvoir et de représenter les créateurs indépendants et les travailleurs culturels en arts médiatiques au Québec. Le CQAM accueille comme membres les créateurs indépendants professionnels – artistes, scénaristes-réalisateurs, producteurs-réalisateurs - les centres autogérés de production, les diffuseurs et les distributeurs indépendants, les associations et les organismes des pratiques suivantes: cinéma, vidéo et nouveaux médias indépendants, art audio, art interactif, art en réseau, art web et arts technologiques.

Corus Entertainment Inc.: Corus Entertainment Inc. made its public debut on September 1, 1999. Today, Corus' vision is to be globally recognized as Canada's most influential entertainment company. Since its creation, Corus has achieved a market cap in excess of \$1.5 billion Cdn and sales in excess of \$600 million Cdn through internal growth and strategic acquisitions of radio stations, specialty television networks and Nelvana Limited, one of the world's leading animation producers. Corus has made commitments totaling more than \$60 million Cdn in tangible benefits focused on supporting the production of quality Canadian programming and emerging Canadian musical artists.

Crescent Entertainment Ltd.: Crescent Entertainment is an award winning film and television production company based in Vancouver, British Columbia, Canada. Formed in 1990, Crescent develops and produces indigenous feature films, documentaries and television programs. Crescent also provides full production services and has earned a reputation for delivering high quality productions on time and on budget. A partial client list includes; ABC, Alliance Atlantis, Canadian Famous Players, Castle Rock Entertainment, CBC, CBS, Cinevox, The Konigsberg Co., Lifetime Network, Lions Gate Entertainment, NBC, Republic Pictures, TNT, Universal, Viacom, Victor Television, and Warner Brothers. Crescent has recently formed a partnership with Lion's Gate to Provide consulting and production services on all Lions Gate shows in British Columbia.

Directors Guild of Canada (DGC): The DGC is a national labour organisation representing key creative and logistical personnel in the motion picture industries. The Guild began in 1962 as an association of Canada's creative film directors. Today it represents over 3400 members in 48 different craft and occupational job categories, covering all areas of production, editing and design. The DGC lobbies governmental and decision-making bodies to ensure that all decisions made which affect the livelihood of members are made with consideration for the Canadian motion picture industries. At the CRTC, the Directors Guild of Canada is a respected voice speaking on behalf of the Canadian industry and all members from coast to coast. The Guild has been and will continue to be involved in every major decision regarding the Canadian motion picture industries.

Distraction Formats: Distraction Formats was established in 1997 as an exclusive Canadian television format distribution company. It is the only company in Canada and in the world specialising exclusively in format distribution. The company has no production or programme sales interests and has grown to a position now where it the leading brand in the international format market. To date, Distraction Formats holds distribution rights to 100 entertainment formats which encompass, game show, variety, reality, comedy drama, magazine, kids and teens, reality and library. Its administrative headquarters is in Montreal (with a staff of 10) and has a branch office in central London (with a staff of 7) where its sales and acquisitions are based. The company represents 25 producers worldwide with formats on air with the world's major broadcasters (ie. Societe Radio-Canada, BBC, TF1, France 2, RTI Mediaset. WDR, Antena 3, DR TV, TVN, Mega Channel, TV Azteca).

Équipe Spectra: Équipe Spectra has five partner subsidiaries in the realm of television and film production, including distribution. The company is also engaged in television broadcasting. It has joined the consortium made up of Société Radio-Canada, Télé-Québec, BCE Media and ARTE, which operate La Télé des arts, throughout Canada. It operates four of Québec's leading entertainment venues, i.e. the Spectrum, the Métropolis, the Olympia and the Théâtre Outremont. Through its talent agency, L'Équipe Spectra oversees artists' career development and promotion, press relations and the marketing of concerts. It also operates the Studio Morin Heights, one of the world's most celebrated sound recording studios.

Fonds Cogéco de développement d'émissions: The COGECO Fund is a private fund established by COGECO Inc., a media and communications company. The COGECO Fund is administered by a six (6) member Board of Directors. By contractual arrangement, the Fund uses the offices and administrative services of the Independent Production Fund in Montreal and Toronto. The COGECO Program Development Fund is certified by the CRTC as an independent fund eligible to receive BDU (Broadcast Distribution Undertakings) contributions.

Giant Screen Consortium: The Giant Screen Consortium is a non-profit organization created in 2000 aimed at the development of the Large Format film industry in Québec and in Canada. It has 23 members of whom there are 7 producers, 7 Technical Services companies and 9 other partners interested in the industry (consultants, investors, lawyers, bankers). The Consortium is in the second year of a three-year plan and has undertaken activities in promotion, training, research & development and financing.

Green Lion Productions: Founded in 1989, Green Lion's mission is to produce documentaries on environmental and social issues that promote public awareness and raise concern on some of the most pressing and pivotal events of our time.

Groupe TVA Inc.: Founded in 1960 under the name of Corporation Tele-Metropolis Inc, Groupe TVA is a publicly traded, vertically integrated company that offers, among other things, broadcasting, production and publication services. It owns 6 of 10 television stations that comprise le Réseau TVA, its airwaves reaching almost all francophone viewers in Quebec and a large number of the francophone population outside of Quebec. Groupe TVA Inc. employs approximately 1250 full time staff.

Harold Greenberg Fund: The Harold Greenberg Fund is a non-profit organization created by Astral Media and sponsored by The Movie Network, Viewer's Choice Canada, Star Choice and Canal Indigo. The Fund exists to foster the production and development of feature-length, theatrical-release movies with available pay-tv and pay-per-view windows and special events and music and documentary programs with a pay-per-view window.

Independent Film and Video Alliance (IFVA): The Independent Film and Video Alliance is a national association of 54 independent film, video and new media centres, representing more than 8000 artists and cultural workers. It is a network that creates links between production, distribution and presentation centres, while working to improve the means of production and access to these means for independent artists.

Independent Production Fund (IPF): The Fund was established in 1991 by Maclean Hunter Limited with capital endowments of over \$30 million. The annual revenues generated by this capital and recoupment on investments constitute the funds at the Board's disposal each year. The Fund is "certified" by the CRTC as an independent production fund, eligible to receive BDU (Broadcast Distribution Undertaking) funding. The Foundation is incorporated federally as a corporation without share capital and has been granted charitable status. The Board of Directors which represents the industry makes all funding decisions. The operations of the Fund are administered by staff in Toronto and Montreal.

Lowenbe Holdings Ltd.: Lowenbe, created in 1997, is a partnership between writer/producer Geoff Le Boutillier and producer/consultant Jan Miller. Through Lowenbe, they develop properties alone and in partnership with others. Lowenbe fosters creative talents, provides contacts and consultation, and helps broker financing and pre-sales

National Film Board of Canada (NFB): Created in 1939, the National Film Board of Canada (NFB) is a public agency that produces and distributes films and other audiovisual works which reflect Canada to Canadians and the rest of the world. It is an exceptional fountain of creativity, which since its very beginnings has played a crucial role in Canadian and international filmmaking. Its founder and the first Government Film Commissioner, John Grierson, wanted to make the NFB the "eyes of Canada" and to ensure that it would "through a national use of cinema, see Canada and see it whole: its people and its purpose."

Norflicks Productions Ltd.: Norflicks has been a successful independent Canadian television production company since its incorporation in 1985. Norflicks' very first production was the highly acclaimed dramatic children's series, *The Little Vampire*, a co-production with Polyphon of Germany and Southern TV of the UK, which became a ratings hit worldwide. Norflicks' war documentaries have won popular and critical acclaim around the world. The company has also made its mark in the world of religious programming. In addition to its strengths in the areas of drama, war documentary and faith-based programming, Norflicks is widely known for making programs that bring Canadian history to life. Norflicks is also expanding into new media, having co-produced a CD-ROM version of *No Price Too High* with City Interactive in 1998 and having recently developed a new educational web site with Telefilm Canada called *Online from the Great War*.

Shaw Television Broadcast Fund: Created in 1998 as a certified independent production fund (per CRTC public notices 1997-98 and 1999-29), STBF provides equity financing for productions serving children, youth and family audiences. The Fund is operated as a separate, permanent, not-for-profit corporation, with an independent Board of Directors. Financial contributors to the Fund are Shaw Cablesystems G.P., Starchoice Television Network Inc. and Eastlink Cablesystems. During the past four years, the Fund has directly contributed nearly \$20 million to the production of Canadian television programming.

Société de développement des entreprises culturelles du Québec (SODEC): SODEC, a government agency overseen by the Québec Minister of Culture and Communications, provides assistance for the creation and development of cultural enterprises, including the media, throughout the province. Since its creation in 1995, SODEC has vigorously pursued its mission of fostering Québec's cultural growth. SODEC programs provide either selective or automatic assistance in the form of investments, grants and loans, and manages the Québec government's cultural tax credit program. SODEC offers cultural enterprises the same financial products as conventional banks: term loans, revolving credit and loan guarantees. In exceptional cases, it may even invest in a project by acquiring shares. It is one-third owner of FICC (a cultural and communications investment fund which provides venture capital for firms with strong growth and high profit potential), and it has also helped form FIDEC, a limited partnership designed to meet business needs by offering new financial instruments that can help an enterprise create and sell products intended for foreign markets.

Société des auteurs de radio, télévision et cinéma (SARTEC): La Société des auteurs de radio, télévision et cinéma (SARTEC) est un syndicat professionnel regroupant plus de 800 membres qui écrivent des dramatiques, téléromans, séries, téléfilms, documentaires, émissions de variétés, etc. Reconnue tant en vertu des lois provinciale (1989) que fédérale (1996) sur le statut de l'artiste, la SARTEC est signataire d'ententes collectives avec la Société Radio-Canada, le Groupe TVA, l'Office national du film (ONF), Télé-Québec, les Productions Carrefour (Cogeco), TV5 et l'Association des producteurs de film et de télévision du Québec (APFTQ).

Société professionnelle des auteurs et des compositeurs du Québec (SPACQ): La SPACQ, fondée en 1981, a pour but de grouper en association les auteurs et les compositeurs de chansons d'expression française ainsi que les compositeurs résidant au Québec afin de promouvoir et de défendre les droits relatifs à leurs oeuvres. De plus, elle se consacre à étudier, à promouvoir, à protéger et à développer de toutes les façons les intérêts économiques, sociaux et professionnels de ses membres. Elle est accréditée depuis le 17 mai 1996 en vertu de la Loi sur le statut de l'artiste du gouvernement fédéral pour représenter les auteurs et les compositeurs pour l'oeuvre de commande d'une chanson en langue française, d'une musique commandée par un radiodiffuseur de langue française et de toute musique lorsque le compositeur est domicilié ou réside au Québec et qu'il est visé par la Loi sur le statut de l'artiste. La SPACQ offre une voix aux auteurs et aux compositeurs dans les dossiers de la Loi sur le droit d'auteur, dans les questions de quotas de contenus canadiens et francophones pour toutes les demandes de licence d'exploitation faites par des entreprises soumises à la Loi de la radiodiffusion canadienne. Elle peut procurer des renseignements au sujet des sociétés de gestion et de l'administration générale des droits qui régissent l'utilisation des oeuvres de ses membres.

Télé-Québec: Diffuseur d'émissions centrées sur le savoir, l'apprentissage, la création et la promotion de la culture. Depuis ses débuts en 1968, Télé-Québec se distingue par une programmation qui reflète et valorise toutes les formes d'expression et rend compte de la diversité culturelle.

Union des artistes (UDA): L'Union des artistes est un syndicat professionnel qui représente les artistes interprètes œuvrant en français au Québec et ailleurs au Canada, reconnu en vertu de la Loi sur le statut professionnel et les conditions d'engagement des artistes de la scène, du disque et du cinéma (Québec, décembre 1987) et de la Loi concernant le statut de l'artiste et régissant les relations professionnelles entre artistes et producteurs au Canada. Environ 5950 membres actifs et plus de 3450 membres stagiaires en font partie. L'Union a pour mission l'identification, l'étude, la défense et le développement des intérêts économiques, sociaux et moraux de ses membres.

Writers Guild of Canada (WGC): The WGC is a national association representing more than 1,700 screenwriters working in film, television, radio and multimedia production in Canada. Members of the Guild are professionals who write dramatic TV series, MOWs, feature films, mini-series, documentaries, animation, comedy and variety series, children's and educational programming, radio drama, as well as corporate videos and multimedia productions. On behalf of its members, the Guild negotiates, administers and enforces collective agreements setting out minimum rates, terms, and working conditions in the Guild's jurisdiction — all English-language production in Canada.