

## Quebec 150% shelter wide open for under 75 min. programs

MONTREAL - In a major bid to attract private investment for French-language, made-in-Quebec films and television programs, the Quebec cabinet has approved the definition of eligibility for a 150% capital cost allowance.

The ministerial decree, entitled "Concerning the recognition of a Québécois film," approved Dec. 6, follows recent new federal regulations concerning pre-sales which should make the Quebec tax shelter additionally attractive.

Although no pre-sales had been permitted previously, when the federal government was promoting productions through its 100% capital cost allowance, the department of Finance recently accepted the notion that an investor's money is still "at risk" if pre-sales fall within normal industry practices and are at arm's length. Quebec is banking that its new 150% capital cost allowance, and the liberal definition on a Québécois film, will generate sufficient interest to revive the moribund production industry here.

One reason for the long delay

in obtaining final agreement, in a consultative process begun in August, was defining who can be considered a Quebec producer.

The government, for instance, wanted to limit the definition of a Quebec producer to someone who had resided in Quebec for at least 200 days prior to the beginning of principal photography, while industry associations, including the Institut québécois du cinéma, wanted the definition limited to someone who had paid Quebec income tax in the previous year.

The decree offers three definitions of a Quebec producer: 1) either a physical person possessing a Quebec birth certificate; 2) a Canadian citizen who has resided in Quebec two years prior to the beginning of principal photography, or 3) a person who was visited ("sejourner") in Quebec for 200 days in the year prior to the beginning of principal photography. A Quebec film must be produced by a Quebec producer.

Furthermore, the decree established a system of ten points, of which eligible films must qualify for six. Only persons residing in Quebec are eligible for the points which are established as follows: director-2, screenwriter-2, highest paid actor-1, second highest paid actor-1, set designer-1, director of photography-1, composer-1 and editor-1. In order to qualify, a film must get at least two of the four points attributable to the director and screenwriter, and at least one from the actors' categories.

In the case of screenwriters, if the position is filled by several

persons who are not Quebec residents, the full two points will be attributed if one of the screenwriters is at the same time a Quebec resident, and the screenwriter of an original work, and the person who decides the script's final version, and the highest paid screenwriter.

The decree establishes obligatory minima of 75% in total fees to be paid for services rendered in Quebec (lab, film editing, sound editing and recording, tiling or music); a 75% total in production salaries to be spent in Quebec, exclusive of the functions of producer, and those positions covered by the point system, as well as those positions related to the financing of the film. A film under 75 minutes is nonetheless recognized as a Québécois film, even if it does not meet the above conditions, as long as 75% of the film's production costs are paid to Quebec residents. Official coproductions are recognized as Quebec films if the Canadian portion of the film is produced by a Quebec producer and a minimum of 75% of production costs of the Quebec portion of the film is paid to Quebec residents. Documentaries are exempt from the point system's minimal requirement of six points if the positions enumerated are filled by Quebec residents.

Requests for Quebec certification must be made through the Institut québécois du cinéma within 60 days of the completion of production and, for films completed in 1983, within 90 days of the decree's going into effect Dec. 16 with

publication in the "Gazette officielle du Québec."

While the adopted definition is broader than the Institut's definition of a Quebec film (for purposes of state aid to film production), IQC executive-director Louise Ranger welcomed the decree.

"It can only help Quebec film production," Ranger told Cinema Canada. "In the past, francophone films have not had much private investment so everybody stands to benefit. This is an important incitement for private investors, and while it

won't have much impact for '83, it should produce a definite improvement in film production for '84.

"The decree establishes a complementary mechanism to the Institut's own programs in support of Québécois films which give greater weight to cultural development. We have to diversify available sources of financing and, to the extent the decree does that, it should be positive."

According to cultural affairs

(cont. on page 31)

## Combines' deal 6 months old-blind bidding biggest problem

MONTREAL - In the past few months, Lawson Hunter has spoken with an almost endless stream of distributors and exhibitors as he prepares his first six-month report for the Restrictive Trade Practices Commission (RTPC), due in early January.

Hunter, director of the Combines Investigation Branch, responded to a complaint by the exhibitor Cineplex last March, which charged that the American major distributors in Canada were illegally withholding product from independent exhibitors, and were in fact favoring the two big chains, Famous Players and Canadian-Odeon, with their first-run films. By early summer, Hunter asked for a postponement of the scheduled RTPC hearing, noting that the respondents (the Majors) had agreed to certain undertakings which were acceptable to Cineplex. These undertakings, which amounted to the introduction of the bidding system in Canada, came into effect on July 1. The commission agreed to postpone the hearing, providing that Hunter monitor the situation and report back in January.

Although the director's report is not expected to be made public, its tenor will determine whether or not the situation should be aired in a public commission hearing, or whether such a hearing will again be postponed. The original accommodations made by the Majors were an effort to avoid just such a hearing, and representatives from the Majors have been talking to Hunter, documenting their efforts since the undertakings were signed.

Likewise, exhibitors have been making their opinions known, both through conversations and in written docu-

ments submitted to Hunter. It is now up to him to write the report which will determine whether the Majors have fallen short of their undertakings, in which case the hearing would resume and witnesses called, or whether the system is operating as it should. Cinema Canada spoke to a wide range of exhibitors about the process of bidding in Canada.

### Rules unclear

There is a general consensus that the rules of bidding are still unclear. Says Frank Kettner of Landmark Cinemas in Alberta (70 screens), "There needs to be some drastic changes made. Even when you bid strongly for a film, the distributor can find excuses not to give it to you. Perhaps you haven't paid your bills within 30 days, or another theatre has a few more seats, or its house expenses are different... there's always an out. And then, if they don't like a bid, they can always go to negotiation, so it's not really a bidding situation at all."

Echoes Norman Stern from the Ontario Theatre Group (22 screens), "It's a system for the big boys. There are so many loop-holes and ways of locking you out that favoritism still holds." Yet, comments Stern, his company has proved it can perform: The Crest Cinema, rented by David Cronenberg to four-wall *Dead Zone*, played the film for eight weeks with good returns. "We could have never got that film through the bidding system. Cronenberg had to rent the theatre himself and bring it in."

### Blind bidding

The gravest charge brought against the system, and mentioned by virtually everyone Cinema Canada spoke to, is the practice of blind-bidding. Leo

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## Discussions drag for FIRA and Orion

OTTAWA - Orion Pictures Distribution Corp. of New York seems to be in no hurry to sort out the legal situation with the Foreign Investment Review Agency (FIRA) which, on Sept. 30, denied its application to do business in Canada.

According to legal counsel Barry Burton, who works in Los Angeles and is not involved in the proceedings, but who is the only spokesman for the company, discussions have taken place with FIRA and further discussions are scheduled with the agency to find out what changes might be required for Orion to get the green light. Meanwhile, the company, which has been in operation for a year, is continuing to distribute films from its Toronto offices.

Orion does plan to resubmit its application, and FIRA staff has told Cinema Canada that, in principle, reapplication situations are dealt with quickly, so not as to permit a disallowed company to continue operating freely in Canada for a long period. Although Burton could suggest no time-table for the Orion reapplication, he said that senior executives from New York would be involved in the FIRA talks, and suggested that the necessary formalities would not be done by year's end.

## Law's enactment for next year

QUEBEC CITY - It will be at least one year before Quebec's controversial cinema law 109, adopted late in June '83, comes into application.

At the time of the law's adoption, Quebec cultural affairs minister Clément Richard had vowed to make swift application of the law a top priority for the next parliamentary session, which began in August, but according to cultural affairs policy advisor André Steenhaut "it will take a good while, at least a year, before the law comes into application."

The minister's first concern, Steenhaut told Cinema Canada, is with the nomination of the senior bureaucrats whom the government will appoint to head the Régie du cinéma et de la vidéo as well as the Société générale du cinéma et de la vidéo, the main administrative entities established by the

cinema law. The nomination process, upon the minister's recommendation, Steenhaut told Cinema Canada, should begin "soon" "We have to appoint 'the bosses', first, the application of the articles of the law itself will follow from that."

So the law's more controversial articles - such as French versioning, the *billeterie*, the production fund - "the French aspects," according to Steenhaut, "will be difficult to apply before the people who will administer the law are themselves in place."

The senior administrative nominations will be followed by a second round of ministerial recommendations appointing new management to the Institut québécois du cinéma, based on consultations with Quebec's professional filmmaking associations.

# The Vancouver CRTC hearings: pay-TV's battle to the death

VANCOUVER — With a fresh supply of Bronfman dollars in its treasury, First Choice Canadian Communications stormed in to knock Superchannels Ontario and Alberta out of the pay television mainstream in an east-west clash rivalling the Grey Cup, and held here just two days before the football classic.

Contending that the Canadian Radio-television and Telecommunications Commission (CRTC) had never intended to license two similar pay networks on a national basis, First Choice Counsel Peter Grant set out to re-interpret "regional" for both the CRTC commissioners and Superchannel's management. At his first hearing as CRTC chairman, André Bureau must have felt a bit awkward, having to help sort out the mess left him by predecessor John Miesel.

## Weekend upset

But events in the pay-television world move fast. While much of the industry was en route to Vancouver, Finlay MacDonald, operator of Star Channel in the Atlantic provinces, announced that he was shutting down his license to lose money. By Monday (Nov. 28), the day before the hearing opened, both Superchannel and the Toronto Dominion Bank had independently appointed receivers to protect their respective losses: \$1.3 million in the case of the pay service; an undisclosed amount for the bank.

Events leading up to the hearing began in late summer

when the owners of the British Columbia license for a regional pay network, AIM, announced they could not get the service on the air. AIM approached Edmonton millionaire Dr. Charles Allard — owner of Superchannel Alberta and half-owner of Superchannel Ontario — with an offer to sell him controlling interest in the enterprise. Allard agreed, and the CRTC was contacted to approve the deal which would see the Superchannel signal temporarily picked up both in B.C. and the Yukon from the Anik transponder distributing the signal into Alberta. Allard pledged to spend money in the region and air a minimum level of B.C. product weekly on a separate satellite feed within a year.

Earlier in the summer, Superchannel won the right to sell its Alberta service in the Manitoba, Saskatchewan and N.W.T.'s market. At an earlier call for regional licenses to serve this part of the country, no local entrepreneurs came forward, and Allard saw this as an opportunity to complete his "association of regionals" into a national grid to better compete with First Choice. Integral parts of this grid were Star Channel in the Atlantic provinces, and AIM in B.C. But both now required some form of bail-out.

By September, the CRTC was faced with an application — at that time supported by Star Channel — to permit Superchannel Ontario's signal to be substituted in the Atlantic provinces until such time as the regional licensee reached 50,000

subscribers. The Commission was still pondering an application by Star Channel to enter the English-language Quebec market when it became clear that MacDonald's network could not afford to pay its Telesat bills.

When the CRTC permitted Allard to enter the other prairie provinces, First Choice appealed to the Federal cabinet, claiming that the Commission was not creating a series of independent regional pay services to complement the national licensee, but rather a full-scale competitor with common ownership to fight the national service head-on. The Cabinet did not overrule the Commission, but did ask it to reconsider the decision, and seek clarification as to what was meant by "regional pay networks" in the original decision.

As the industry awaited the Vancouver hearing, First Choice itself contacted the CRTC in late October with a desperate appeal for approval of a refinancing deal it had struck with Bronfman subsidiary Hees International, the holding company which included Astral-Bellevue-Pathé. Within three weeks the CRTC had approved that deal which turned First Choice over to the new ownership.

## Substantial interest

The crowd which gathered at the Sheraton Plaza 500 hotel ballroom on Nov. 29 was a veritable who's who in the cable/pay television industries. All had substantial interest vested

in the proceedings, as pay television, instead of the gold mine long predicted, seemed to have turned into a ton of lead destined to sink all who came in contact with it.

The CRTC had split its deliberations into four specific chapters in order to separate the concerns to be covered.

The first was a presentation by the local Vancouver group, Media Watch, which graphically portrayed the worst of pay television. Scenes of degradation and violence to women filled a 15-minute tape culled from First Choice, the only pay service available in B.C. Samantha Sanderson, of Media Watch, noted that she found it distressing that the Commission and the industry, almost a year after the infamous Playboy deal, had yet to have an acceptable set of guidelines. The issue of financial survival appeared to be more important than the treatment of women, a stark comment on our value system, she concluded.

The second issue involved reconsidering the temporary distribution of Superchannel Alberta in B.C. and the Yukon, followed by the take-over application for AIM, and finally the interim distribution of Superchannel Ontario in Atlantic Canada. This last was now, ironically, opposed by Star Channel's principals in the interesting twist of subterfuge which took place over the weekend prior to the hearing.

Fourteen groups and individuals appeared to speak to the original decision. Most were divided over the intent of the

CRTC's original pay decision. Although many felt that part of the problem of marketing pay was the perceived similarity between regional and national services, most agreed that the notion of competition was healthy for pay: The consumer deserved to have a choice, and if that choice could only be maintained through strong regionals linked against the national service, then let it be so. The government of Ontario, and the Competitions Branch of Consumer and Corporate Affairs Canada were the strongest advocates of this stance, while the Canadian Cable Television Association (CCTA) and Rogers Cable felt that differentiation might help in the overall marketing of pay. But neither were as adamant as First Choice that Superchannel alter its services to become a small scale, locally programmed, almost mini-pay network to complement the national one.

Superchannel argued that its mandate was to provide pay services through regionally based companies, and that the Commission had never directed it to be programmed in a narrow, or secondary, fashion to First Choice. In fact, it was demonstrated that the national service had imitated the regional to such a point, it was charged, that First Choice itself was blurring the lines and causing consumer confusion, not Superchannel.

Allard noted that the two Superchannel companies were operated separately, though they did use a common Edmonton uplink to save on origination costs. Although Superchannel did purchase full Canadian pay rights, this was done to accomplish an equal footing for certain projects with First Choice, and to permit Star Channel and AIM an easier access to product. Doug Holtby, president of Alberta Superchannel, noted that the Ontario and Alberta companies disagreed not a few times on acquisitions, and that independent producers turned down by one could always go to the other company.

It was First Choice's contention that the regionals should become add-on pay services which could be bought in combination with First Choice, for about half the price again of the national. Allard rejected this secondary position, arguing that competition was healthy if it took place on an equal footing. He hinted that the recent refinancing of their competitor had given First Choice an advantage, and it was now necessary to redress this by not only upholding the original decision as implemented, but by permitting the expansion as requested in other parts of the hearing. Since

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## Smaller exhibitors hurt most

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nard Bernstein of Premier Operating (65 screens) explains the situation. "The distributor sends you a letter and gives you a week to make a bid on a film that hasn't even gone before the cameras. What do you know? Some names, a title, that's all. The film may be ready in nine months. He's asking you to commit big money up-front and you have no idea what you're bidding on. And you have to bid. You have to commit that money. It's not logical, it's not sensible. It's a Canadian national policy which produces money for people in the States."

Ironically, blind-bidding has been declared illegal in over 20 states in the U.S., following lawsuits brought by exhibitors against the Majors. Such recourse, however, is not possible in Canada. The bidding situation was introduced by the Combines Investigation Branch and there is no legal recourse to appeal that action.

Cinema Canada asked Gérard Payette, secretary of the RTPC whether it could declare the practice illegal if Hunter were to so recommend in his report, and Payette responded that the RTPC would not have the authority to do so without hearing witnesses at a full, public hearing of the commission. The Majors could undertake, however, to stop such practices unilaterally after discussions with Hunter.

### The rich get richer

Another criticism often made of the system is the obvious one that the richer the circuit, the more able it is to bid large sums of money and to take risks. "We're not getting good pictures because we can't afford to bid," says Stern. "If we make a mistake, we can just close our doors."

Obviously, the system is also driving up the cost of a film to the exhibitor. Reports are persistent that even in non-competitive situations, where a given theatre has no local competition, the distributors are asking theatre owners to meet the prices established by bidding in the bigger cities. "Theatres are going to close," comments one exhibitor. "A lot of small houses are up for sale," says another.

Yet the bidding system has its defenders, and many feel that it is simply too soon to evaluate the situation. Says Jean Cyr of les Cinémas Odeon in Montreal, "We've only really been bidding for three months. The summer films were already committed when the system came into play. As long as there's enough product to go around, things will be O.K."

Pierre René of France Film (29 screens), who had suggested a similar system to the Fournier Commission when it was

studying film distribution in Quebec, is pleased with the results so far. "In Montreal, the independent theatre owners are in competition with the chains. There is more competition here than in the other keys, and bidding has opened the door to getting Major product which had always been denied us before." France Film has recently played the French versions of *Superman III* and *Staying Alive* and is preparing to open *Jaws* in 3-D. While admitting that some exhibitors have made outrageous bids, and that everyone has to learn to bid properly, René feels that within a year the system will have worked itself out.

The larger chains, Canadian-Odeon (296 screens) and Famous (457 screens), are more circumspect with their comments. Says vice-president Ron Emilio of Odeon, "We're bidding the best we know how. Our interest is to find the best pictures to play and not to worry about what the others are playing." He says, however, that he has never felt such a desperate, back-biting atmosphere as the one created since the introduction of bidding, and that horror stories are plentiful among the smaller operators.

At Cinéma Unis - the Famous Players branch in Quebec - Don Drisdell reports that he bids high on films he really wants, but doesn't bid at all on weak product, taking the middle range films as they come. "Things have fallen into place for us." Because of the strength of the independent Québécois distributor, the theatres in Quebec which screen French language films are less influenced by the bidding situation.

Meanwhile at Cineplex (200 screens), Garth Drabinsky ("who comes out of this smelling like a rose," according to one Major distributor) declines comment. "Things have come up which have not yet been resolved, and Mr. Drabinsky doesn't want to talk to the press," comments vice-president Lynda Friendly. He is, however, talking to Lawson Hunter and, for the moment, those are the conversations which matter.

## Quebec shelter

(cont. from page 29)

policy advisor André Steenhaut, "this is strictly a financial mechanism which has nothing to do with the cultural aspects."

But, says Association des producteurs de films du Québec (APFQ) executive-director Gaston Cousineau, "A number of producers were eagerly waiting the decree to finalize their financial structures. So one can expect a number of productions to now be able to get underway."

## French pay stations "consolidate" with \$3 M

MONTREAL - Responding to pressure which began building the day the original pay-TV licenses were announced, the Quebec government has engineered the marriage of the regional TVEC French pay company with Premier Choix, the French branch of the national First Choice. The minister of Cultural Affairs, Clément Richard, made the announcement at a press conference in Montreal Dec. 15.

A new company, called Premier Choix : TVEC has been created and will receive \$3 million from the provincial government via the Société de développement des industries de la culture et des communications (SODICC).

In this announcement, Richard underlined that only one French-language pay company could create a positive atmosphere for the production industry in Quebec, as the market is simply too small to contain competing services. By "consolidating" the two companies, he expects important benefits to the province in general (a pay station which spends \$10

million per year in purchases should create 270 jobs and bring an additional \$11 million to the province), and believes that Premier Choix : TVEC can now become profitable by December, 1984.

Henri Audet, the majority shareholder in TVEC, explained that together the pay stations now command 65,000 subscribers (20,000 TVEC : 45,000 Premier Choix) and that break-even point is 114,000. By 1985, the new company expects 125,000 subscribers, while the government estimates that ultimate penetration can reach 295,000 subscribers.

But the day obviously belonged to Harold Greenberg, who as chairman of the executive committee of First Choice, which will have an ownership interest in the new company, was the catalyst for the consolidation. Pledging to pump 45% of the revenues of the new company into production in Quebec, Greenberg said the decision heralded "a new era for Francophone viewers," adding that "no effort will be spared to foster the production

and distribution companies in Quebec." Furthermore, he announced that the new company would be instrumental in opening markets across Canada and in the U.S. for Quebec-based companies.

"This regroupment is different from the licensed situation which was born to fail. We need now to create a new perception: that the day when talk about pay-TV was talk about people going out of business is over. Pay-TV is alive, and today's decision is the cornerstone to create a healthy and vigorous situation," Greenberg said.

The total equity position of the new company is \$12 million, according to Greenberg. That sum represents the present assets of the two companies (2/3 from Premier Choix vs. 1/3 from TVEC) and new funding which is made up of \$3 million from SODICC, bank financing and unspecified "additional sums." SODICC has issued its \$3 million in the form of convertible debentures which can be converted into 3

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# Despite growth in cultural industries, situation deteriorating

OTTAWA – Despite a 50% increase in the numbers of people working in Canada's cultural industries between 1971-1981, and despite Canadian culture's having contributed more to the growth of the gross domestic product than the textiles, aircraft and chemicals industries combined during the same period, Canada's cultural balance of payments deficit with the United States is deteriorating, nor is the situation likely to improve in the near future.

That is the down-side of a document entitled "Culture and Communications: Key elements of Canada's economic future" which Communications minister Francis Fox submitted Nov. 3 to The Royal Commission on the Economic Union and Development Prospects for Canada.

With Canada importing seven times as many books as it exports, four times as many TV programs and four times as many periodicals and newspapers, all mainly from the U.S., Canadian culture's balance of trade deficit "may in fact get worse as a result of... developments... in the area of information technology," the 41-page report, produced by the Strategy and Plans section of the department of Communications, observes.

With increasing numbers of American cultural product producers pursuing export sales, with increasing numbers of distribution media available for cultural products (pay-TV, conventional TV, video cassettes), with the increased deployment of more channels than there is content, and with increased digitalization of cultural products, Canadian

domestic cultural product faces vigorous competition.

The positive side of the report is "that Canada has no choice but to vigorously embrace the development and dissemination of these (new) technologies," despite the still unresolved debates raging around the employment and unemployment dimension of the impact of information technology.

Significantly, the report grants culture a privileged

place as "the basic research component of the R&D in the arts community. In this sense, they create the new ideas, preserve the essential traditions and create the most central images of a society. Without an innovative artistic tradition, a vibrant commercial cultural sector is impossible," the report state.

According to the report, Canada's cultural industries should be divided into two broad categories: "those that

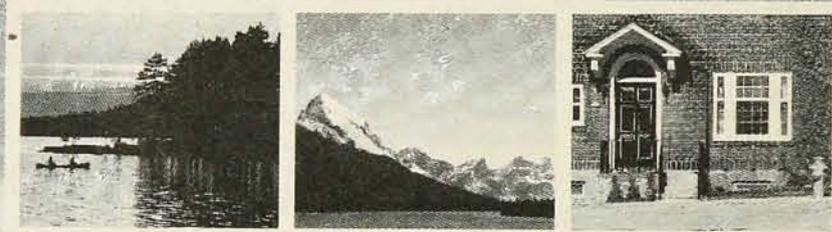
are essentially non-commercial... and which can probably never be financially self-supporting" (ballet, poetry, theatre, some films), and "those that are essentially commercial and constitute business ventures like any others" (popular music, private television and radio, newspapers, most periodicals).

Without down-playing the importance of the non-commercial cultural industries, the report wonders whether or

not the time has perhaps come to consider the commercial cultural industries "with the same seriousness—in an industrial sense—as steel, automobiles or telecommunications."

The brief, while not making specific recommendations, concludes that its "major theme... is that the most important condition of success in developing and using information technology will be... Canadian culture and the extent to which it encourages innovation."

## The Alberta Advantage



### La Balance for Xmas

TORONTO – Spectrafilm will release the French police thriller *La Balance*, directed by Bob Swaim and starring Nathalie Baye and Philippe Leotard, in Toronto Dec. 21 for an exclusive engagement at the Fine Arts Cinema.

*La Balance* grossed \$48,732 its first week at the Paris Cinema in New York, the highest single screen gross that week for any film except Barbara Streisand's *Yentl*, and in its first 16 days took in \$94,970. Earlier this year, U.S.-born Swaim became the first American to win the French Academy's Cesar award for best director and actors Baye and Leotard both won Cesars for their performances.

*La Balance* replaces another French film, François Truffaut's *Confidentially Yours* (*Vivement Dimanche*), on Spectrafilm's Christmas release schedule. *Confidentially Yours* is now expected for January.

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# Despite bidding, Quebec's distributors hold their own in market

MONTREAL—Relatively speaking, the independent distributor of French-language films is doing alright, according to Victor Loewy at Vivafilm. "Quebec is a different market altogether, and people understand that. While there is simply no market in English Canada for the art film, we can still bring in foreign films and make them work."

Loewy, who handles difficult films like *Parsifal* and *Camina*, *Camina* as well as racier product like *Joy*, reports that, for the moment, relations between the distributors and the exhibitors in Quebec are on an even keel. "Whereas we used to have to go to Toronto to book theatres last year, everything is done in Quebec now, and there's no trouble getting the theatres you want when you want them."

There had been considerable worry that the bidding system would lead to a lack of outlets for independent product, but Loewy says not so. "The chains are withholding certain theatres from bidding; but there's always room at the Parisien for independents," he says, referring to a fiveplex, held by Cinemas Unis with whom he does all his booking.

Although Don Drisdell at Cinemas Unis claims that all his theatres are available in the bidding system, he echoes Loewy's feelings about the relationships between the chains and the independents. "We've always courted the independent distributor in Quebec because we need his films to fill our theatres. The French versions of American films never do as well in Quebec and so we've an effort to work things out with the independents."

In general, Loewy sees a waning of interest in the French versions of American films. He points to the low ratings of Channel 10 in Montreal which programs endless American product, and the lukewarm business American films do in general. While the super films — *Return of the Jedi* et al. — can still find a market in French, the middle pictures like *48 Hours* and *The Year of Living Dangerously* do not perform, he says.

Abroad, others have also recognized that Quebec is special. "Foreign producers know that we can make a profit for them, but that if they go with

TORONTO—*The Wars*, directed by Robin Phillips and released in November by Spectrafilm, has grossed \$72,000 in its first four weeks.

*The Wars* has earned \$45,000 in Toronto, where it opened Nov. 11, and has also played in Ottawa, London, Winnipeg, and Vancouver.

an American distributor, Quebec profits will be cross-colateralized with American losses, netting them nothing." Loewy, who distributes Triumph product in Quebec, says that the other classics divisions (Orion, U.A. Classics and Universal Classics) are not buying for Quebec, leaving films

free for pick-up by Quebec independents.

Asked whether he thought that the present conciliatory mood between the independents and the chains, on the one hand, and the backing-off of the classics divisions, on the other, had any relation to the new Quebec film legislation,

Loewy said no. "It's a good piece of legislation, and the 'billeterie nationale' will be very important when it comes into effect next year. But for the rest, it's disappointing, and no one is talking about it anymore. Nothing else is going to change."

The Quebec distributors feel

that their past performance, launching films outside of the mainstream, North American distribution patterns, is responsible for their relative health today. Nevertheless, the numbers of independent are dwindling in Quebec as elsewhere, and a long-range prognosis is still uncertain.



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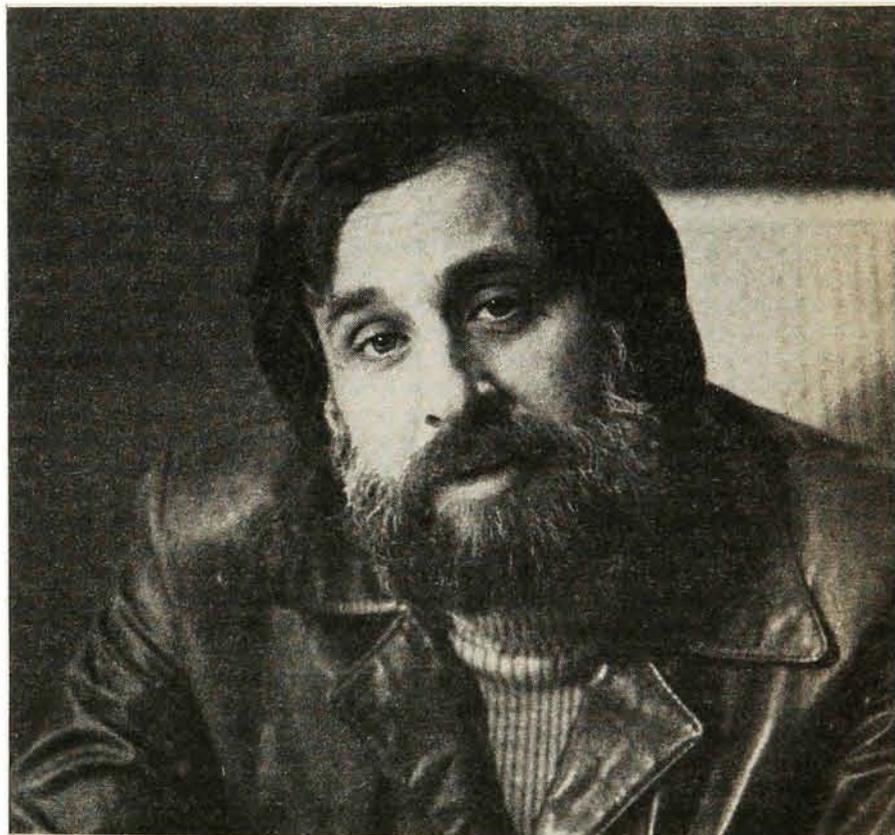
## NEWS

### FESTIVALS

Two NFB films have taken top awards at the Chicago International Film Festival, November 5 to 18. Paul Cowan's *The Kid Who Couldn't Miss*, a feature documentary on World War I hero Billy Bishop, won the Silver Hugo for best documentary. *Magic in the Sky*, directed by Peter Raymond, won a Gold Plaque for best social/political documentary. *Magic in the Sky* investigates the impact of U.S. and Canadian television on the Inuit people of the Canadian Arctic. Both films were presented in special public screenings at the Chicago Art Institute.

Cinderella has earned another slipper. *The Tender Tale of Cinderella Penguin*, nominated for an Oscar in 1982, has won the Ruby Slipper for best short animation film at the 12th International Children's Film Festival held in Los Angeles this October. This wingy interpretation of the classic children's tale was directed by Janet Perlman.

*No More Hibakusha*, Martin Duckworth's film about survivors of Hiroshima and Nagasaki, has won two prizes. The Silver Dove award from the 26th Leipzig (East Germany) Film Festival for best documentary over 35 minutes; and a special jury prize from the 27th Competition for Film on Japan. The



François Macerola has been named Acting Government Film Commissioner. His appointment becomes effective January 8, 1984. He replaces James de B. Domville, whose term ends January 7, 1984.

jury prize was presented to Martin Duckworth in Montreal by the Consul General of Japan December 14th.

*Gulfstream*, directed by Bruce Mackay, has won the Grand Prize at the Rio de Janeiro Science Film Festival. This half-hour film documenting a voyage up the Gulfstream from the Equator to Nova Scotia will have its television premiere on TVO December 23 at 8:00 p.m. It will be shown with the NFB film *Family Down the Fraser*.

### THE RESULTS ARE IN ON WAR SERIES

Canadians seemed prepared to watch serious television programming this fall. The NFB's seven-part series *War*, telecast each week from October 2 to November 13, reached an average 1,022,000 viewers and recorded an average rating of 7.1. Overall the series captured 12% of the television audience (or an estimated 14% of the audience watching English-language television).

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**Star and First Choice strike cut-rate deal**

TORONTO - Star Channel president Findlay MacDonald says his Atlantic regional pay-TV service and national service First Choice have reached an agreement which could enable Star Channel, which suspended its service Nov. 28, to get back on the air.

Neither MacDonald, who announced the deal at a press conference Dec. 6 in Halifax, nor officials at First Choice would disclose details, saying it still had to be ratified by the First Choice board of directors, then approved by the CRTC.

But a First Choice spokesman in Toronto said the deal involved marketing Star Channel as a complementary service to First Choice, with both services offered in a cut-rate package to consumers.

After Star Channel went dark, Superchannel, which had been buying Hollywood product on behalf of all regionals and which says is owed money by Star Channel, appointed itself as the Atlantic regional's receiver. The Toronto Dominion Bank has also moved in as a receiver.

**On 'pay front' wait and see post-B C**

OTTAWA - The name of the game in Canada's troubled pay-television industry is still 'wait and see.' With the Canadian Radio-television and Telecommunications Commission's (CRTC) decision expected sometime this month, following the end-November regionals hearing in Vancouver, the action has moved behind-the-scenes where reorganization is reported to be proceeding at breakneck speed.

The unexpected withdrawal of Superchannel's application to extend its service into the Atlantic region in lieu of regional licensee Star Channel which went into receivership on the weekend of Nov. 26, seems to have knocked the steam out of Superchannel's bid for a national grid of regionals. As the application was not heard at the Vancouver regional hearings, the Commission's decision will be limited to Superchannel's westward thrust into the B.C., Saskatchewan, Manitoba and N.W. Territories' markets. Superchannel's eastward move must now await another hearing.

Meanwhile, in the Atlantic region, where some 42 of 62 cable systems had jumped to Superchannel's signal after

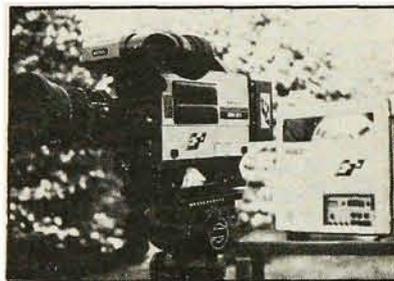
Star Channel's collapse, a week-long telegram battle by the regional office of the Commission to inform the cable companies that the action was illegal, had by Dec. 3, left First Choice's signal as the *de facto* *supremo* in pay-television in the Maritimes.

"It's pretty quiet on the eastern front," commented CRTC regional director Bob Oxner to Cinema Canada. "Right now it's a one-system situation down here. There are some negotiations said to be going between Star Channel and First Choice, where First Choice is willing to provide money to pay off Star's bills, about \$4 million, in exchange for a substantial portion of shares. But all of this is subject to Commission approval, of course."

TORONTO - Canadian film financier Jake Eberts, who founded Goldcrest Films and Television and has served as the London-based company's chairman for seven years, will leave that organization at the end of the year to join Embassy Communications International as second-in-command under chairman Lord Lew Grade.

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## Video Culture off to promising start

TORONTO – The combination of attendance figures and media coverage for November's Video Culture Canada Festival proved a clear indication that the non-profit organization behind the event has a winner on its hands.

The six-day blend of symposia, exhibits, screenings, hands-on workshops and a competition attracted some 20,000 people to Toronto's Harbourfront, and garnered an even wider audience through the live televising of the symposia over Rogers Cable TV.

All of this added up to a successful "maiden run" for what promises to become an important annual event; it was also a fair return on an exhaustive 18-month investment of time and energy by executive producer/directors Renya Onasick and Peter Lynch. But both are gratified by the response.

"It's been very positive all round," says Onasick. "Even people in the video community who had some initial 'misconceptions' about the organization became more supportive once they saw what we were trying to achieve." She was particularly struck by the "interactive nature" of the symposia, attended for the most part by industry professionals, video artists and students.

"People became very involved; there was a lot of back-and-forth communication between the participants and the audience, which was great."

That kind of exchange was very much in evidence during two of the best-attended sessions. The day-long discussion of the new music video attracted a varied audience and sparked some interesting debates between panel members Jo Bergman (vice-president of Film and Video for Warner Bros. Records), renowned video artist John Sanborn, CITY-TV's John Martin and attendees, over the "state of the art" and its future direction. The seminar on the film-video interface featured video and filmmaker Shirley Clarke, computer graphics designer Judson Rosebush (*Tron*) and Zoetrope engineer Brian Lee, who presented a fascinating demo tape featuring Francis Coppola's experiments with the new technology.

There was strong interest from the general public in the screenings, workshops and the special hardware exhibit set up by principal Festival patron Sony of Canada Ltd. The company assisted in the establishment and organization of Video Culture Canada, offering office space, equipment and financial support. Onasick is grateful for

Sony's involvement, but forecasts more of a separation between the manufacturer and Video Culture in the second year.

"It's probably time to become a little more independent," she says.

"We'd like to expand our Board – invite other groups to get involved in the process." She also plans a change in the roles played by herself and Peter Lynch. "We'll still be heading the structure, but the whole thing will be more of a corporate approach. We personally don't have the stamina to do ten jobs each as we did this year – a lot of people did that on a voluntary basis, and it's a tremendous drain on one's resources. You can't sustain that year after year."

Plans for the future of Video Culture are plentiful, and many are already being activated: preparations for a Festival Catalogue, a travelling exhibit, year-round workshops and a membership drive are all in the works. Onasick feels that Video Culture has both established its credibility internationally and tied into the global video "network," and she'd like to see those connections expanded for next year's Festival.

She also stresses the potential for job creation both within and outside the Video Culture organization. "There's the staff for the Festival, of course, and we could use a full-time roster of about ten people right now, but there are the associated benefits like production activity and training that Video Culture could generate. All that is very exciting to us."

### Barbara Samuels ●

TORONTO – Independent filmmaker Ron Mann began shooting Dec. 11 on *Fingers in the Sun*, a \$300,000 feature drama which has been licensed to Vancouver broadcaster CKVU-TV.

Mann will produce and direct, and wrote the screenplay with Ed Sanders, poet and leader of the musical group The Fugs, who will provide music and appear in the film. Also cast are American independent filmmaker and Mann mentor Emile de Antonio, and in a cameo role, Martin Sheen. The rest of the cast will include non-professional actors made up of artists, writers, and musicians, said Mann.

Mann described the film as a modern Rip Van Winkle story about the issues of nuclear waste and nuclear arms proliferation. "The contention of the film is to keep socio-political issues alive," he said. "They simply do not go away, even if one sleeps through a decade like the '70s."

## Artists being pursued for taxes

OTTAWA – Angry protests from the Canadian Conference of the Arts, further questions in the House of Commons by Toronto Conservative MP David Crombie, and nation-wide press coverage, have proved powerless against the department of National Revenue's tax sweep of Canadian artists.

"Canadian artists have faced no greater crisis than the harassment they are currently experiencing," said the Canadian Conference of the Arts board of governors in a telegram Nov. 29 to minister of national revenue Pierre Bussieres. "In effect, Revenue Canada taxation is methodically destroying Canada's cultural fabric."

Despite official interdepartmental meetings between Communications minister Francis Fox and National Revenue, despite the House of Commons' urgent directive to the Standing Committee on Communications and Culture to examine artists' tax problems, and despite repeated calls for an immediate moratorium, the sweep goes on. Filmmakers, film distribution companies, and most recently charitable donors of artworks to institutions, have been audited and substantially reassessed.

In Quebec, noted cameraman François Protat has threatened to relocate outside of Canada. "If this continues, there will soon be no Canadian filmmakers left," commented Montreal filmmaker Lois Siegel who is facing a \$15,000 reassessment in back taxes. "I've lost all faith in the political process."

The House Standing Committee's report is expected to take "months", according to one committee member.

"Going into an election year," the Canadian Conference of the Arts acting-director Brian Anthony told Cinema Canada, "how can a minister of the crown so deliberately alienate large sections of the population?"

Unless an immediate moratorium is declared, said the Conference's Nov. 29 telegram, "we will be forced to conclude that the actions of your department are not accidental but wilful and deliberate." At press-time, Bussieres had not replied to the telegram.

TORONTO – The Michener Awards Foundation will honour the late Clark Todd, the CTV correspondent who died Sept. 4, 1983, while on assignment in Lebanon.

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# American films compete for Genies in shortest list yet

TORONTO - Fifteen feature films, the shortest list in three years, have been announced as contenders for the 1984 Genie Awards by the Academy of Canadian Cinema.

Abandoning the 10-point system used by the Federal government to certify films under the tax shelter, this year the Academy has adopted its own 18-point system, with 13 points needed to qualify (see Cinema Canada No. 100). It has meant two American-financed pictures shot in Canada mostly with Canadian talent, *Strange Brew* and *A Christmas Story* (both MGM productions), will be eligible for nominations.

However, two other U.S.-produced films shot and released in Canada, *The Dead Zone* and *Running Brave*, did not qualify.

Shortening the 1984 list is the absence of at least 10 pictures in the low budget comedy, horror, or exploitation genres, whose producers chose not to enter this year.

Unlike previous years, most of the contenders have had official Canadian releases, which means next year's finalists for the awards, to be held Mar. 21 in Toronto and broadcast live on CBC-TV, will be the most well-known to the public. In the past, it has frequently been the practice to qualify a film by playing it one week in a major city late in the year.

Only one award for best screenplay will be awarded in 1984, with original and adapted screenplays qualifying for this category. Previously, there were two categories, but the Academy board has approved a rule where all screenplays are included into one category. This year, only four adapted screenplays and 14 original screenplays are eligible.

The 1984 awards will not include the best foreign actor and best foreign actress categories. However, Academy

members can write-in nominations for a special award in recognition of "an outstanding contribution by a non-Canadian to Canadian film."

The eligible films include national releases *The Terry Fox Story* (directed by Ralph Thomas), *Videodrome* (David Cronenberg), *Maria Chapdelaine* (Gilles Carle), *Strange Brew* (Rick Moranis and Dave Thomas), and *A Christmas Story* (Bob Clark), as well as *The Wars* (Robin Phillips), *Bonheur d'occasion* (Claude Fournier), *Au Clair de la lune* (André Forcier), *Lucien Brouillard* (Bruno Carrière), and *Ups & Downs* (Paul Almond).

Other features include *A 20th Century Chocolate Cake* (Lois Siegel), *Dead Wrong* (Len Kowalewicz), *Deserters* (Jack Darcus), *Tell Me That You Love Me* (Tzipi Trope), and *Rien qu'un jeu* (Brigitte Sauriol).

Five feature documentaries qualify for competition: *Bix: ain't gone of them play like him yet* (Brigitte Berman), *Falasha: Exile of the Black Jews* (Simcha Jacobovici), *Mémoire battante* (Arthur Lamothe), *Pourquoi l'étrange M. Zolock s'intéressait-il à la bande dessinée?* (S.D.A. Productions), and *La Turlute des années dures* (Richard Boulet, Pascal Gélina).

Fourteen shorts qualify, and titles include: *Acid Rain*, *Bay St. Tap*, *Brushstrokes*, *Flamenco at 5:15*, *If You Love This Planet*, *Keleki: 50 Years in the Chips*, *Next Generation*, *No Vacancy*, *Oh Sean*, *The Plant*, *Quebec +*, *Snow*, *Snowbird*, and *Ted Baryluk's Grocery*.

## Gorman to England

TORONTO - Directors Guild of Canada president George Gorman will resign his position Dec. 31, 1983, and be replaced by first vice-president Don Williams.

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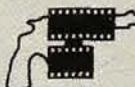
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## CHRONIQUE DES ANNÉES 60

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# Tzipi Trope from Israel for co-pro premiere

MONTREAL - *Tell Me That You Love Me*, a 30% Canadian-60% Israeli coproduction, opened in Montreal Dec. 2, offering a rare look at a contemporary Israeli film, with the added attraction of having Canadian stars like Nick Mancuso, Kenneth Welsh, and Belinda Montgomery.

In town for the North American premiere of her first feature film was Israeli director Tzipi Trope whose screenplay, co-authored with Sandra Kolber, was the 1980 selection by the government of Israel's Fund For the Promotion of Quality Films In Israel.

"Nobody wants to see Israeli films," Trope, a former soldier who describes herself as a "non-strident feminist," told Cinema Canada, "least of all Israelis, and American productions really fuck us, so it was fabulous to work with a Canadian cast."

"I came to Canada three years ago - at the height of the boom. I was here a year and I completely identified with your industry and its problems. I fell in love with your yearning to

do good films, and since I wanted to do my film in English, Canada seemed like the place to do it. *Tell Me That You Love Me* is the most fair coproduction ever done under the Israeli treaty. We can do a lot together, so let's fight the odds together."

As an Israeli, Trope wanted to show another side of Israel "not as a country at war, but one inhabited by human beings who feel the same things as everybody." *Tell Me That You Love Me* is the story of a newspaper woman (Barbara Williams) torn between career, family and husband (Nick Mancuso).

"People don't understand that women are afraid of men," says Trope, "I wanted to show a modern woman's confusion, but also how hard it is for men to have to deal with what women want or don't want. I hope people will come out of the film and think."

With a budget of just under \$1 million, *Tell Me That You Love Me* took Trope two years to put together. "It was very

rough until Astral came into it. But Sandra (Kolber) and Harold (Greenberg) said let's go with it. I'm so grateful to Harold. It's just incredible that he could make a film like *Maria Chapdelaine* and then do mine. But the Astral family sustained it.

"I know the film will have a difficult time; it's a first sale by an unknown director. But it's an honest film. As a filmmaker I'm just curious as to what will happen with it."

*Tell Me That You Love Me*, produced by Astral Film Productions in Canada and Roll Film Productions in Israel, and released in Canada by Astral Film Distribution, is a 1984 Genie contender.

## Orion books Hotel New Hampshire

TORONTO - Orion Pictures has scheduled *Hotel New Hampshire*, the Filmline Productions feature shot in Montreal earlier this year directed by Tony Richardson, among its Spring 1984 releases.

## SHOOT ALBERTA

by Linda Kupecek

*Finders Keepers* has found its way out of the prairies, *Draw* has shot its way out of Fort Edmonton, and *Change of Heart* has retracked to CBC Toronto, while local producers continue the economic struggle to shoot in Alberta.

Jerry Krepakevich of the NFB North West Studio in Edmonton reports a number of projects: *From Bears to Bartok*, a film on the Banff Centre directed by Revan Dolgoy; *The Man from Petrocan*, directed by Larry Pratt and Ron Orioux; *Alberta Bound*, co-directed by Peter Campbell; *Children of Alcohol*, directed by Gil Cardinal; *Beyond the Frontier* directed by Dale Phillips; and *Byron Harmon* directed by Arvi Liimatainen.

A ten-part radio drama based on the story of Long Lance, reporter-adventurer, was produced at the Calgary CBC studios and will be aired on CBC Morningside for two weeks. Greg Rogers directed the script by Calgarian Bonnie LeMay.

Congratulations to Alberta award-winners: Lynne Rach of CFCN won the Canadian

Association of Broadcasters gold ribbon award for the best 1983 news documentary for *Fugitives on the Wind*. Roger Vernon won a Golden Sheaf for best cinematography at the Yorkton Short Film and Video Festival for *Catherine Burgess: Sculptor in Steel* and Armin Matter won the corresponding Golden Sheaf for best videography for *Aspen Parkland*. Michael Douglas won Best Children's Television Program in the Network Category at the Canadian Children's Broadcast Institute Awards for *Garage Gazette* (a Douglas Film Group/ACCESS co-production).

Meanwhile, Santa may yet come to Alberta, and, if not that favorite elf, then a munchkin or two in the spring... all in the same of shooting in Alberta.

TORONTO - The 26th annual American Film Festival, the major U.S. competition for non-theatrical film, will be held May 28-June 2 in New York City. Deadline for entry is Jan. 13. The events sponsors, the Educational Film Library Association, showcase the Blue Ribbon (first place) and Red Ribbon (runner-up) winners across the U.S. after the festival.



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# Rogers buys pay license for U.S. service

TORONTO - Rogers Cablesystems Inc. is making a bid to obtain the C Channel license held by Lively Arts Market Builders Inc. to set up a carrier service which would bring the U.S. arts pay-TV service Bravo to Canada.

Rogers has paid Price Waterhouse, receivers for C Channel, \$12,500 in return that it make an application to the Canadian Radio-television and Telecommunications Commission (CRTC) to surrender the C Channel license, conditional upon a new license being granted to a Rogers subsidiary.

Rogers has also concluded a program supply arrangement with Bravo, an American cable service featuring a 60/40 mix of feature films and performing arts programming. Bravo has agreed to spend 10 percent of its total programming budget on acquiring Canadian programming.

Rogers senior vice-president Philip Lind said Rogers intends to augment this Canadian content with its own further programming acquisitions. He said Rogers would file an application with the CRTC for the pay service in late December.

If Rogers is successful, it will become the first Canadian cable company to own a license and operate a pay-TV service.

However, there are several obstacles which may impede the Rogers plan, the first being CRTC approval. It is illegal to traffic CRTC licenses, and the \$12,500 Rogers paid to the receiver, which they describe as a "nominal fee to begin (the licensing) process", may be perceived as a sale by the commission.

Rogers executive Kevin Shea told a press conference Dec. 8 in Toronto that, "conditional on CRTC approval, we now in

effect own the (C Channel) license." However, a more cautious Lind said: "We're not saying we have the license. We've paid LAMB a nominal fee to surrender the license, and then we will attempt to obtain the license through the public hearing process."

C Channel president Ed Cowan told Cinema Canada that the LAMB shareholders had nothing to do with the deal and that majority shareholder Hamilton Southam had protested vehemently to the CRTC. "Why should the license go to Rogers with nothing coming to them (C Channel shareholders)?" asked Cowan.

Another point is that the CRTC previously has not approved applications to carry services which have primarily U.S. programming sources (it turned down First Choice's application to carry U.S. all-sports channel ESPN.). But Lind said he is confident the CRTC will give the Rogers proposal a hearing.

Rogers plans to carry Bravo as a complementary service to existing Canadian pay channels, said Lind. It will offer Bravo alone to its subscribers at \$15.95, but in tandem with one of the existing services for "less than \$20.00."

Bravo is owned by Daniels & Associates, Cox Cable Communications Inc., and Cable Vision Systems Development Co. of Woodbury, New York. It is one of five cable systems marketed and distributed by Rainbow, whose head is Cable Vision chairman Charles Dolan. Rainbow also distributes The Playboy Channel, Sports Channel New York, Sports Channel New England, and Prism.

Bravo has 165,000 subscribers and its signal is delivered

by the U.S. Statcom 4 satellite. It buys programming "off-the-shelf" and has not commissioned any new programming in its three-year existence, and according to a company spokesman is not expected to do so during the next two years.

Rogers argues that their Bravo proposal will provide Canadian pay-TV consumers with a differentiation of services and will give Canadian producers a new window to the North American market.

## Governments fund new video studio in TO

TORONTO - A new video studio, whose renovation and operation will be funded by municipal, provincial, and federal government, will open Feb. 1 in Toronto.

The Arts Television Centre, to be operated by the non-profit Visus Foundation headed by Lawrence and Miriam Adams, will feature 2,000 feet of space and include control room, a production floor, dressing rooms, and administrative offices. The total cost of renovating the location, at 142 George St., is \$150,000, and first-year operating costs are budgeted at \$200,000.

The Ontario Ministry of Citizenship and Culture has contributed a grant of \$50,815 toward the cost of renovation.

## Open Circle complete

TORONTO - Independent filmmakers Stavros Stavrides and Jesse Nishitata have completed *Open Circle*, a one-hour performance film shot at a festival of native peoples from around the world in Peterborough last year.

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## BC hearings

(cont. from page 30)

no local owners could be found, Superchannel was offering to introduce its service - to uphold the CRTC's intended design of March 1982.

During his appearance, Finlay MacDonald said that he now accepted the idea of a regional mini-service, though he was not clear how it would come about. He suggested that he now had an indication that First Choice would help reconstitute his service, but would reveal no other details.

TVEC, the Quebec regional, insisted that it was a distinctive service for French-speaking Canadians, run and owned by French Canadians, and not a satellite of some other operator. President Jean Fortier also noted that his network could not survive much longer if the Commission insisted on permitting two services to compete for the small, primarily Quebec-based market, and that he felt the Quebec segment of the otherwise non-existent French national network, Premier Choix, should be ordered to shut itself down.

Myles Murchison, one of the unsuccessful applicants for the original B.C. license, suggested that a regionally identifiable pay service was possible, but did not see it in the

secondary role suggested by First Choice. Later in the proceedings, he noted that it was not appropriate for the Commission to condone the "trafficking" of licenses, nor to approve the transfer of AIM to Superchannel Alberta, since its management was not familiar with B.C. or its cultural community. He was joined in this belief by several others, including filmmaker Werner Allen, and the Vancouver East Cultural Centre. Others in the industry, however, argued that to delay a regional service any longer would deny local people their participation in the pay industry. Similarly, dozens of intervenors wanted to see an alternative to First Choice as soon as possible.

### Clearly disturbed

The CRTC was clearly disturbed by the events that transpired in Vancouver. Commissioner Rosalie Gower's oft-quoted remarks about not seeing so much blood on the floor since she had left the operating theatres of Vernon was an understatement. Although courtesies were exchanged in hotel hallways and lobby, few could doubt the pay operators' battle to the death had begun in earnest.

At his first hearing, the CRTC's new chairman, André Bureau, acted in a very competent and diplomatic fashion, though he was quite rigid in

some of his rulings. Several breaks were called in order to caucus with his colleagues over specific matters of procedure. Following one of these, he ruled that neither the CCTA nor any Atlantic cable operators, could address the issue of Star Channel's replacement by Superchannel, since they had not applied to do so at the time of the original application. It did not seem to matter that the extraordinary Star Channel collapse had altered the impact of this part of the hearing considerably, nor that many Atlantic region cablecos were already distributing the Ontario Superchannel signal in lieu of Star's. Bureau stood firm on the matter.

### No consensus

A consensus was not overwhelmingly evident from the Commissioners. A few hinted that they were never happy with the original decision, while others seemed to be unaware they were somehow responsible for the collapsing deck of cards of the pay television industry in Canada. It was clear from their questions that only one or two had subscribed to the services, so they had no way other than staff briefings and factum notes to grasp some of the intricate issues first-hand. Their questions reflected an ignorance of important details.

Most observers felt that the

## Insight builds development fund

TORONTO - Independent production house Insight Productions of Toronto has established a fund to hire Canadian writers to develop television scripts.

Insight president John Brunton said his company, in association with industry partners which include a broadcaster, several entrepreneurs, and a pay operator, has set aside \$50-100,000 for the fund, and is looking to invest in situation comedies, dramatic series, variety and comedy specials, and TV miniseries.

Before Insight invests in a proposal, it first determines if there is substantial market interest for the property. Then it subsidizes a writer's efforts and sells the script at a premium, with money from the sale used to replenish the fund.

Explains Brunton: "If we commission a script for a dollar, we sell it for two dollars, put the dollar back into the fund, and split the other dollar with the parties involved."

One project currently in development is *Air That I Breathe*, a feature drama being scripted by Daphne Ballon. Insight also expects to sign several writers early in the new year on *Comedy Jam*, a TV series it has had in development for over a year.

"It's time we started investing money into writers in this industry," said Brunton, who added Insight had been largely unsuccessful in soliciting scripts from writers. Presently beside looking for writers, Brunton is looking for more investment partners to broaden the fund's base.

Commission would approve all the Allard applications. In so doing they would be upholding the original decision for competitive pay services, rather than regional services providing alternative programming to the national network. As the Commissioners often noted, there is little more to pay television than the showing of movies. To further fragment the revenues, as the Commission

has already done, means that little indigenous programming will get produced without Canadian content compromises being made. And as Canadians are not beating down doors to subscribe to pay television, no amount of rationalization will alter the ultimate test of the marketplace.

David Balcon •

The Great Shorts The



## The Best of the Great Shorts

The 1983 Golden Sheaf Winners were:



### FILM

#### Best Film of the Festival

##### Best Human Condition Category

"Chambers Track and Gestures" 56 minutes Atlantis Films Limited, Toronto

\*\*\*\*\*

##### Best Human Dynamic Category

"Tom Magee Man of Iron" 30 minutes Mobius International, Toronto

\*\*\*\*\*

##### Best Spontaneous Human Category

"L'Acteur et La Voisine" 26 minutes Parlimage Montreal

\*\*\*\*\*

##### Best Direction Allan Kroeker

##### Best Script Allan Kroeker

##### Best Performance Cedric Smith

"In The Fall" 38 minutes CKND TV, Winnipeg

\*\*\*\*\*

##### Best Editing Paul Fox

##### Certificate of Merit

"I Think Of You Often" 10 minutes Afterimage, Toronto

\*\*\*\*\*

##### Best Sound Editing Niv Fichman

"Opus Two" 58 minutes Rhombus Media Inc., Toronto

\*\*\*\*\*

##### Best Cinematography Roger Vernon

"Catherine Burgess: Sculptor in Steel" 10 minutes Mistaya Film Services Ltd., Banff

\*\*\*\*\*

##### Nettie Kryski Canadian Heritage Award

"Wild Goose Jack" 57 minutes Clear Horizon Films Inc., Windsor

\*\*\*\*\*

##### Special Jury Award

"Summer of the Loucheaux: Portrait of a Northern Indian Family" 28 minutes

Tamarack Films, Edmonton

\*\*\*\*\*

##### Certificate of Merit

"Delceto, Vita Serena" 26 minutes Constantino Magnatta, Toronto

\*\*\*\*\*

### VIDEO

#### Best Video of the Festival

"Sandra and Her Kids" 27 minutes Tom Kelly CBC, Toronto

##### Best Human Condition Category

"Sandra and Her Kids" 27 minutes CBC, Toronto

\*\*\*\*\*

No award was presented in the Human Dynamic or Spontaneous Human Categories  
No award was presented for Best Direction

\*\*\*\*\*

##### Best Editing Jean Lalleu

##### People's Choice Award

"Downhill Any Way You Can" 24 minutes The War Amputations of Canada, Ottawa

\*\*\*\*\*

##### Best Script Jean Pierre L'Ecuyer

##### Best Sound Editing Robert Jacques

##### Best Children's

##### Yorkton Television Co. Ltd. Video Award

##### Special Jury Award

"Qu'est ce Qui M'Arrive?" 23 minutes Hospital Sainte Justine Montreal Jacques Viau

\*\*\*\*\*

##### Best Videography Armin Matter

"Aspen Parkland" 29 minutes ACCFSS Alberta, Edmonton

\*\*\*\*\*

##### Best Performance Adam Brooker

"Reunion" 28 minutes CKND TV, Winnipeg

\*\*\*\*\*

##### Certificate of Merit

"Hunting Season" 30 minutes CKND TV Winnipeg

Yorkton, Saskatchewan, Canada

The Great Shorts The

## Cultural initiatives in throne speech

OTTAWA - In an unprecedented move, the Throne Speech read Dec. 7 by Governor-General Edward Schreyer marking the opening of the second session of the 32nd Parliament, devoted three paragraphs to Canadian culture.

"If Canadians are not to be strangers in their own land," the Throne speech began ominously, and went on to promise more Canadian-made programs for the CBC and more incentives for private producers of television programs, films and recordings. The speech announced that a bill on the National Broadcasting Policy would be tabled, allowing increased Canadian content on the CBC, increased French-language programming, more efficient marketing of Canadian cultural products, greater access to the airwaves for regional and native interests, and greater incentives to private program producers.

The new film policy was promised, and policies for video and sound recordings would be introduced in recognition of the new electronic technology. Finally, revisions in Canadian telecommunications law and the Copyright Act were promised, and a mixed parliamentary committee would be man-

dated to examine the tax implications of charitable donations and related matters.

"In general," commented the Canadian Conference of the Arts' acting director Brian Anthony, "it strikes me there's never been so much on culture in a Throne Speech before, so this is an unprecedented event. Somebody fought a battle to work some culture into the Speech and that deserves commendation."

"On the negative side, the reality is that the budgets of cultural agencies are being frozen and National Revenue seems hell-bent on eroding the country's cultural fabric."

"Still, I suppose one should be grateful that the quality of cultural coverage in the speech was as good as it was."

OTTAWA - Frank Taylor, recently of the staff of the Festival of Festivals where he was in charge of corporate donations, has been named head of the Canadian Film Institute. Taylor worked previously for the CFI as head of the National Film Theatre, then branched out on his own as renovator and exhibitor of the Phoenix Theatre in Ottawa, and then as head of his own distribution company.

## Mtl festivals set dates

MONTREAL - The city's two leading film festivals chose the same day to announce the dates of their respective '84 versions.

At a news conference Dec. 6, World Film Festival director Serge Losique announced that that German director Volker Schlöndorff (*Un amour de Swann*) would head the jury for the 8th World Film Festival in Montreal Aug. 16-27, and the cinema of Australia would be spotlighted.

Festival headquarters this year as well as the 1984 Montreal Film Market will move to the Méridien Hotel, Losique said, near the fiveplex Parisien cinema where the main public screenings will be held. Losique added that negotiations are underway with Famous Players to obtain the nearby Imperial Theatre to accommodate the film event's overflow crowds.

Meanwhile, several blocks away, International Festival of New Cinema director Claude Chamberlan announced that the 13th festival would be held from Oct. 12-21 and would host a wide range of films, an even stronger video presence, interactive sessions with noted cinematographic artists, and many other surprises.

## Canadians set sights on Oscars

TORONTO - *Bonheur d'occasion*, director Claude Fournier's adaptation of Gabrielle Roy's acclaimed novel, will be Canada's official submission for possible nomination as best foreign language picture for the 1984 Academy Awards.

A co-production of independent producer Marie-José Raymond, the National Film Board, and the Canadian Broadcasting Corp., the film earns the nod over such possible choices as Gilles Carle's *Maria Chapdelaine*, André Forcier's *Au clair de la lune*, and Bruno Carrière's *Lucien Brouillard*. The film stars Mireille Deyglun, Marilyn Lightstone, and Michel Forget.

Released Aug. 29 in Quebec by Ciné 360, the film attracted good box office. However, its English version, *The Tin Flute*, was panned at the Festival of Festivals in Toronto and did poorly in a Toronto release by Spectrafilm in October. The French version will also compete in the 1984 Genie Awards.

The National Film Board announced it has submitted eight films for possible nomination in the animation, live action short, and documentary categories. Heading the animation list is director Norman McLaren's *Narcissus*, the noted NFB animator's 59th and final

film, which had Gala screenings at both Montreal and Toronto festivals earlier this year and made its American premiere Dec. 2 at New York's Museum of Modern Art.

Another NFB entry into the animation category is Pierre Veilleux's *Une âme de voile*.

*The Profession of Arms*, a segment from the *War* series written and hosted by Gwynne Dyer and broadcast on CBC-TV this fall, was entered in the documentary feature category. *Flamenco at 5:15*, directed by Cynthia Scott, was entered as a documentary short.

Three live action shorts were entered: John Kent Harrison's *Thanks For the Ride*, Don Williams' *Aloud/Bagatelle*, and Thomas Vamos' *La Plante*.

MONTREAL - January 10 is the deadline for entry into the Fifth International Festival of Super 8, to be held in Quebec between Feb. 21-26. Selected films will be screened at the Cinéma-thèque Québécoise, and then be shown around the province in a variety of cities: Quebec, Rimouski, Chicoutimi, Sherbrooke, Hull, Trois-Rivières, Drummondville and Laval.

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## Toronto News in Brief

TORONTO - Independent theatre The Ritz closed its doors Nov. 22 due to poor business. Managed by brothers Carmen and Paul Bordonaro, the theatre opened with a repertory program in May, and did well during August, but business declined in September and October. Just before it closed, the theatre had switched over to an offbeat first-run format, scheduling the Australian youth musical *Star Struck* and the Canadian cult movie *Big Meat Eater*. The Bordonaros have approached the theatre's owners, multilingual television channel MTV, about operating the facility for concerts, special event screenings, and as a studio.

**Raoul Wallenberg:** *Buried Alive*, produced by Wayne Arron and directed by David Harel, had its Canadian theatrical premiere Dec. 1 at the Park Theatre in Toronto at a special screening sponsored by B'Nai B'rith Canada. A TV version of the documentary has been sold to PBS... The First

Choice Rocks concert series continues with a New Year's Eve telecast of The Police with guests Blue Peter, shot this summer in Montreal Concert footage was directed by Kevin Godley and Lol Cream, formerly of the British band 10cc, with The Police interviews directed by Jack McAndrew... Orion Pictures has scheduled *Hotel New Hampshire*, shot in Montreal earlier this year produced by Filmline and directed by Tony Richardson, for a spring 1984 release.

CBC has commissioned Toronto writer Roy McGregor to script a three-part TV mini-series based on his recent novel, *The Last Season*... Norman Snider is currently working on a second draft of Ron Mann's screenplay *Border Lives*, which Mann hopes to produce next fall... *The Wars* author Timothy Findley will lecture and read from his work at a meeting of the Americas Society Dec. 12 in New York City as part of a U.S. reading tour... CBC-TV has signed actor

Ben Gordon to host its Mon-Thur. series of old Hollywood movies, *Late Night*. Also signed as the series consulting film historian is Toronto writer Clive Denton.

Nelvana Ltd.'s animated feature *Rock'n'Rule* won the prize for best special effects Nov. 12 at the first Brussels International Fantasy Film Festival. Nelvana producer Michael Hirsh attended the fest... Two films by Canadian directors, David Cronenberg's *The Dead Zone* and George Cosmatos's *Of Unknown Origin*, will compete in the Avoriaz Fantasy Film Festival Jan. 14-22 in the ski-resort town of Avoriaz, France... CBC won four medals (two gold, one silver, one bronze) and CTV three (one gold, two silver) at the 26th International Film & TV Festival in New York... Harvey Kirck celebrated his 20th anniversary as CTV National News anchorman Dec. 2... Wendy Dey has been appointed executive producer of news and public affairs for Ontario's Global TV network... Jay Switzer is now program director at Toronto indie City-TV, a post once held by his mom, Phyllis, now an

exec. v.p. at First Choice... Margaret Little, formerly with Rogers Broadcast Productions, has joined International Telefilm Enterprises as the company's director of marketing.

Over 2,550,000 Ontario viewers watched *The Day After* on Global Nov. 20, making it the most watched program in the network's history. The panel discussion following the show recorded 1,493,000 viewers. In contrast, CBC attracted only 384,000 national viewers for its BBC production of *King Lear* with Sir Laurence Olivier, and CTV ran an episode of *Kennedy* to a national audience of 2,523,000 viewers.

Using the technology developed to assist hearing-impaired viewers, CBC-TV's English-language network will for the first time broadcast a Radio-Canada drama in French with English sub-titles, when it airs *Le Temps d'une paix* on Dec. 25.

CBC also plans to broadcast the four-part Radio-Canada 1978 drama *Duplessis* in French with English subtitles. The four-part mini-series on former Quebec premier Maurice Duplessis was produced in 1978 by Mark Blandford (*Empire Inc.*, *Balconville*) but has never been telecast on the English network.

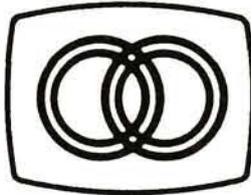
## Omnibus goes South

TORONTO - In a move to tap the lucrative U.S. market, Omnibus Computer Graphics Inc. of Toronto has signed deals with three U.S. companies and will open subsidiary offices in New York and Los Angeles.

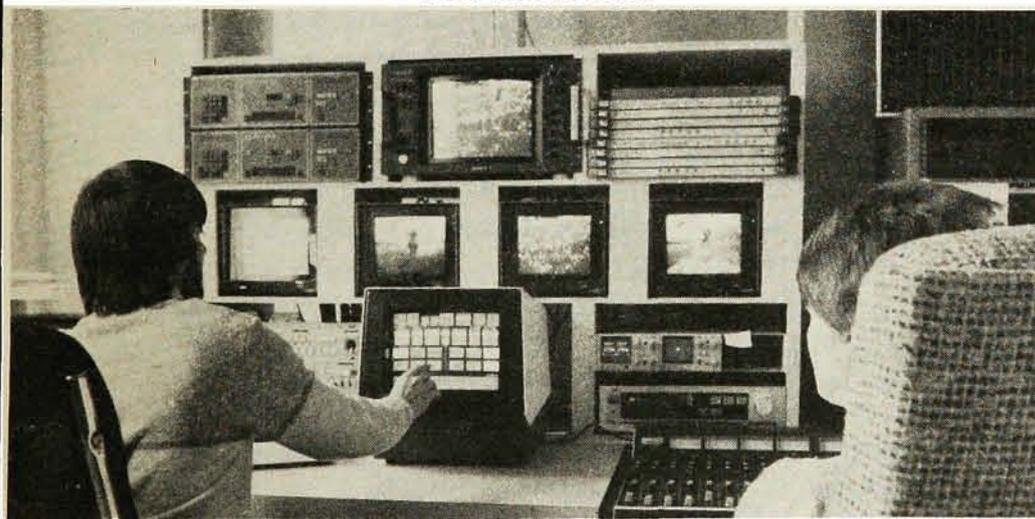
Omnibus announced it will open a New York office, to be called Omnibus Computer Graphics Inc. of New York, with a satellite office in Los Angeles, after a deal was signed with N.Y.-based Unitel Video Inc., in which Unitel bought a 20 percent interest in the new subsidiary for \$640,000 (U.S.).

President of Omnibus is John Pennie, with Joe Martin vice-president, and the company provides computer-generated graphics and special effects to the film industry. Projects they have been involved with include the TV Ontario/NHK (Japan)/Alvin Toffler TV co-production *The Third Wave* and the Hollywood feature film *Star Trek III*.

Information International Inc. of Culver City, Calif., has also granted Omnibus exclusive rights for a three-dimensional digital scene simulation system it has developed, which was used in the computer-generated special effects featured in the Disney picture *Tron*. Omnibus has also signed an agreement with Robert Abel & Associates to use the Abel System.



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## Point of View features indy program

TORONTO - Michael Korican, Wendy Shaver, Jeff Steinberg, and Doug Colling, members of the Liason of Independent Filmmakers of Toronto (LIFT), are producing *Point of View*, a series of one-hour shows showcasing works by independent Toronto filmmakers telecast on the Maclean-Hunter Cable TV system.

Sponsored by Maclean-Hunter and LIFT, the shows feature hosts (Shaver and Steinberg) who introduce independent films and interview the filmmakers after the material is presented. The series began in September and three shows have been aired, with the fourth scheduled for Jan. 17. Ten are planned.

Maclean-Hunter beams the shows into Toronto's Parkdale-Trinity neighbourhood just west of downtown. Unlike most low-budget productions for cable, LIFT has contracted that after three plays on the M-H system, the rights revert back to the producers (usually cable companies, own material produced with their hardware lock, stock, and barrel.)

LIFT has applied for an exploration grant from the Cana-

da Council, and the show's director Korican says they are looking to sell the program to other cable outlets, educational TV, and broadcast networks.

Among the indy filmmakers highlighted on the show are Bruce McDonald, Robin Lee, Janis Lundman, Martha Davis, Mark Achbar, Suki Ulman, and Sebastian Salm.

## Insight's Indigo

TORONTO - *Indigo*, a review of black achievements in music and dance written by and starring Salome Bey, will be broadcast nationally on CBC-TV Jan. 29.

A co-production of Toronto independent producers Insight Prod., the CBC, and regional pay-TV service Superchannel, the show is unique because it will air first on network TV before going to its pay window.

The show was taped in Toronto last year with stars Bey, Charlene Woodard, Taj Mahal, Billy Dorsey, Denis Simpson, Billy Newton-Davis, and Eugene Clark. It is directed by Paddy Sampson, with choreography by Mabel Robinson and music by Bey, George Broderick, and Denzil Miller.

## Film Consortium sues Roffey and Permuter

TORONTO - The producers of troubled tax-shelter movie *Circle of Two* have filed a statement of defense with the Supreme Court of Ontario denying allegations made against them by some 140 unit-holders in a \$34.7 million lawsuit filed Aug. 25.

Film Consortium of Canada Inc. and Circle of Two Productions Ltd. also have filed a third-party action against co-defendants Morguard Group Ltd., Toronto Film Financier David Roffey, two companies associated with Roffey, Jarnac Motion Picture Finance Ltd. and Jarnac Film Holdings Ltd., Toronto film producer and financier David Perlmutter (not a defendant in the unitholders' action), and six companies associated with Perlmutter: Compass Film Sales Ltd., National Film Finance Corp., Quadrant Films Ltd., Quadrant Film Partner Ltd., Quadrant Distributing Ltd., and Velvet Film Productions Ltd.

The third-party action demands a full accounting, damages for loss of profits against all parties totalling \$2 million, damages for loss of reputation and good name against all parties totalling \$2 million, and against Morguard, reimbursement of out-of-pocket expenses totalling \$80,000.

Film Consortium of Canada and Circle of Two Prod. are controlled by William Marshall and Henk van der Kolck, who produced *Circle of Two* in Toronto in 1979, financing the \$5.7 million film as a tax-sheltered public offering. It was directed by Jules Dassin and stars Richard Burton and Tatum O'Neal.

A Film Consortium of Canada spokesman said in a news release: "What this actions points out is the helplessness of the producer and production company to influence the fate of a film once it has been made, under the restraints of a public issue, unitholders

representative agreements and sales agency contracts.

"You spend two years putting a film together under this system and then it is in the hands of people with no professional expertise to deal with the sophisticated international film distribution system."

Meanwhile, as of Dec. 9, the number of unitholders involved in the original suit as plaintiffs has increased from 140 representing 178 units to 235 representing more than 300 units. Defendants Morguard Group Ltd. and Morguard Trust Company have both filed statements of defense denying allegations made in the unitholders' statement of claim, while defendant Roffey has filed a demand for particulars.

TORONTO - Independent filmmaker Mary Bellis has completed principal photography on *Paradise*, a 16 mm feature length avant-garde narrative shot Nov. 15-Dec. 1 in New York.

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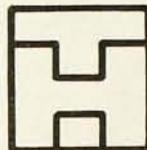
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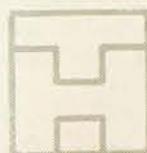
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## CFTA-ACMPC jockey for program producers

TORONTO - There is a movement among the surviving members of the Association of Canadian Movie Production Companies, headed by Stephen Roth of RSL Films, and some Toronto television producers led by Primedia Productions' Pat Ferns, to create a full-time lobby group voicing the concern of Canadian independent feature film and television production companies.

About a dozen Toronto producers met Dec. 7 to discuss the possible inclusion of TV production companies into the ACMPC. After the meeting, Ferns told Cinema Canada: "The ACMPC has decided to broaden its mandate to include TV producers, and the group present will respond to invitations to join."

Ferns estimated the strength of the new group to be anywhere from 15-30 members strong, including present ACMPC members Astral, RSL, International Cinema Corp., Robert Cooper Prod., Ronald Cohen Prod., and Cinépix.

The cost of running the organization, including a full-time lobbyist to speak on behalf of producer concerns, would be about \$100,000 per year, said Ferns, with membership dues

proposed in the range of \$500 per quarter.

The move to revitalize the dormant ACMPC comes after months of unsuccessful negotiations to incorporate ACMPC members into an autonomous producer's group within the Canadian Film and Television Association.

CFTA president Jack McAndrew said an agreement could not be reached to reconstitute the CFTA to serve the producers' needs. "If the producers' body was autonomous then effectively there would be no CFTA." Also, McAndrew said producers currently in the CFTA who would not afford the new group's dues would be disenfranchised.

McAndrew added: "As a producer, I can see nothing that this new group would be able to accomplish that could not be or was not accomplished by the CFTA."

However, Ferns told Cinema Canada: "A number of producers feel the CFTA's voice has been a bit quiet over the year." He added that in a volunteer organization (the CFTA has no permanent staff), "it is difficult to maintain consistency."

Bill Macadam of Norfolk Pro-

ductions, who supports the new lobby group, said the industry cannot afford not to do it. "We're paying the price already, but not effectively," he said, adding the group's intent was to form "one association with one focus: to create a viable feature film and TV production industry in this country."

He added: "I don't think there is a single viable company right now."

Meanwhile, the CFTA board adopted an initiative Nov. 17 to recruit new members. It presently has about 135 members within the production, post-production, and distribution sectors of the independent film and video industry, 75 percent of which are Ontario-based companies.

The CFTA is looking to broaden its membership in Eastern and Western Canada, and has approached unaffiliated producers and members of the Canadian Association of Motion Picture Producers (CAMPP).

## Gadget to air, rich in animation

TORONTO - *Inspector Gadget*, the largest animation project to be produced in Canada, will premiere Jan. 7 on First Choice.

A co-production between Nelvana Ltd. of Toronto and DIC Audiovisuel of France, the 65-part half-hour animated children's series is produced by Patrick Loubert (Nelvana) and Jean Chapolin (DIC) and directed by Nelvana's Raymond Jafelice, Ken Stephenson, and Dave Cox.

The series has used twice as many drawings as the average TV animation production, and has employed over 100 animators and production staff over the past year. Scripts have incorporated a health and safety message into each episode and the producers say great care has been taken to ensure the series is non-exploitative with no gratuitous violence.

The voice of *Inspector Gadget*, the cartoon world's first bionic cop, is Don Adams (*Get Smart*), and other voices include Cree Summer Francks, Don Francks, and Dan Hennessey.

Five episodes will premiere on First Choice in January, with five more to follow each month.

## Spencer Caldwell

TORONTO - Spencer W. Caldwell, 74, founder and former president of the CTV television network, was killed Dec. 10 in a car crash near his home in

## CFDC broadcast fund adds five

TORONTO - Three English and two French dramas have signed contracts to access the Broadcast Program Development Fund administered by the Canadian Film Development Corp., bringing the total number of projects which have received money from the fund to 19.

The English projects include *The Bay Boy*, an International Cinema Corp. co-production with French producers Hachette-Fox currently shooting in Glace Bay, N.S., under director Daniel Petrie, which has been licensed to CTV; a series of eight half-hour CanLit dramas to be produced in 1984 by Atlantis Films, licensed to Global TV; and Renaissance Productions' adaptation to the Stratford Festival production *The Country Wife*, directed by John Thomson, taped in November and licensed to Global.

French projects include another ICC Canadian-French co-production, *Louisiana*, shot earlier this year in France and the United States, and the A.C.P.A.V. feature *La femme de l'hôtel*, now on location in Montreal and Quebec City, directed by Lea Pool.

The CFDC classifies projects seeking fund money into four

categories: signed contracts, accepted (but not signed to contracts), pending, and rejected. Besides 19 signed contracts, there are 10 projects accepted, seven English (five drama, two variety) and three French (one variety, two children's) and 12 projects pending, seven English (six drama, one variety) and five French (one drama, three variety, one children's). The figures are as of Nov. 18 for French projects, Nov. 30 for English.

## Jewison and Agnes

TORONTO - Canadian producer and director Norman Jewison has acquired rights to the Broadway play *Agnes of God* and plans to produce a \$10 million film version for Columbia Pictures in Canada next spring.

*Agnes* playwright John Pielmeier has been signed to write the screenplay.

At presstime, it was not known whether producer Jewison would also direct, or whether actress Amanda Plummer, who earned a Tony Award for her role in the Broadway production, would appear in the feature film.

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