

Ontario censors "more oppressive"

TORONTO - The Ontario government has legalized its censorship criteria. Assented to Feb. 4, the new criteria were added as regulations to the Theatres Act.

Last February the Court of Appeal ruled against the constitutionality of the section that required all movies to be submitted to the censor board before public exhibition on the grounds that its standards were vague and easily changed. However, censorship criteria in the law should meet the court's objections.

The Ontario Film and Video Appreciation Society, which launched the court action against the censor board, intends to challenge the new regulations. In an interview with Cinema Canada, Lynn King, the lawyer acting for OFAVAS, said that the "new regulations are very vague; they infringe on the criminal code; and they violate the charter of rights."

David Poole, an OFAVAS spokesman, noted that the "Theatre Act is more oppressive than it was in the past. There are incredible, draconian possibilities in this act. I don't see how much more restrictive you can get." He pointed to the fact that the Act allows the Board to control dis-

tribution much more tightly than it has in the past by extending the Board's powers over all distribution for direct or indirect gain. "In effect, this means that every film and/or videotape that is rented, sold or shown for promotion will have to pass through the Board. This provision will create the need for a large bureaucracy and will affect non-commercial film distributors as well as artists and community groups that use informal exchanges to get their material around."

Poole also said that, by allowing the standards to be part of the regulations of the Act, they may be changed by Cabinet decision.

Ontario Film Review Board chairperson Mary Brown, however, noted that "my strongest plea was that the standards not be enshrined in the Act, but that they be put in the regulations. I saw what happened to the Criminal Code. It hasn't changed in 25 years and it's not even relevant today unless you have an enlightened judge. The standards had to be in the regulations where they could be adjusted speedily, otherwise you were defeating the whole purpose of the community standards."

She was particularly pleased that "the guidelines that are

now proclaimed are indeed very close to the ones that we have been using and that we had determined over a period of five years of being really representative of community standards."

The new regulations state that the Board may refuse to approve a film for exhibition or distribution in Ontario where the film contains:

- graphic or prolonged scenes of violence, torture, crime, cruelty, horror or human degradation;
- the depiction of the physical abuse or humiliation of human beings for purposes of sexual gratification or as pleasing to the victim;
- a scene where a person who is or is intended to represent a person under 16 appears nude or partially nude in a suggestive context or in a scene of explicit sexual activity;
- the explicit and gratuitous depiction of urination, defecation or vomiting;
- explicit depiction of sexual activity;
- a scene depicting indignities to the human body in an explicit manner;
- a scene where there is undue emphasis on human genitalia;
- a scene where an animal has been abused in the making of the film.

Masse's Telefilm decision expected middle of March

TORONTO - Minister of Communications Marcel Masse's delay in announcing changes to Broadcast Fund policies is causing consternation in the independent production sector. Michael MacMillan, Canadian Film and Television Association (CFTA) vice-president, says he is "worried, very worried. It's bizarre. The current situation is so lunatic, so ill-advised." He said that if nothing is done soon a lot of production companies are going to be badly hurt.

Communications consultant Paul Audley who has been conducting a review of Broadcast Fund policies told Cinema Canada that he has briefed the minister but refused to elaborate on what he had advised. Equally tight-lipped was Telefilm program fund director Peter Pearson. Telefilm presented a brief to Masse at the beginning of February.

A source close to the minister said that the "issues around

Telefilm are close to being resolved. The Minister is close to making a decision." No date was set on when the decision would be announced. However, it was made clear that nothing would be forthcoming until the last week of February or the first week of March. The industry had originally expected the minister to make an announcement in mid-February.

Cinema Canada sources mentioned that while the minister took the view that the situation was urgent, "he resisted the pressure to do something very fast," as one source put it. In the review process everybody who had a point of view was spoken with. "Everything we do, however," added the source, "is on a wing and a prayer. We can't reliably pre-test all the options. We want to eliminate as much uncertainty as possible to present the Minister with a responsible assessment."

Masse & Côté on copyright changes

OTTAWA - Communications minister Marcel Masse, in collaboration with consumer and corporate affairs minister Michel Côté, tabled the previous government's White Paper on revisions to the Copyright Act with the Parliamentary Committee on Communications and Culture.

The White Paper, *From Gutenberg to Telidon*, was first presented in May 1984 but was not reviewed before dissolution of Parliament.

Masse told Parliament that "Canada's Copyright Act has not been revised since 1924. Referring the proposals to the Commons Committee will enable the government to consult the wide variety of interest groups that have a stake in copyright revision."

The major American film distributors have been pressing the government for some time to initiate changes in the copyright law, particularly with respect to retransmission of movies by cable companies. However, the section in the White Paper pertaining to cable comes to no conclusions.

Tegra plans world class studio

VANCOUVER - Tegra Industries, a Vancouver-based production services company, is exploring the possibility of establishing a \$10 million world-class studio in Vancouver. The publicly-quoted company, listed on the Vancouver exchange, has staked out a 200,000 sq. ft. site and has begun discussing financing with the provincial government. Part of Tegra's plans include financing of Canadian films. The company has interested Vancouver brokers Walwyn Stodgell Cochran Murray Ltd. in the project.

In a phone interview with Cinema Canada, Walwyn account executive Ernest Moniz said that he's very excited about the project. He noted that there has been a huge demand for film and video services in the west. "1984 was the best year ever for British Columbia, partly because of the exchange rate. But a lot of L.A. producers and directors have said Vancouver has developed the expertise to

do world-class films. We expect 1985 to do even better."

Moniz said he was particularly confident about Tegra because "its operating base is solid. It will net \$1.5 million this year. If any film venture they became involved in collapsed, Tegra would remain solvent. It has a diversified base which will minimize risk."

Recently Tegra has purchased Bay Ann, also listed on the Vancouver exchange, as a shell company with \$210,000 in treasury. Should the studio and film financing scheme fly, Bay Ann will become the financing arm of Tegra.

Moniz is currently exploring public interest in the scheme. If it's there he'll be ready with a prospectus in six months to raise \$2 million nationwide.

Tegra operates Alpha Cine, the largest film lab in western Canada; film and video audio services; a video post-production facility; and a video duplication facility. It is forming a division to distribute home video tapes.

Broadcast policy review terms of reference defined by DOC

TORONTO - Informed sources have told Cinema Canada that minister of Communications Marcel Masse plans to have a White Paper on broadcast policy published in June and legislation tabled by September.

Last December Masse announced that he wanted to undertake a complete review of broadcast policy. He would not at the time elaborate on the terms of reference of such a review. A DOC document obtained by Cinema Canada outlines the minister's "reference scenario."

The document says, "issues raised in the Terms of Reference must be examined in the context of other government policies and priorities including, among other things, fiscal restraint, enhanced federal-provincial relations and an increased reliance on private sector initiative."

It notes that particular emphasis will be given to the following:

- the privatization of certain CBC activities;
- the CBC's withdrawal from sub-regional television programming;
- a new relationship between the CBC and private, local broadcasters regarding the

provision of local programming;

- full exploitation of national television advertising by the CBC with the withdrawal from all local and regional advertising;
- an expanded role for provincial broadcasters;
- the replacement of CBC television in-house production activities by the purchase of programming from the private sector. This could entail the sale or lease of much of the existing CBC production facilities to the private sector.

A reliable source within the DOC said, however, that "the broadcast review has not been set in motion in a concrete way. We are making structural decisions, looking at issues and saying what the terms of reference are."

A number of recently formed lobby groups are calling for public discussion of broadcast policy via a Royal Commission. It seems likely, however, that the minister will, as in the past, continue to work through consultants. Paul Audley, who acted as consultant to the minister on the CBC cuts and the review of Broadcast Fund policies, is tipped to head a study of broadcast policy.