

New structures, indigenous distribs, highlight Quebec film bill

MONTREAL - As promised, Quebec cultural affairs minister Clement Richard unveiled Bill 109, Quebec's new draft-law on cinema and video, before Christmas. The bill, which is to go before a parliamentary commission Feb. 15-18, will be voted upon in the National Assembly during the next legislative sitting.

Against a background of 20 years' debate, the draft law was tabled only four months after the report of the Commission d'étude sur le cinéma et l'audiovisuel (Fournier commission), and largely embodies the interventionist spirit of that report with its emphasis on the promotion and development of Quebec cinema and Québécois film culture.

Modifying four current laws - notably chapters 55 and C-18 of the current cinema law - Bill 109, in its major recommendations, replaces the existing Institut québécois du cinéma with two new institutions, the Institut québécois du cinéma et de la vidéo and the Société générale du cinéma et de la vidéo, and requires all distribution companies operating in Quebec to the 80% Canadian-owned. As well, the draft law proposes that the current 15-year-old Bureau de surveillance du cinéma (the 'censor') be replaced by a new Régie du cinéma et de la vidéo, whose comparatively relaxed supervision of film material will be rounded out with public hearings every two years as a feedback mech-

anism on policy and public perception of how well it is fulfilling its mandate.

A further thrust of the draft law will aim at accelerating the release of French versions of films, though Richard noted that the measures in the draft (notably Art. 79, see summary below) "will not unduly hinder the release of films that are not in French," but aim to provide real freedom of choice for the ordinary film-goer.

At the press conference that accompanied the unveiling of the draft, Richard stated that the proposed law represented "a lightening" of the institutional structures and regulatory powers proposed by the Fournier commission. On the other hand, the cultural affairs min-

ister said, the draft was interventionist in the sense of providing "the weapons" required to re-conquer a market of nearly half-a-billion dollars.

"Unfortunately, barely two percent of the feature films shown either on television or in theatrical release are of Québécois origin," Richard said. "Faced with this state of things,

any people that wishes to affirm its identity and to keep from being progressively diluted by an anonymous universal mass culture must mobilize all of its cultural energies." A government conscious of its responsibilities as regards social and cultural develop-

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First Choice marries Playboy

TORONTO - The deal between national pay-television service First Choice Canadian and the Playboy Channel announced Jan. 7 in Los Angeles has angered the Canadian government, the production industry, and the public, but so far no action has been taken to reverse the deal.

The First Choice/Playboy co-production deal will bring an estimated \$30 million worth of production to Canada. But industry members are angry that this programming, consisting of made-for-pay features and specials originating from the U.S., probably will qualify as Canadian programming under the Canadian Radio-television and Telecommunications Commission's loose Canadian content regulations.

CRTC chairman John Meisel and Communications Minister Francis Fox have expressed disappointment in the Playboy deal. Fox said the Playboy deal has tarnished the image of Canadian pay-TV and that if the pay companies do not police themselves, government will have to do it for them. Meisel called First Choice president Don MacPherson to Ottawa Jan. 21 to discuss the situation, and First Choice's Canadian programming in general. According to MacPherson, however, the Playboy deal was not even discussed.

The First Choice/Playboy co-production agreement calls for the Playboy Channel's features and specials to be shot in Canada with Canadian crews. Among the features are *The Rogue From Motor City*, about auto-maker John De Lorean, and *New Orleans Stripper*, to be produced in February by RSL Films at the Tele-Metropole studios in Montreal. Glen-Warren Productions in Toronto will be the site of much Playboy production, including *Sunday's Child*, a 10-part adult soap opera scheduled to begin in February. Executive producer is Otto Solomon of New York, who was also executive producer of *Dr. Yes...*, *The Hyannis Affair*, a feature shot in Toronto for Playboy in late 1982.

Other Playboy programming

includes *Playboy On The Scene*, a video magazine hosted by Shannon Tweed, Newfoundland-born 1982 Playmate of the Year; *Girls of the Office*, 60 half-hour shows described as an erotic version of the movie *9 to 5*; *Playmate Playoffs*, intimate video portrayals of centre-folds; and a Playboy-style olympics featuring seminude women engaging in mudwrestling and tug-of-war.

Women's groups around the country are furious about the First Choice/Playboy programming deal. On Jan. 18, over 1000 protesters in Ottawa, Toronto, Montreal, Regina, Edmonton, and Saskatoon staged rallies against First Choice and Playboy. The leaders urged Canadians to boycott First Choice; to write angry letters to the pay company, to Fox, and to the CRTC; and to boycott Eaton's department stores, because of the Eaton family's 80 per cent control of Baton Broadcasting, whose subsidiary is Glen Warren Productions.

Both First Choice chief executive officer Victor Mashaal and president Don MacPherson have defended the Playboy material as erotica, not pornography.

The Association of Canadian Television, Radio and Artists (ACTRA) has called the First Choice/Playboy deal a "shameless sell-out". "First Choice has deserted its own rhetoric about Canadian production, Canadian content, and the Canadian industry," said ACTRA executive Nanci Rossow. She said the organization is angry that its members will be asked "to strip or to give up work," and told of one talent agency which had sent its members a questionnaire asking if performers were willing to appear semi-nude or nude and to simulate sex before the cameras.

"This is not the kind of work I want as an actor," said actress Fiona Reid about the Playboy programming. "I wish producers would pay attention to the spirit rather than the letter of the law. We could use a few more producers with imagina-

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'Restricted trade' charges Combines Invest

TORONTO - The Restrictive Trade Practices Commission, having received an application filed by the director of investigation and research under the Combines Investigation Act Dec. 23 against seven film distributors operating in Canada, has set Feb. 18 as the deadline for reply by the distributors.

The distributors, Astral Films, Columbia Pictures, Paramount Pictures, Universal Films, Warner Bros. Distributing, United Artists Corp. and Twentieth Century-Fox Film Corp., had asked the commission for an extension of the reply deadline. Under commission regulations, a party served with an application has 18 days to reply.

Lawson Hunter, director of investigation and research for the Combines Investigation Act, applied to the commission

for an order requiring the seven distributors to deal with Cineplex Corp. of Toronto. The application asked that the commission compel the distributors to accept Cineplex as a customer. It said Cineplex representatives have repeatedly attempted to obtain first-run and second-run films from the distributors, but "in all but a few cases, these requests have been denied... notwithstanding the fact that Cineplex is willing and able to meet the usual trade terms."

Garth Drabinsky, Cineplex president, has said that an "entente cordiale" exists between Canada's two major exhibition chains, Famous Players Ltd. and Canadian Odeon Theatres Ltd., to restrict access to the distributors' product to themselves. Cineplex

theatres which operate in the U.S., where anti-trust laws prohibit restrictive trade practices, have been able to obtain first-run films without difficulty.

According to a spokesman for the Combines Investigation Act office, the commission may rule that a pre-hearing conference be held within 10 days after the Feb. 18 reply deadline.

Except for Astral, all of the distributors named in the application are controlled in the United States. The U.S. parent of Twentieth Century-Fox has lent Cineplex \$3 million (U.S.) and has an option to acquire about 17 per cent of Cineplex's shares for \$1,500 until Dec. 31, 1987. Drabinsky has said Cineplex actions will have no effect on the deal.

Rogers mum on pay subscribers, reports deficit

TORONTO - Rogers Cable-systems Inc., Toronto's largest cable operator, will not release any figures on the number of cable homes signing up for pay-television until after the Feb. 1 launch date; it has made a no-publicity agreement with the pay-TV services.

A Rogers spokesman told Cinema Canada that the company had agreed with the pay operators not to publicize the figures until at least after the launch. The spokesman also said that Rogers will be issuing a prospectus within the next month and that releasing pay-TV sales figures could jeopardize the offering.

The spokesman did say that most customers are signing up for packages of two or three services. Packages of two chan-

nels which included the national special interest service C Channel were selling most.

The spokesman also confirmed that sales of national service First Choice have gone up since the Jan. 7 announcement that the service would run Playboy Channel programming during its late-night weekend time-slot. "Their numbers certainly haven't suffered at all because of it," he said. But the spokesman pointed out that other factors, such as First Choice's increased marketing campaign, also may have contributed to the sales increase.

On Jan. 18, Rogers Cable-systems reported a loss of \$13,322,000 before extraordinary items for the fiscal year ending Aug. 31, 1982. The fig-

ure excludes an extraordinary gain of \$2,784,000, giving the company a net loss of \$10,538,000. The loss compares to a net profit of \$2,228,000 last year.

Rogers said the 1982 figures were not unexpected, as the company had committed several years ago to building a base of subscribers through acquisition and franchising and had financed this largely through prime-related bank debt. The company says it expects continuing improved results through the reduction of interest rates, the progress of its U.S. construction projects, and the launch of Canadian pay-TV. It is also arranging for a fixed rate long-term debt as a protection against rising interest rates.

Strong on permits, short on financial news, reactions mixed

(cont. from p. 3)

ment must support and encourage such an effort, he added.

Summary of the draft law
The 37-page draft law consists of 200 articles in four chapters: "Definitions", "The development of cinema and video", "Control and supervision of cinema and video", and "Dispositions, interim and final."

Chapter One defines film as a work produced by technical means having as a result a cinematographic effect; and video materiel is defined as a video cassette or video disk or means of a similar nature on which film is recorded.

Chapter Two, Section One, Art. 2,3, develops and proposes government film and video policy and its application. Film and video policy, while respecting freedom of creation and expression as well as the public's freedom of choice, gives priority to the following objectives: to develop and implement the artistic, commercial and industrial infrastructure of cinema and video; to develop Québécois cinema and cinematographic culture throughout Quebec; to develop independent and financially autonomous Québécois enterprises

in the realm of cinema and video; to preserve and enhance the cinematographic and video heritage; to respect rights relative to intellectual property in film and to establish a supervisory mechanism for the production, development and circulation of these works.

Section II, Art. 4, 5, 6 allows the minister of cultural affairs to give recognition to a cinemathèque or videothèque whose function will be to conserve the film or video heritage, and to require the owner of a film produced in Quebec and shown to the public to deposit a copy with the cinemathèque/videothèque.

Section III, Art. 7-12, defines the forms of financial aid offered to the private sector by the Société générale du cinéma et de la vidéo (direct investments, loans, subsidies, grants). While the Société générale administers the aid plan, aid plan policy is developed by the Institut québécois du cinéma et de la vidéo on the approval of the minister of cultural affairs who provides the funds allocated by the government for private sector assistance.

Section IV, Art. 13-32, creates the Institut québécois du cinéma et de la vidéo as a corporation with a 12-member board

of directors, appointed by the government from at least one association representing each of the eight groups of the private sector: directors, producers, artisans, distributors, theatre-owners, actors, composers, suppliers.

Art. 33-38 define the functions and powers of the Institut which is to advise the minister on the development and application of cinema and video policy, to determine the orientation of the Société générale du cinéma et de la vidéo, and to establish norms for the recognition of Québécois films.

Art. 39-44 establish the fiscal year for the Institut and provide for a yearly annual report.

Section V, Art. 45-60, creates the Société générale du cinéma et de la vidéo as a corporation with a five-member board of directors, including a chairman, who are appointed by the government. Art. 61-65 define the functions and powers of the Société générale as 1) the recognition of works determined to be Québécois films based on the norms established by the Institut; 2) to promote and assist financially in the production and cinematographic creation of films recognized as Québécois films; 3) to promote and financially assist Québécois cinema at film festivals and other cinematographic events, and to promote cinematographic culture in Quebec; and 4) to encourage and assist financially in training, research and innovation in the domain of film and video. The Société générale administers the monies the government attributes to the private sector in film and video, and can conclude agreements with governments, ministries and organizations to facilitate the exercise of its functions. Art. 66-69 determine the Société's fiscal year and the modalities of its financial reporting.

Chapter III, Section I, Art. 73-77, requires films to be shown to the public to have a classification visa, either for "general viewing," for "14 years," (indicative only), or "18 years and over," which is a restrictive category.

Art. 79 states the conditions under which the Régie will attribute a visa to non-French-language films "with the object of favoring public and simultaneous presentation of subtitled or dubbed French versions": 1. if a version not in French is presented along with a subtitled or dubbed French copy; 2. if a version not in French is presented along with proof of a contract for dubbing into French within a reasonable delay; 3. if a version not in French is presented and the demander shows, to the satisfaction of the Régie that no version, dubbed or subtitled, is available, a temporary visa can

be granted either until a dubbed or subtitled French version becomes available or for 60 days following the date of the first public showing of the film, whichever time is shorter. After that time, if 1 or 2 do not apply, a supplementary visa cannot be granted until 180 days after the expiry of the temporary visa and only on one copy of the original version per format.

Section II, Art. 87-93 requires exhibitors to obtain the appropriate permit for the appropriate category to be exploited. Art. 91 requires the holder of an exhibition permit to provide the Régie with a notarized weekly report on the films shown to the public, stating *inter alia* the number of tickets sold at each showing, their unit cost and the method and rate of box-office share agreed upon between the holder of an exhibition permit and the distributor.

Art. 94-99 define the conditions for the distribution of films in Quebec, requiring (97.1) in the case of a physical person, that he be a Canadian citizen; (97.2) in the case of a corporation with share-capital that at least 80% of its share-capital be the property of Canadian citizens and that all its administrators be Canadian

citizens; and (97.3) in the case of a corporation without share-capital, that at least 80% of its members be Canadian citizens and that all its administrators be Canadian citizens.

Art. 100-102 require non-residents filming professionally in Quebec to obtain a shooting permit. Art. 103-106 require professionals in film or video production to obtain a producer's permit. Art. 107-108 cover agreements between holder's distribution permits and holders of exhibition permits, providing for a minimum mutual percentage of gross receipts from the sale of admission tickets, to be determined by a ruling from the Régie.

Art. 109-114 require the holder of a distributor's permit, prior to engaging in the sale, rental, lending or exchange of video material, to deposit with the Régie a copy of the distribution agreement which authorizes him to distribute the material. Upon receipt of such agreements, the Régie will issue a deposit certificate. The sale, rental, lending or exchange of video material cannot proceed without a deposit certificate.

Art. 115-126 create the three-member Régie du cinéma et de

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Cinema Canada

Reactions cite difficulties with French versioning, regulations

MONTREAL - Industry reaction to the Quebec government's new cinema law, Bill 109, tabled by minister of cultural affairs Clément Richard in draft form Dec. 20, ranged from disapproval to qualified endorsement. With parliamentary hearings on the Bill scheduled for mid-February, comprehensive response strategy was at press-time still being formulated by intervenors for presentation in Quebec City.

Among the Majors, Wayne Case at 20th Century Fox in Toronto, gave unofficial reaction when he told Cinema Canada, "You couldn't print what

I think." In a more moderate vein, Fox spokesman Don Barrington said only the company was being kept abreast of developments.

Canadian Motion Picture Distributors' Association president Eugene Amadeo said that though the association would not have a formal position ready until Feb. 4, unofficially, "My personal feeling is that they're going to hurt distributors in the long run, because it's very difficult to get the French dubbed films right away.

"We're trying to do our best to see how long it would take to get French dubbed," Amadeo

added. "It varies a lot, though I'd say that in 95% of cases it can be done."

Speaking for the Association québécoise des distributeurs de films (AQDF), Gilles Bériault said the AQDF feared the Bill "would not have the impact we counted on."

"The law is a far cry from the perspectives of the Fournier Commission. It's a total takeover by the minister of the cinematic milieu."

Bériault said the Quebec distributors' association would be conveying its response at the Quebec City hearings on four points: 1) the abandonment of the program of 20% distributor commissions; 2) no mention of the "fonds de soutien," 3) no mention of government-sponsored films, and 4) the lack of definition of the new Régie's regulatory powers.

The program of 20% distributor commissions was, says Bériault, "the pivot of the whole thing. As soon as distributors get into a good financial position, they immediately invest in film production. Well, it looks like we're not going to get that."

Secondly, Bériault says, the Bill makes no mention of the Fonds de soutien du cinéma, the cornerstone of the Fournier report. But "we'll have to wait

to see what financial measures are proposed," Bériault added. He also said he couldn't understand why the bill made no mention of the future of government sponsored films.

Finally, the lack of definition of the Régie's regulatory powers caused Bériault to express fears over the extent of the minister's powers in the Quebec film milieu. "The more implicated the government becomes, the more producers are alienated from distributors," Bériault said.

However, Fournier report chairman, producer Guy Fournier, had a far milder reaction

to the proposed law.

"On the whole it's a good law," he told Cinema Canada. "However, the entire thrust of the question will be in the financial measures that have yet to be announced. And here we'll see how serious the government is.

"The Bill is the easy part, the glorious part. The hard part, the financial part, has yet to come. Because that'll be a question of taxes and those don't win friends for the government. As the law reads, it's a nice project. But will the government have the political will to see it through?"

Cineplex rolls back prices in Toronto

TORONTO - Effective January 21, two Toronto-area Cineplex locations, the Eaton Centre and the Scarborough Town Centre, will reduce adult admission from \$5.00 to \$3.50 for afternoon screenings Monday to Friday.

Admission for evening screenings on weekdays and for all weekend screenings will remain at \$5.00.

Cineplex director of communications Lynda Friendly said the company recognized there

were a lot of people in the city - the unemployed, shift workers, part-time workers, etc. - with free time during the day and that the discount program was aimed at this market. She pointed out very few movie houses in Toronto are currently playing matinees during the week.

Friendly said Cineplex is doing "different things in different cities" to attract customers, such as the weekday discounts in Toronto or the "Discount Nights".

Quebec bill creates powerful Régie

(cont. from p. 8)

la vidéo. Art. 127 defines the Régie's powers and Art. 128 authorizes it to hold public hearings at least once in two years. Art. 129-139 deal with the modalities of Régie decision-making and financial reporting.

Art. 140-144 state that the Régie can be requested to revise its decisions within 15 days of a decision. Art. 145-157 details appeal procedures against decisions by the Régie.

Art. 158-163 specify the regulatory powers of the Régie. Art. 164-167 authorize the Régie to undertake inspections and make seizures. Art. 168-175 define the Régie's punitive powers, mainly fines.

Chapter Four, Art. 176-200 amends extant laws and indicates wording modifications the present bill necessitates.

For additional assessment of the impact of the draft law on film production and distribution, see John Roston's article in this issue.

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