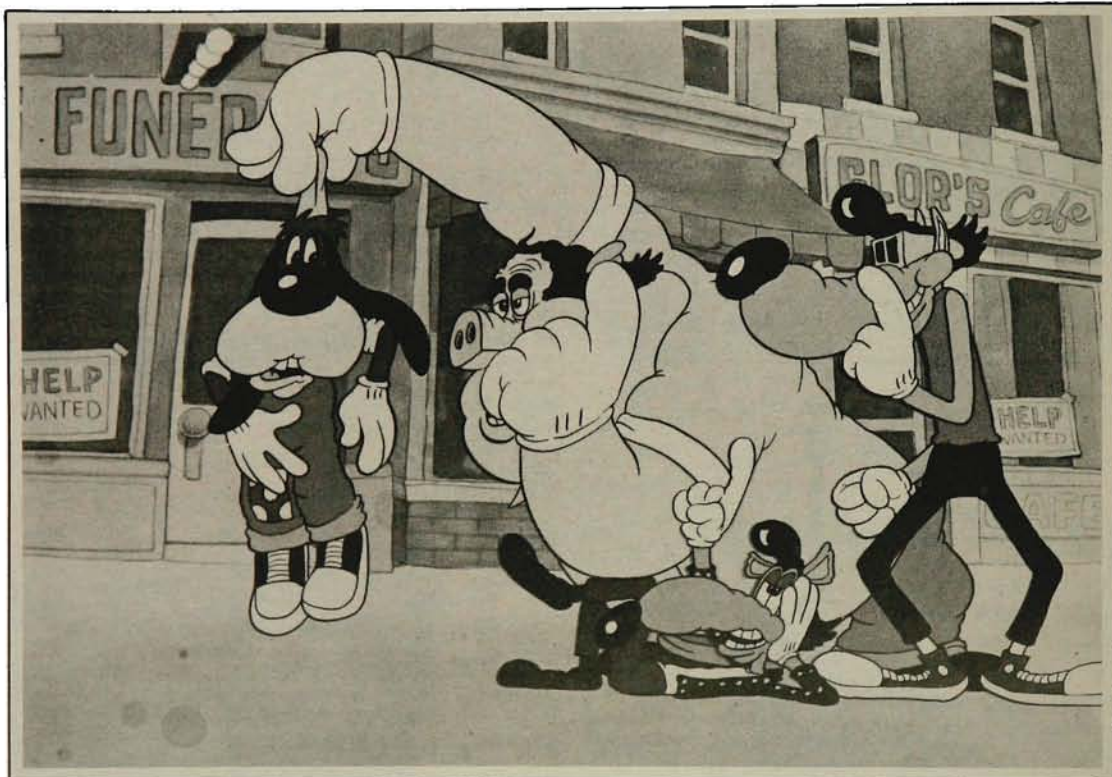


ALIVE AND KICKING

A cultural response from Manitoba filmmakers



• The look of Western animation - a scene from the 10-minute film **Bob Dog** by prairie animators, Credo Group

The signatories to this document have several things in common - none of us are full-time employees of the National Film Board, the CBC, or any other federal or provincial agency. All of us make our living or are attempting to make our living from the film industry in Manitoba. And all are disappointed in the film recommendations of the Federal Cultural Policy Review Committee.

Apart from that we are as diverse as any film community must be to deserve the name: directors, producers, writers, editors, camera, sound and lighting people, makeup and wardrobe, production people, animators, dramatists, documentarists, lab people, recording studio people, advertising people, graphics people, Liberals, Conservatives, New Democrats, the politically radical and the apolitical. That we can come together at all is a tribute to the Applebaum-Hébert commission's achievement in alienating all of us - without regard to race, sex, political alignment or professional training.

No government could be expected to make responsible decisions on the basis of this report - at least, not decisions that would treat fairly the needs and welfare of regional film communities.

As far as A-H is concerned, there are no regional communities. Well, A-H is wrong. We are here and kicking, and we hope by this document to bring that fact to your attention and assist you in creating a film policy to benefit all of Canada.

We are not unaccustomed to this. To be a have-not province far from the Golden Triangle is to be constantly at war with centralism. Because of this we get a reputation as professional whiners, as those who would not be happy without a cause for Ottawa- or Toronto-bashing. But for us, this constant refrain is not fun; it is not even interesting. It is tedious and annoying, and it is time - and energy - consuming. The settlers spend so much of their time on the battlements, they can't get a decent crop in the ground. We do it because we must. We want to live here. We want to make films. We must make a living. So we fight, yet again.

We reject the argument that there can only be one or two film-producing centres in Canada. Manitoba's theatre community is no less legitimate for being far from Broadway or the West End. Our dance community is no less significant to us for not being New York, London or Moscow. Our musicians, writers and

artists are no less valuable for their distance from Rolling Stone, the New York Review of Books and MOMA. We are a healthy, spirited and determined group and we deeply resent being ignored.

We will tell you a bit about our industry. We'll tell you something of what we think of the various federal agencies involved in our industry, and we'll tell you what we think of the specific recommendations of the A-H Report as it reflects on us.

The eco-system of the arts

Perhaps the best metaphor for the film industry on the prairies is the eco-system of the tundra. To an observer from the lush green south (in our metaphor, Toronto-Ottawa-Montreal) it may seem a drab and barren place with long cold winters and little vegetation. Handy for gouging out natural resources as needed and marginally important as a market. Not a region of much other interest. But to a resident of this tundra who lives in it and from it, it is rich, varied, complex and precious. Its rewards may be subtler than those to be found in Lotusland, but they are no less important or real to us.

As any naturalist will tell you, tough

and hardy as its components may be, the eco-system of the tundra is delicate and fragile. The slightest disturbance reverberates, threatening to destroy the entire system. The harshness of the environment makes every element dependent for its very existence on every other. So it is with us. Those things which nourish us can't be separated from each other. Damage to one can mean disaster for all. The production of commercials and industrials is not enough, alone, to sustain a film industry here. Nor is the National Film Board. Nor contract work for government. Certainly not the CBC. And yet it is difficult to visualize a viable industry with any one of these missing. It is only by juggling all of these and settling for incomes generally well below the national average that we have survived, and built a community that is sophisticated and accomplished.

We are a young community. With a couple of exceptions, none of us was here, making films, in 1970. In those days, the lab service was elementary, the sound recording and mixing facilities were crude. There were no independent camera or sound people, or editors, or directors. Today, there are full-service

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lab and sound facilities in 16 mm with plans for expansion to 35 mm. And the market they service is almost all in Manitoba and Saskatchewan.

A few years ago, any ad agency or corporation looking for a slick film product had to go to Toronto or Vancouver. Today we are producing commercials in 16, 35 and videotape with budgets in excess of \$50,000, whose quality will stand up to any on the continent. Educational films produced independently in Winnipeg have established a profitable, self-sustaining market in the west. Our animators are winning awards in Ottawa, Zagreb, Cracow, Cannes, and other international festivals. So are our live-action filmmakers. But more than that, we are producing films in and from the part of the world that is our home. We are the first generation of prairie people who can say that. We are in the process of building a genuine prairie cinema. The A-H Report, while recognizing the regional importance and legitimacy of

the other producing arts, ignored us. And their recommendations can do little but harm us.

The National Film Board

We in the prairies are in general very strong supporters of the National Film Board, whether or not we benefit directly by working for it. This doesn't mean we support the status-quo. As a national institution, apart from its regional program, the Board is top-heavy, sluggish, complacent, inefficient and apparently out of touch with the times - in short, badly in need of radical change. But the changes suggested by A-H show a complete failure to grasp what is good about the Board and would certainly complete the job of self-destruction that years of inertia have begun. The faults of the institution as a whole must not obscure its virtues, both at Montreal headquarters and in the regions.

Our support for the NFB stems from the fact that, along with the Canada

Council, it is the only government agency in the history of Canadian film to take its regional responsibilities seriously and to back them up with money. In 1975-76 the Board opened its production office here and has had a profound impact ever since. It did not, as the CBC did, simply establish a large in-house branch plant here staffed by Montreal-oriented production people. Rather it moved into the community and began to work with it, restricting staff to a few essential and highly productive positions. In the last three years the Board has spent almost \$1.5 million in this community, making it the single largest market for independent personnel and facilities. This injection of money resonates far beyond those who receive it directly. It provides an economic prop for craftspeople and facilities which are then available for employment by commercial or other government producers. Without the NFB, many of these people would have been forced out of business or out of

town, to Toronto or Vancouver - as they always were in the past.

Beyond direct film production the NFB has also involved itself in the community through assistance to the film co-ops here and in Saskatchewan, by supporting development work-shops and sending filmmakers to seminars and festivals. There is not a member of this community who has not benefitted, directly or indirectly, by the Film Board's presence.

The A-H contention that "the NFB no longer occupies a central position in Canadian film... but it is independent production which now attracts many of the skilled filmmakers who once were drawn to the NFB" (p. 257) simply does not hold in the experience of the Prairie Region. It does retain a central position here and it is a "nurturing presence" (p. 257). To eliminate that presence or severely restrict it would have the same effect on prairie filmmaking as removal of the NFB in the 1950's would have had

Award-winning films from Manitoba

Blowhard by Brad Caslor and Chris Hinton

- Golden Sheaf Award, Best Animated Film - Yorkton International Short Film and Video Festival, 1979.
- Special Commendation for Animation Techniques - Rio de Janeiro International Scientific Film Festival, 1979.

Capital by Allan Kroeker

- Golden Sheaf Award, Best Performance (Ed McNamara) - Yorkton, 1981.
- Award of Excellence - AMTEC Media Festival, Winnipeg, 1982.

The Catch by Allan Kroeker

- Golden Sheaf Award, Best Video Production - Yorkton, 1980.
- Best Drama, Can-Pro Awards, Ottawa, 1982.

Chasing the Eclipse by Norma Bailey and Ian Elkin

- Golden Sheaf Award, Best Documentary - Yorkton, 1980.

The Curse of Ponsonby Hall by Vic Cowie and Vic Davies

- Golden Sheaf Award, Best Video Production, Best Children's Production - Yorkton, 1982.

The Dreamer by John Paizs

- Best Award Animated Short - London Film Festival, 1978.

Getting Started by Richard Condie

- Bijou, Best Animation - Canadian Short Film Festival, Toronto, 1980.
- Special Jury Award, Best Sound Effects - 4th World Festival of Animation, Zagreb, Yugoslavia, 1980.
- First Prize, Category B - International Animation Festival, Espinho, Portugal, 1980.
- Diploma of Merit, Tampere International Film Festival, Finland, 1981.
- Fipresci Jury Award, Best Animation - International Short Film Festival, Cracow, Poland, 1981.
- Bijou, Outstanding Animation - Canadian Short Film Festival, Toronto, 1981.

God Is Not A Fish Inspector by Allan Kroeker

- Best Film - Northwest Film Seminar Competition, Seattle, 1980.
- Golden Sheaf Award, Best Screenplay - Yorkton, 1981.

It's A Hobby For Harvey by Barry Lank

- Chris Plaque, Best Film, Columbus International Short Film Festival, 1982.

Joe's Gym by Elise Swerhone

- Award of Merit - AMTEC, 1982.

John Law and the Mississippi Bubble by Richard Condie

- Best Animation, Tampere International Film Festival, Finland, 1980.

Loved, Honoured, and Bruised by Gail Singer

- Certificate of Merit - Cork Film Festival, Ireland, 1981.

The New Mayor by Ian Elkin, Bob Lower, Derek Mazur

- Golden Sheaf Award, Best Public Affairs Film - Yorkton, 1979.

Nose and Tina by Norma Bailey

- Golden Sheaf Awards, Best Cinematography, Best Film - Yorkton, 1981.
- Bijou Awards, Outstanding Direction, Outstanding Film under 30 Minutes, Canadian Short Film and TV Festival, Toronto, 1981.

The Pedlar by Allan Kroeker

- Award of Merit - AMTEC, 1982.

The Performer (L'Artiste) by Norma Bailey

- Special Jury Award, Cannes International Film Festival, 1980.

Petroleum's Progress by Tom Fletcher

- Red Ribbon, 23rd American Film Festival, New York, 1981.

Pigbird by Richard Condie

- First Prize, Category C - International Animation Festival, Ottawa, 1982.
- First Prize, Educational Film - World Festival of Animation Films, Zagreb, Yugoslavia, 1982.
- Bijou, Animation Category - Canadian Film and Television Awards, 1982.

Priory by Mark Dolgoy

- Red Ribbon - 22nd American Film Festival, New York, 1980.

Room Four Memory by Perry Stratychuk

- Bronze Medal - American International Film Festival, Salt Lake City, Utah, 1981.

Slide, Flip, Turn by Kim Johnston

- Award of Merit - AMTEC, 1982.

The Strongest Man in the World by Halya Kuchmij

- Bijou, Best Documentary Film under 30 Minutes - Canadian Film and Television Awards, Toronto, 1981.
- Golden Sheaf Award, Best Producer - Yorkton, 1981.

Ted Baryuk's Grocery by John Paskievich and Mike Mirus

- Official Canadian Entry - Cannes International Film Festival, 1982.

Wood Mountain Poems by Harvey Spak

- Best Production under 30 Minutes - Banff International Festival of Films for Television, 1980.

Beginnings by Tom Fletcher

- Silver plaque at the Chicago International Film Festival, Best documentary.
- 1980 Yorkton International Film Festival, Best Cinematography.

Children of the Gael-Wayne Finucan Productions

- New York Iris Award - Best Foreign Film
- Milan Film Festival - Special Year of the Child Award.
- Can Pro Award.

Assiniboia Downs-Wayne Finucan Productions

- Actra Awards - Best TV Commercial.

A Last Farewell-Film Factory Productions

- Can Pro - 1980 Performance Arts Award.

Ray St. Germaine Pilot-Film Factory Productions

- Can Pro - 1979 Entertainment Series Award.

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● Bob Lower

regional components, each with its own character corresponding to the region it serves. We believe that an attempt to shift the NFB's role in the regions to either the CBC or the CFDC would be doomed to failure. We believe that history makes this so apparent that we would regard any move to do so as empty political fence-mending, and we would oppose it.

We suggest, with respect to the NFB, that the regional program, as its most successful current program, be enlarged and expanded and given a leading role in the future development of the Board. That is, the regions should be made autonomous that they might lead the founding centre rather than being tethered by its bureaucratic bulk. We believe that headquarters should be kept strong as a production centre, but that its new role, whatever else it contains, should have built into it a responsiveness to regional needs.

The CBC

The critical point to understand about the role of the CBC in the independent community is that CBC Winnipeg is not and has never been a part of the Winnipeg community except incidentally. It has always been a part of CBC Toronto, serving that body's needs without regard to its effect on Manitoba's film community. We are, for them, an employment and facilities pool of convenience. Once in a while they will reach out to us if need demands it or if there is extra money kicking around. But if it suits their purposes to undermine our position by duplicating our equipment, withdrawing their support or even competing with us in the production of commercials, they do not hesitate. Their only real and lasting contribution has been the production of some skilled people who have since left the CBC and set up on their own, to share the ups-and-downs with the rest of us. Those people retain a certain relationship with the CBC that brings them a degree of work, and this is good as far as it goes. But it does not go far enough.

Yet we would not like to see the CBC's production scattered to private producers. That, in the long run, would benefit only Toronto/Montreal and would increase centralization. We would like to see more money earmarked for regional production through the CBC and we would like to see them make a long-term commitment to involve themselves with the communities they live and work in. That way, they might

someday come to truly represent the regional nature of this country.

The Canada Council

Like the NFB, Canada Council has taken its regional responsibilities seriously. We won't deal with it here because the Winnipeg Film Group, of which many of us are members, is its largest beneficiary and is submitting its own brief to Francis Fox. Suffice it to say that for the most part our experiences with the CC have been positive and we strongly support its continuing contribution to our community.

The CFDC and the CCA

The Canadian Film Development Corporation and the Capital Cost Allowance have had a pretty limited effect on our community as a whole, but for a few of us, their effect has been significant. Several films have been made here using the provisions of the CCA and we would like to see the program continue. The CFDC, by its very nature is structured around Toronto and Montreal. If it is enlarged, as it probably should be, we don't expect to see much benefit from it. Still, we support it as an important instrument in developing a national industry. Even if centred in Toronto, a strong Canadian feature film industry must benefit all Canadians.

Conclusions

We could go on listing the pros and cons of the activities of various individuals and departments *ad nauseam*. This would be as boring to write as it would be to read, and we don't want to get lost in a sea of paper and ink. The main points are easy to sum up.

- The Applebaum-Hébert Report committed an error and an injustice in ignoring regional film communities.

- The A-H Report, while correctly criticizing the NFB for its lack of vision, makes recommendations that will only finish the job of destroying it. In particular it ignores the excellent beginnings the regional program has made.

- The CBC should be forced to diversify its production through the regions and its regional offices should be encouraged to integrate themselves with the film communities around them.

- The Canada Council's film program should be continued and expanded.

- The CFDC and the CCA should be expanded, but not at the expense of the NFB, the CBC or the Canada Council.

Finally, we don't intend to get lost in the shuffle, as everyone scrambles for position in the emerging film policy. We



● Halya Kuchmij

have worked hard and sacrificed plenty to get where we are, and there is much we still want to do. We take ourselves seriously as filmmakers and producers, as business people, crafts-people and artists. We expect others to take us seriously, too. And we intend to do whatever we must to ensure that we are not ignored.

Norma Bailey, producer/director. **Lara Mazur**, film editor. **Kim Johnston**, producer/director. **Mike Mirus**, director/sound editor. **Vonnie Von Helmolt**, production manager. **Erna Buffie**, film research/script development. **Charles A. Lavack**, assistant camera/camera operator. **Allan Kroeker**, writer/director. **Richard Condie**, director/animator. **Alan Pakarnyk**, animator. **Wendy Lill**, scriptwriter/researcher. **Leon Johnson**, sound recordist/producer/director. **Victor Dobchuk**, producer/director. **Cynthia Warner**, continuity/make-up. **Cordell Barker**, animator. **Barry Lank**, producer/director. **Jan-carlo Markiw**, writer/director. **Keith C. Long**, animator. **James Edward Ackerman**, sound recordist/director. **John Bluethner**, writer/actor/director. **Neil McInnes**, animator. **Douglas Davidson**, filmmaker. **John Paskievich**, photographer. **Larry Kurnarsky**, director/writer. **Derek Mazur**, producer/director. **Kim Forrest**, production artist. **Joan Scott**, production manager. **Brad Caslor**, animator. **Steven Rosenberg**, graphic designer. **Randa Stewart**, production manager. **Devan Towers**, production accountant. **Frank Raven**, lighting electrician. **Bob Lower**, director/editor. **Elise Swerhone**, director/editor. **David Dueck**, producer/director. **Kathleen Beach**, producer. **Ann Poten**, production secretary. **Chris D. McPherson**, sound engineer. **Shirley Schmitt**, production accountant. **Jon B. Stevens**, dubbing technician. **Wayne Finucan**, producer. **C.P. Oruis**, film lab technician. **Carol Lawrence**, film lab technician. **Sharon McIvor**, film lab technician. **Connie Bortnick**, producer/production manager. **Norman Bortnick**, producer/director. **Janice Taylor**, production assistant. **Clive W. Perry**, sound engineer. **Sheryll Histed**, production manager. **Julie Eccles**, production secretary. **Scott Collins**, artist. **Charles Speidel**, graphic designer. **Kenn Perkins**, producer/director. **Trevor Odgers**, producer/cinematographer. **Christina L. McCaughey**, producer. **Jonathan Kacki**, editor. **Ian Elkin**, cinematographer.

on all of Canada - to quote Applebaum again: "It is impossible to imagine the history of filmmaking in Canada without the initial, nurturing presence of the NFB" (p. 257).

Our support goes beyond the need for money and beyond the regional office. Montreal production headquarters has been central to the success of the regional experiment. First of all, it was a headquarters decision to establish the regions in the form they now exist - proof that not all vision has disappeared from the NFB. Second, Montreal has provided invaluable opportunities for us to work with some of the most accomplished filmmakers in Canada, and to call upon their resources to augment our own. The filmmakers at headquarters are one of this industry's most valuable resources, in spite of the current problems of their organization. Without a strong central production facility, the regional experience would be narrow and truncated.

It is not surprising that A-H missed this point in its discussion of the NFB. It is consistent with their failure to deal anywhere with regional film production, and by implication to discount it as irrelevant. It is not enough for them to say that we didn't come out to address their hearings - people rarely prepare briefs on those things they consider progressive and relatively satisfying, at least not until those things are threatened. The information was available if they had wanted to see it. We suspect that their film advisors suffered from the selective myopia that is the chronic disease of central Canada - you see what you want to see.

To reduce the NFB to an academic institution where useful production of films is not the prime mover is a silly, unimaginative suggestion. A teaching institution, a nurturing body, yes, but one in which the teachers are actively engaged in production. The best teaching institutions are those where teaching is done by, or at least led by active producers - English departments with writers, art departments with artists, physics departments with research physicists, film schools with active filmmakers.

Changes must be made in the NFB but they must be made in the role of its film production, not by the elimination of it.

The NFB is the only national film-producing institution which has an internal structure that relates well and easily to its regional responsibilities. It is not in conflict with the general running of the NFB to have strong, independent

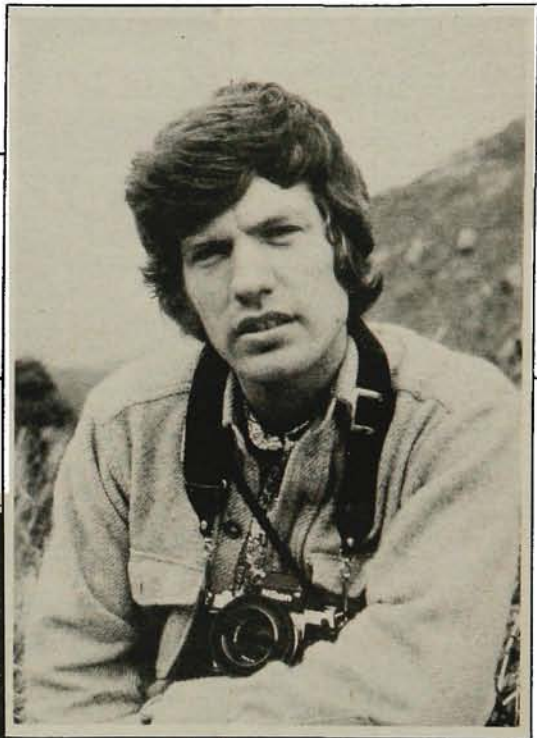


● Filmmaker on wheels Richard Condie going off to shoot

INTERVIEW

Peter Raymont : voyeur of the power structure

by Peter Pearson



● Flora MacDonald presses the flesh in Raymont's candid look at a leadership convention

photo: National Film Board of Canada

On his 33rd birthday, Peter Raymont sat down to talk. For the past ten years, he has been producing a series of documentaries which together represent a significant contribution, and considerable work.

His ancestry shows throughout his films: a National Film Board seriousness, almost dogged in places, critical and yet dispassionate, more given to content than style. Peter Raymont is like Peter Raymont films.

Small wonder. Most of his important work has been done either in, or in association with the Film Board. Stylistically, one sees the influences of Tom Daly, Donald Brittain, Mike Rubbo all through his work. And yet, Peter Raymont is already distancing himself from his mentors.

His cameras have found their way behind closed doors. Flora, Scenes from a Leadership Convention, watches Ms. MacDonald aspiring for the Tory

leadership in 1976. The Art of the Possible looks at Bill Davis and his cabinet. Two of Raymont's most impressive films were shot in the Arctic. Magic in the Sky, a marvellous exposure of the hypocrisy of Canadian communications policies, and Arctic Spirits, on the whimsy of fundamentalism, fire and brimstone imposed upon the Inuit.

Magic in the Sky has been sold to ITV in Britain, as well as to German and Swedish television. The film has been nominated for an award in the communications category at the American Film Festival.

Two of Raymont's films have recently been aired on CBC: Falasha the story of the Black Jews of Ethiopia, and Prisoners of Debt: Inside the Global Banking Crisis, reviewed in this issue of Cinema Canada.

On occasion ebullient, more often thoughtful, for the first time Peter Raymont looked back on the past ten years.

Peter Pearson: What is this fascination of yours with other worlds? You've just finished doing a film in Ethiopia on the Black Jews, you now want to go to Sri Lanka, to see how television affects people in other countries. Is it hard to make films about Canadian subjects?

Peter Raymont: Well, I made a film about the impact of television on the Inuit, and their struggle to create their own indigenous television network. I think it's a fairly good film, but that one of the problems with it, in terms of showing it in Canada, is that it is about Canadians. Maybe one has to be more exotic in making that sort of a statement, I don't know.

Peter Pearson: What do you think Magic In The Sky is about? Don't tell us what it's about, tell us what you think it's about.

Peter Raymont: Well, to use a '60s term, it's about cultural imperialism, and how powerful ideas are when transmitted like that. We are all Inuit or something. But a lot of people don't seem to get that

point. So I'm trying to see if I can make another type of film, which more directly deals with that issue: the issue of how television changes people. Sri Lanka's just getting involved in television, they're experimenting with television, and training the people to work with television.

Peter Pearson: All of your films have been made or directed towards television. Do you have any instinct to work for anything other than television?

Peter Raymont: I was so disappointed when the first film I directed at the Film Board didn't get on television. And everyone said to me, 'Oh, don't worry about it. Television, that's just something else. That's just a delivery system or something, and you shouldn't worry about it, whether or not your films are seen.' I mean, God, I couldn't understand that.

Canadian director Peter Pearson is visiting professor at Queen's University Film Studies.

INTERVIEW

It's clear that what you have to do is set up co-productions right from the start, or pre-sales right from the start. That now is a Film Board policy, did you know that? They've now set a policy that any hour-long documentary they make has to be a co-production with the CBC, with guaranteed air dates.

Peter Pearson: As a filmmaker with the National Film Board background, it's interesting that you make films that are concerned with, obsessed with, preoccupied with television. It appears in all three of your major political films, *Magic In The Sky*, *Flora*, *Art Of The Possible*. You don't really reveal the presence but clearly there's a television camera in all those rooms.

Peter Rayment: Television's so important to everyone's life in North America. Because I've never really worked in television, inside the television business, I'm still fascinated with how it works, how it affects people. I just shot a drama, a Film Board drama workshop... and in the corner of the room there's a television set going (laughs) between these two actors. I have a love-hate relationship with television. Or something like that.

Peter Pearson: Do you have any sense of television's impact on the formation of Canada as a society? Or let me change the question to the impact of television on the Inuit.

Peter Rayment: That was the point of that film, really. It's a metaphor... the extraordinary introduction of television into the Canadian north, the launch of the Anik satellite, and all that before the Inuit people or anyone up north is ready for television, or understands television, or is capable of producing their own television. It's just a one-way street. It's a metaphor for what's happened to Canada, with America sitting next door, and what's happened to countries all over the world. To suddenly get fed this machine, *Dallas*, *The Edge Of Night*. I hoped that, by making a film in the north, not only would the film be useful to the Inuit people in their own self-examination, in their own struggle to hang on to that culture and that language, but that it would also help Canadian people to understand how dangerous and enormous the American television machine is, and how much it has affected Canada.

Peter Pearson: When it was shown on television, what was the reaction?

Peter Rayment: Well, it hasn't been shown on television. It's been shown in the Canadian north on television. But not in the Canadian south.

Peter Pearson: Why not?

Peter Rayment: Because CBC won't buy it. Or won't air it. They have very few hours available, and it's not considered by the programming people at CBC to be an issue of great national concern. For the most part, people who have screened it at the CBC, see it as a film about the concerns of the Inuit people with their own television production problems. It tries to be much more than that. A lot of independent filmmakers have great trouble getting their films on the CBC. Not just *Magic In The Sky*.

Peter Pearson: One of the things that *Magic In The Sky* does, and which appears in all your other films, is that you deal with the shamans of society. The *Magic Men* who basically bring us



● Doing what comes naturally: Bill Mulholland in *Prisoners of Debt*

the message of goodness. Of a better world. It doesn't matter whether it's Francis Fox descending out of his aeroplane to bring the Eskimos television, Bill Davis descending out of his cabinet to bring us good news of cabinet decisions, Flora MacDonald descending to offer herself up graciously to the leadership of this country, or the fundamentalist preacher offering his message of God into these little villages in the north. Is that all whim?

Peter Rayment: I'd never thought of that before, actually... *Magic Men*, study of magic men. They all have a pitch, or an act. Yeah. They're all fascinating characters, that's for sure. There's a new one now. Bill Mulholland, the chairman of the Bank of Montreal. He's the star of a film called *Prisoners Of Debt*.

Peter Pearson: And he feels that salvation is earnest, Presbyterian capitalism?

Peter Rayment: That's right. Banks are very powerful... For myself, I've always thought more of trying to examine who has power and why. And how they use it. That's how I've always sort of perceived it. When you have guys like that, you need to have some sort of an analysis of them. Some sort of an investigation of what they're doing and who they are.

Peter Pearson: Why are they doing it?

Peter Rayment: I guess they get off on it. It's an extraordinary ego gratification process. None of them make a great deal of money. The politicians or the preachers.

Peter Pearson: *Flora*, for example. Why does she do it?

Peter Rayment: She loves it. It's her life. It's her whole life. People love her, you know. People respect her. People know her. There's something very exciting about it, something very magnetic about their life, the life of any politician, I suppose. To be recognized. That's what they need.

Peter Pearson: I have this theory that the only reason why we make documentaries in this country is because John Grierson moved the Presbyterian pulpit out of the church and into the National Film Board of Canada. That would make you a Presbyterian preacher going around and looking at other Presbyterian preachers and commenting on their preaching in terms of your own preaching.

Peter Rayment: What was Grierson preaching? What was his message?

Peter Pearson: Get the working man on the screen...

Peter Rayment: I once co-directed and edited a film called *The Working Class On Film*, which was one of Grierson's philosophies of filmmaking. He also felt that film was a great educational tool...

Peter Pearson: The word he used was propaganda, and it's kind of interesting that in this day and age the Americans accuse the Film Board of making propaganda when that was Grierson's highest aspiration: to make propaganda.

Peter Rayment: That's right. And John Roberts denies that the films are propaganda. Of course they are propaganda, very good propaganda. Films for a cause. That was the second film in the series we were making, Susan Scouten and I, a series of films about Grierson's ideas and ideals. The second one was *Propaganda*, for which we already had a cutting copy, but the film never got finished.

It was part of a thesis Susan was doing at McGill on Grierson, and somehow the films disintegrated, and the money dried up. And the films never got finished. The first film, *The Working Class On Film* won first prize at the American Film Festival. We never got to make the rest.

Peter Pearson: Let's get back to this idea of the preacher. How much of a preacher are you?

Peter Rayment: I don't think of myself as much of a preacher.

Peter Pearson: You're fairly moralistic concerning Bill Prankard in *Flora*.

Peter Rayment: He liked the film. Most of these people in these films like them. I find it strange. *Flora* didn't like the film at all. But most of the others end up liking the films they're in. I think people read into films what they want to read into films. They see in it what they were looking for.

Peter Pearson: Fairly preachy in *Magic In The Sky*.

Peter Rayment: Yeah, yeah, well I have a great... I really love the north, and I spent a lot of time with the Inuit people, and when you see something like that happen, that sort of injustice, or whatever it is, you gotta do something about it.

Peter Pearson: How much do you want to make films, and how much do you want to preach?

Peter Rayment: (laughs) Well, films are a good way to talk to people. I mean you reach so many people at once. And you can do it in a beautiful way. You don't have to stand up there and preach. You can do it more gently. And probably in the long run more effectively.

Peter Pearson: Can you do it more effectively with documentary than with any other form?

Peter Rayment: I don't know. I haven't tried to experiment with dramatic filmmaking, just trying to learn that whole craft and skill. I'm in the Film Board workshop and I'm hoping to make some dramatic films in the next little while. Take a film like *The China Syndrome*, or *Missing*: great films that a documentary could never do as well, never reach as many people emotionally. A lot of people just won't watch a documentary because they know it's a documentary. They won't even give it a chance.

Peter Pearson: Why is that?

Peter Rayment: They'll watch the *Winds of War*, which was dreadful, I thought, before they'll watch any documentary. The best documentary you could possibly make in the world won't reach a tenth of the audience that a mediocre drama would. People have this thing about documentaries, and they think that they're not going to be entertained; they think that it's going to be boring. So they just won't even give it a chance.

Peter Pearson: It's interesting that you in fact still cling on to that notion of issues when you want to tell stories. In other words, is there not a level within the Peter Rayment consciousness where you just want to tell stories, where you want to engage the world for the story's sake, without any sense of it being an *Aesop Fable* or a little morality piece?

Peter Rayment: That's what filmmaking is, it's storytelling, all types of filmmaking. The best filmmaking is telling a story, whether you're doing it in a documentary or whether you're doing it in a dramatic form. You're telling a story. People only watch it if it's a good story, well told.

Peter Pearson: Then let's go back to the documentary. What do you do when you have the best elements of the story not on camera?

Peter Rayment: That's the great challenge of the documentary. Especially when you're making a film about politics or banking or something like that. You

Photo: National Film Board of Canada

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just can't be there all the time. Or they won't let you in. So you have to find other ways of weaving it in.

Peter Pearson: For instance?

Peter Raymont: You tell it with a shot, that isn't actually the shot. And you make it into another shot. Or you use sounds or voice-overs, narration. The writing in a documentary is very important — in the type of documentaries I make anyway.

Peter Pearson: Do you do all your own writing?

Peter Raymont: I have. The banking film was written primarily by Bob Collison. That was a great collaboration. He's a magazine writer, primarily, who's written a lot of business things, for Canadian Business and Saturday Night (he's a Saturday Night editor). And that was great for me to work with him, writing the narration and structuring the film. But before that, I'd written all my own narrations.

Peter Pearson: Let me backtrack a bit and throw an hypothesis at you that one of the reasons that audiences do not naturally come to the documentary is that they feel they're being had, with all of those elements of technique you just mentioned. Does that pose any kind of problem for you?

Peter Raymont: I'm not sure that's true. In fact, they're being had more when it's all acted out, when it's dramatized. That's always the battle, isn't it, within the documentarist who's starting to make dramatic films. That's always the conflict. How close do you get to the truth, the emotional truth? Can you get to it better through a documentary or through a drama? It's hard to know. In really trying to get inside power centres, and understand how they work — you know we were the first to get a film crew inside a cabinet meeting, the first to get inside the boardrooms of a bank, or the first to get inside the inner-working machinations of a leadership campaign — but you're still not really there, you can't be there — you can't be shooting all the time, and you can't always get those crucial moments when decisions are made. And so there are times when you just feel you've reached the limits, making that type of documentary. And you've got to start trying to do it in other ways.

Peter Pearson: There's two basic patterns of documentary that developed with *cinéma vérité*: one, which was the fly-on-the-wall technique that Pennebaker and Drew developed; the other was here-I-am-in-the-middle-of-the-movies, the style of Jean Rouch, the French documentarist, and the kind of stuff that Mike Rubbo now does. Do you feel yourself pulled towards one direction or the other? Who are your masters, by the way?

Peter Raymont: I've been the fly-on-the-wall through all those films that you've seen. As much as possible unobtrusive; you know, wear a suit, or a parka, try to sneak around. Pennebaker and Wiseman are the guys I really respect.

Peter Pearson: How about Brittain?

Peter Raymont: And Donald Brittain, sure, he's great. A lot to learn from him. I think he tends to overwrite, and sort of, overmanipulate the material. I often wish in a Brittain film that I could hear more of what is actually happening, what is actually coming from the people

on the screen. But I wouldn't want to criticize Donald Brittain. In the Ethiopian film (*Falasha*), there's a lot more first person, and you hear the filmmaker, you hear me talking about our struggle to make the film, and you even hear me arguing with people, with our Ethiopian government guide who was giving us a hard time. So there's a lot more first-person-feeling in that film. And when you narrate your own films, you get the first-person back into them in a way.

Peter Pearson: Does the audience know it's your voice?

Peter Raymont: No, probably not.

Peter Pearson: These questions about documentary style, are they intellectual questions for you?

Peter Raymont: They are. I don't think about that sort of thing, about the style of the filmmaking. I just go and make the film. Although I'm always pushing the cameraman to walk, to move, and that becomes a sort of a style when you see it and when you edit it. I mean so many of these films I've made in the last few years have been shot in offices and in boardrooms and in meetings. Pretty tedious situations, if you don't move. So if you walk down this corridor into this room, and kneel down on the floor and get a shot, I think people would be much more engaged in this sequence in the film, than if we just turned the camera on, a two-shot of us sitting here...

Peter Pearson: But, don't you think that those style questions are absolutely central to what the content turns out to be?

Peter Raymont: When I'm making a film, I just find that those sorts of moments — decision-moments — come inspirationally, naturally. You just feel happy, we've got to do it this way. It feels right.

Peter Pearson: Let me push you in another area. Do you have any sense of being in a documentary tradition in this country? What's the documentary that impressed you the most?

Peter Raymont: *Under The Volcano* was a great, great film that stretches the whole documentary tradition to another dimension. There's a film that Brittain made in the early days, called *Fields Of Sacrifice*, which was going to be this awful film made for the War Graves Commission. A sponsored film. He made it into a piece of poetry, just a gorgeous film.

Peter Pearson: Brittain's formula, you know, is two-parts realism to one-part poetry. Do you have any sense of having to insert poetry into your stuff?

Peter Raymont: No, I don't think of myself as a poet at all, I think of myself more as a journalist than a poet. The poetry is maybe in the lighting, or the sound editing, something like that. I don't think of myself as a poet, really. My main craft is editing. That's what I really love. What the Film Board really gave me was the opportunity to experiment with editing. I'd sit for nights and hours and just try every possible way of cutting two shots together, to discover what worked and what didn't work on my own. That was a great opportunity. You couldn't do that anywhere else. Then after a while, you get very fast at it. Because you know, you can do a hell of a lot in a documentary with editing.

Peter Pearson: Have you ever been

struck by a desire to do some of the bigger subjects? For example, nuclear annihilation or pollution of the planet? The subjects that turn the continent into insomniacs?

Peter Raymont: Those subjects scare a lot of people off too because they are so huge. And you wonder, 'God, how can I possibly make a film about that? It's so enormous.' But if you narrow it down, there's a film I'm helping get made on the cruise missile, which is something very specific that you can get a handle on, and the film has to be made very quickly in the next few months, and that's obviously about the nuclear holocaust. But it's something immediate that we can deal with, and do something

the other. Would it not be a shame that if *The Journal* is the system in this world, that Donald Brittain's films look like Peter Raymont's films that look like John Grierson's *Canada Carries On* series?

Peter Raymont: It's unfortunate there can't be at least one night a month, or one night a week, that's what it should be, for documentary film. And everyone would know that Friday night at nine o'clock, or whatever it is, that they're going to see...

Peter Pearson: But they're running a documentary every night of the week... on *The Journal*...

Peter Raymont: But they are, as you



● A film first for Raymont: getting inside Bill Davis' cabinet

about. I may also make a film for Amnesty International, which is another of those enormous causes. To do something specific, that's the only way to deal with those massive causes: boil them down to, 'Ok, what can be done?'

Peter Pearson: What's your reaction to something like *The Journal*, which seems to have taken over every square inch of air-time?

Peter Raymont: No more documentaries...

Peter Pearson: Not only that, but no more variation and style of documentaries. They're turning out those 12-minute documentaries every night, but one would be very hard pressed to know the difference between one and

say, of a certain style, and they're 10 minutes long, or 15 minutes long, sometimes longer... there are some very good Film Board films that have never been seen by Canadians because this huge chunk of air time has disappeared. That's what they should do on CBC, they should just say that every Friday night, at nine o'clock, you're going to see something different...

Peter Pearson: And what would that replace?

Peter Raymont: I don't know.

Peter Pearson: I do. Dallas.

Peter Raymont: Is that the hour I picked? Well, that's the dilemma. There's got to be some more time for documentaries. There are just no documentaries

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left anymore. I think the CBC Current Affairs people produce six one-hour documentaries a year. And there are some very good Film Board documentaries and a helluva lot of independently made documentaries that are never seen.

Peter Pearson: Are you involved in any of the fights for a film industry? In any fights about the CRT, the Directors' Guild? Are you interested or not?

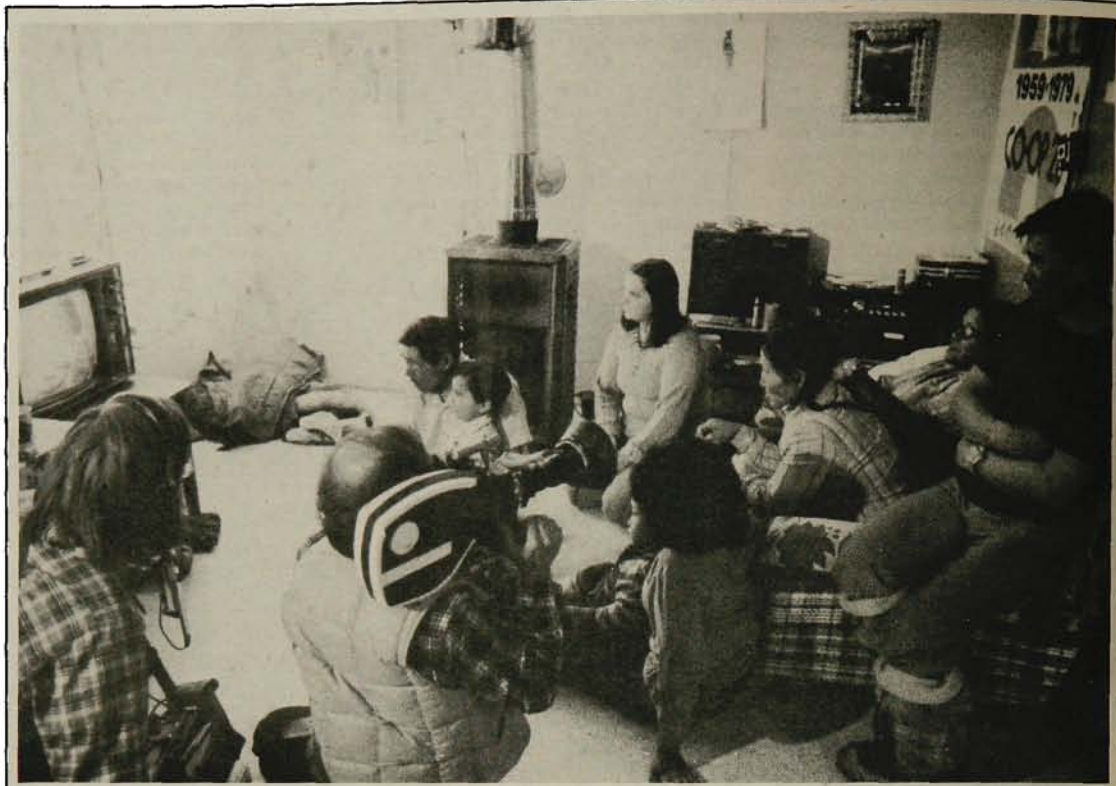
Peter Raymont: I suppose I should be. I feel that I should be, sometimes. But there seem to be a lot of people working on those committees for those causes. And I get very worked up concentrating on my films. It's hard to go to meetings. But I suppose I should, from time to time and get involved in those causes.

Peter Pearson: What kind of a career do you see for yourself? Obviously, having worked fairly industriously... how many films have you made?

Peter Raymont: I think I've made or directed 16 films. I feel much better about myself now than I did four or five years ago, when I left the Film Board in Montreal. I was never on staff at the Film Board, but I was working fulltime at the Film Board. For eight years, seven years in Montreal. And then I left and moved to Toronto. I felt I had to get out of the Film Board, get away from that building, that whole institution, which was starting really to stifle me. So I started making films independently in Toronto and got much more involved with the CBC and television than one could be in Montreal.

You either become much more of a TV journalist and get more into a style of documentary filmmaking cut for television, or you get more into drama and you learn that whole craft and skill. The middle ground isn't there anymore.

I keep trying to make those types of films in the middle ground, the documentary in the Grierson style of documentary filmmaking. But increasingly there's less room for that. There's less money for that. So I've got to really decide whether I'm going to direct myself much more into the television style. The reality is how do you raise the \$100,000 you need to make a one-hour



● An Inuit family watching its favorite TV program, "The Edge of Night", in a scene from the shooting of *Magic In The Sky*

documentary in Canada these days? Christ, that's the problem for a filmmaker in making the films he wants to make. How do you do it independently? How do you do it, through the Film Board-CBC co-production-pay-TV? Whatever you can do. Raise money independently. How do you do it? That's the great struggle. Because if you can't do that, no matter what great ideas you have and how much talent you may have as a filmmaker or causes you wish to plug or espouse, you can't do it if you can't raise the money. And you've got to do that on your own, it seems. So you've got to get together with other people who are good at raising the money.

Peter Pearson: I would like to know whether you see any connection between your total disinterest in the cultural politics of the Directors' Guild and ACTRA etcetera, and where all the policy initiatives came from that have allowed you to survive so far?

Peter Raymont: I suppose I should be more interested in those things. But you seem to be doing such a great job on it that you don't need Raymont coming to your meetings.

Peter Pearson: Well, you see, you raise a question that is obviously very provocative. Which is that it's extremely hard to finance films in this country. Why do you think it's so hard to finance films?

Peter Raymont: The money isn't there. Why isn't the money there?

Peter Pearson: Why isn't the money there? Why do most Canadian filmmakers have the political sophistication of Joe Clark?

Peter Raymont: Traditionally we've been babied along. Getting out there and hustling, raising the money on our own, putting together the budgets, putting together those co-production deals has not been a skill that people have picked up. The only way to pick it up is by doing it. And there aren't that many

people doing it. Certainly you don't learn about that at Queen's Film Department studies or working inside the National Film Board or the CBC.

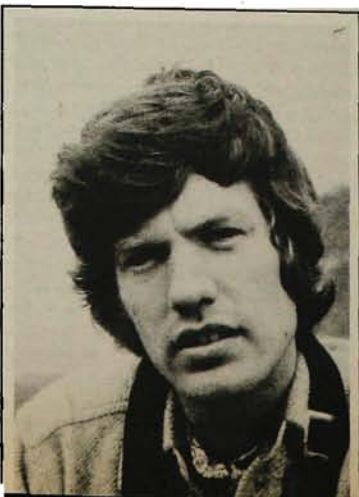
Peter Pearson: But the initiative to create within the CBC a department for Independent Production, where do you think that initiative came from?

Peter Raymont: Peter Pearson struggling away inside the department of Communications.

Peter Pearson: Not Peter Pearson.

Peter Raymont: No, that's great that that happened. And it's only because of that that a lot of these things are going to continue to be made. And that's true. I suppose I should get more involved in the politics of filmmaking.

Peter Pearson: The question that's more intriguing is: Here you are, somebody that deals, in films, with issues that deal with direct or indirect political issues. You have more than passing knowledge of how the political process works, and yet within your own life, you don't seem to have much interest in the political process, per se, as it affects your own survival, existence, future, and so on?



Peter Raymont: I'm more a voyeur of politics than I am an active participant in it. I guess that's kind of lazy. I'm more an anthropologist of politics than I am a doer.

Peter Pearson: I think it goes with the disease of being a one-eyed peerer through cameras.

Peter Raymont: Yeah, what disease is that?

Peter Pearson: The sense of being a voyeur.

Peter Raymont: The fly-on-the-wall where you only really say what you want to say when you've edited the film. Actually, I get very frustrated because I'll finish a film, and I'll show it to people, and then I'll sit like this, and be interviewed about the film on radio or television or something, or I'll write an article about it and I'll say a lot more passionately what I feel about the subject than I said in the film that I made. Pretty stupid, eh? That's kind of a self-censorship that comes from that political passivity that you're talking about, I guess.

Peter Pearson: Here you are, a guy with significant talent, unaware that maybe your political passivity may lead to the same kind of self-annihilation that happens when the Edge Of Night is imposed upon the Inuit, for want of a better metaphor.

Peter Raymont: That's a good metaphor. So what do you want me to do?

You know it's funny, because I've been really busy making these films in the last few years, and I hear about meetings taking place and organizations forming around causes for more independent production. Those things seem to be happening, and I just keep making the films. You know, in this type of independent filmmaking, you have to keep making films. You have to start researching three others while you're editing the last one. Or you die.

Filmography One-hour documentaries directed by Peter Raymont

Prisoners of Debt - Inside the Global Banking Crisis co-p. NFB-CBC; 57 min.; 1982-83

Falasha : Inside the Politics of Agony p. Matara Film Productions; 2 x 27 min.; 1982-83

Magic in the Sky co-p. Investigative Productions-NFB; 57 min.; 1981

History on the Run - The Media & the '79 Election p. Investigative Productions; 57 min.; 1979

The Art of the Possible p. NFB; 57 min.; 1978

Flora : Scenes from a Leadership Convention p. NFB; 57 min.; 1976

Mission imponderable

The uncertain first months of Canadian pay-TV

by Lucie Hall

Billed as Canada's last chance to establish a viable production industry, Canadian pay television was launched on Feb. 1, 1983. Never in the history of Canadian broadcasting ventures has so much money, so many hours of work and so many careers rested on so many imponderables.

Until the end of May, the pay-TV operators have been functioning in a vacuum — they don't really know who their subscribers are or what kind of shows they want. The U.S. pay experience — largely seen as the model for Canadian play — has shown that subscriber "churn" begins to appear at the end of the first three months. This means that unhappy subscribers tend to move to other channels after a three-month trial period.

So all the pay services are holding their collective breaths until the end of May subscription figures reveal how the churn factor has affected them. In the meantime, subscriptions are reportedly double the projections, with the exception of C Channel. The churn factor could be so significant that some pay operators could be out of business by summer's end.

However, although independent producers would like nothing more than a wild success for Canadian pay-TV, there is no simple, easy way to read what is happening in the pay industry at this time. Each producer tells a different story, and their individual experiences vary greatly.

As pay operators become more acquainted with their audiences, programming requirements will change. It

could take up to a year before any kind of accurate subscriber reaction can be properly assessed.

Despite the excitement — and concern — that Canadian pay's launching has so far occasioned, additional clouds of uncertainty linger on the horizon. On the one hand, some producers fear the Canadian Radio-Television and Telecommunications Commission review of Canadian content criteria could, in tightening the definition of Canadian content take away future production opportunities in this country by limiting co-productions, notably those with experienced American producers who have a 10-year head-start in dealing with U.S. pay-cable. On the other hand, the department of Communications' broadcasting strategy with its "open sky" philosophy permitting U.S. satellite transmissions via cable into Canadian homes, will further increase the competition for viewers.

The recently-created Canadian Broadcast Program Development Fund, administered by the Canadian Film Development Corporation to fund the production of shows for free TV, is perceived with mixed feelings by the pay-TV industry. The federal regulatory context, having opted for the creation of a "marketplace" model of pay-TV for this country, has also substantially contributed to making competition in that marketplace as tough as possible.

These overriding uncertainties — in policy, broadcast environment and market — constitute the sizeable challenge being faced today by Canadian pay-TV. The next three months will no doubt prove decisive.

The regulatory context

DOUGLAS BARRETT

Toronto lawyer
Tilley, Carson and Findlay

Barrett articulated with the Canadian Radio-television and Telecommunications Commission (CRTC) before beginning private practice six years ago. He has been involved in media-related issues ever since. He acted for Télécanada, an applicant for a pay-TV license. Recently there have been rumors that the successful pay-TV applicants have been undermining the CRTC's theoretical objectives regarding Canadian content. Barrett was retained by the Canadian Conference of the Arts, a federal lobbying organization for the arts, to see whether or not there was any substance to these rumors. Barrett began his study by interviewing a number of Canadian producers who have had dealings with the pay-TV licensees. He has now completed his study and is in the process of writing a report which will soon be submitted to the Canadian Conference of the Arts.

"My first concern is this whole question of scaffolding. To understand what scaffolding is and why it arises I must first mention that the CRTC decision and condition of license for the pay television licensees says that they must spend 45% of their subscription revenues in the investment in or the acquisition of Canadian programming. That means if they earn a million dollars in subscription revenues then they must spend \$450,000 on Cana-

dian productions. Now scaffolding is a word used to describe ways that a pay-TV licensee could structure its transactions so as to claim that it spent more for Canadian productions than it in fact paid.

"There are at least three different kinds of scaffolding. In the first kind of scaffolding an independent producer goes to a pay operator with a show that he has already pre-sold to a foreign exhibitor. Let's say that Home Box Office has agreed to spend \$300,000 for that producer's show in a pre-sale. And let's also say that the Canadian pay operator wants to license the same show for \$200,000. What happens next is that the Canadian pay operator says, 'We want you to roll that HBO pre-sale through us.' The \$300,000 HBO pre-sale is then paid to the Canadian pay operator who in turn pays \$500,000 to the Canadian producer. The pay operator's intent is to claim that it spent \$500,000 on Canadian production when in fact it has only spent \$200,000 from its subscriber revenues.

"The second kind of scaffolding occurs where the pay operator itself arranges the pre-sale to HBO on behalf of the Canadian producer. Again, the HBO pre-sale is paid to the pay operator and then paid over to the producer along with the pay operator's pre-sale. Once again, the intent is to claim the entire amount as money spent on Canadian production and not just the funds received from subscriber revenues.

Lucie Hall is an independent television producer working out of Toronto.

"Now, the third kind of scaffolding is more complex. What happens is that in certain cases the pay operator will ask independent producers for world rights to their property in perpetuity. That means that if the producer wishes to sell the program to the U.K., the U.K. must pay the money to the pay operator and if in ten years it is sold in Zambia, Zambia must pay the money to the pay operator. And then the pay operator takes all the monies from all territories and pays it to the Canadian independent producer less 5% or whatever is the administration fee. Now, a lot of people are confused as to why all these steps are taken. The only thing that I can think of is that the pay operator who has proposed them hopes that it will be able to claim all the monies received from foreign territories and paid over to the producers as expenditures on Canadian programming. If this works it means that 95% of world revenues for Canadian shows could be claimed by a pay operator as money spent on Canadian programming.

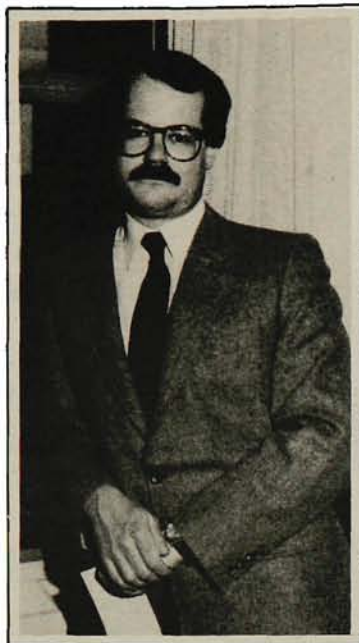
"Don MacPherson of First Choice has referred to these contractual arrangements as simple 'accounting practices.' He has also said that there is nothing wrong with these practices as such. Until the CRTC reviews the practices and determines what is in fact a proper Canadian program expenditure, he is absolutely correct. We are simply looking at these arrangements and presuming that the intent is to claim the scaffolded amounts as a Canadian expenditure. Recently, First Choice has made statements to the effect that it does not intend to claim scaffolded money as money spent for Canadian production and there seems to be an assumption that scaffolding will fade away. This misses the point. Scaffolding is a problem because the CRTC's pay decision can be interpreted in a way which might actually permit it to occur. In addition to potential legal questions of interpretation, scaffolding is very complex and until the whole area is fully understood by all parties, including the CRTC, it is simply not enough to brush off the whole issue based on informal reports that the practice is being stopped. It is still possible that some form of scaffolding may yet be claimed by First Choice or by any of the other pay operators as Canadian program expenditures.

"Nobody will know what Canadian program expenditure claims will be made by the pay operators until their financial and program reports are reviewed by the CRTC. To further complicate matters there is as yet no mechanism set in place by the CRTC to review the programming arrangements of any of the pay-TV licensees. And there is no precedent for the commission to require broadcasters or pay-TV licensees to make their financial statements public. As a result it is possible we may not know until the time of license renewal in 1987 whether the commission will allow any form of scaffolding as a Canadian content expenditure.

"What I hope is that once some of this information pertaining to scaffolding goes on the record, there will be a public and regulatory debate which will eventually resolve the whole scaffolding question. I hope that ultimately scaffolding will be viewed as an early and flawed attempt at reading the pay-TV decision in such a way that it didn't really mean what everybody thought it meant. I think that the licensees will all toe the line at the right moment.

"But the key issue, the big issue, the one that is not going to go away and the

photos: Lucie Hall



one that is absolutely critical, is the definition of what qualifies as Canadian programming. At the present time there are two sets of regulations on Canadian content. The department of Communications has one set of regulations and the CRTC has its own. Both sets of regulations have been accepted by the CRTC in its pay-TV decision.

"The department of Communications regulations are found in the Income Tax Act. The DOC administers the Income Tax Act criteria for Canadian content and issues a certificate based on a point system. Further, the DOC recognizes film co-productions arranged with countries with which Canada has co-production treaties: U.K., France, Italy, Germany and Israel. Canada has no co-production treaty with the U.S. (nor does the U.S. have any co-production treaty with any foreign country).

"The CRTC has never become involved with the DOC certification system because until recently most TV shows were produced and fully financed by licensed Canadian broadcasters and did not involve the need for any tax shelters for equity investors. In the circumstances, the CRTC felt a simpler and less specific certification system was more appropriate. Generally, in order for a show to be classified as Canadian content by the CRTC it simply had to be 100% Canadian. Once a show qualifies as 'all-Canadian' it receives a Canadian content number from the CRTC.

"Now, what is happening in pay-TV is that independent producers are applying to get Canadian content numbers from the CRTC for 'co-production' with other countries, particularly the United States. Their programs are financed mostly by pre-sales and much of the pre-sale revenue comes from other countries, particularly the United States. Unlike the DOC, the CRTC open-endedly recognizes a co-production with anybody in the world, the United States included, so a lot of these deals are being structured as co-productions. In order to show that a production qualifies as a suitable co-production for the CRTC, the applicant need only show, and remember it is the independent producer who is applying because the pay-TV licensee makes sure that the independent producer warrants that he has obtained Canadian content status, the producer who is applying simply has to show that he's got a so-

called co-production arrangement between two producers and that 50% of the funds are going to be spent in Canada. There's no requirement that the main producer be Canadian and there isn't a point system. There is however the requirement that Canadians have a 'significant artistic involvement' but there is no definition of what 'significant artistic involvement' means but it certainly does not mean creative control. There is also no audit system to figure out whether what is being told is true. In effect, the system has no regulations at all!

"Now, the CRTC recognizes the problem and steps are being taken to rethink the process. Recently it announced that it is going to hold a workshop and that it is proposing a white paper on a new Canadian content definition which will be based on a point system similar to the DOC's. There's a time delay involved and a lot of issues will be hard fought between now and then. At the present time there is a substantial amount of Canadian programming being produced where foreign production companies and foreign producers come into Canada with scripts in hand, use Canadian facilities and actors and make arrangements to hire a Canadian producer in a line-supervision position or in a production consulting position or a production management position. This is considered 'significant artistic involvement' but all the creative decisions are foreign and the script changes are phoned in from the States. And so far, all that qualifies as Canadian content by the CRTC.

"I maintain that the regulatory objectives of the CRTC are not being met. It is not really the licensee's fault because the licensee simply says to the independent producer, 'You show us your Canadian content number from the CRTC.' The fault is with the regulator itself. You look at the copyright in the *Romance* series, the *Loving Friends* and *Perfect Couples* series, *Something's Afoot*, *Shaft of Love* and others and what you will find in those video dramas is that the copyright is owned by American production companies. The effective Canadian participation or artistic involvement is, in my view, subject to substantial dispute for all of them. These are simply situations where American producers have come in and have found out that they can get

substantially more money from Canadian pay television if their programs qualify as 'Canadian' product. One of the things that the CRTC has got to make sure of in the new definition of Canadian content is that, if we are going to do Canadian productions, then they have to be genuinely Canadian. I don't mean necessarily Canadian in theme, but at least they must be originated by Canadians. And it also effectively means that there must be Canadian writers involved as the rule rather than as the exception.

"The debate over the co-production arrangements that the CRTC will allow in the future is going to be hot and heavy. A number of independents want to ensure that the co-production arrangements that the CRTC has okayed, specifically the co-production arrangements with American producers, will be maintained because they want to continue taking advantage of these arrangements. And the problem is, of course, that if the rules stay as they are, then producers and particularly foreign producers are going to be drawn to them because they are obviously less stringent than whatever the point system is with the DOC. If everybody is drawn to them, then the theoretical regulatory objectives of the CRTC will be completely undermined because there will be little or no truly Canadian programming on pay television.

"So we'll need to look at the whole question of co-productions and ask ourselves if we should allow for any kind of co-production agreements beyond what official co-production treaties for film already provide for, or if the standard Canadian content definition should be for right across the board. I think that in the next year we are going to have a massive debate inside the industry, because it really is an inside industry question, as to what Canadian content is. And I think that there are lots of interests that would like to make sure that there are in fact no restrictions on Canadian content, especially those interests which would like to see American-style programming and American-produced programming qualify as Canadian content. But - and this is a big but - there are also lots of other producers who'd genuinely like to make sure that the restrictions are reasonably stiff so that their own creative efforts will ultimately be protected."

The pay services

JOAN SCHAFER
vice-president,
director/programming
First Choice Canadian

Schafer began her 15-year career in TV by working with Hobel-Leiterman in the series, "Here Come the Seventies." From there she worked with CITY-TV and produced over 9,000 shows until she left to finance feature films. All along Schafer lobbied heavily on behalf of the independent producers and co-produced a film with CFTA called A Case for the Independents.

"The most difficult thing for me as a programmer is that I don't have any subscriber feedback yet. I need to function with feedback from the people who are viewing the service and I don't have that right now. We don't know who they

are and what age they are and we don't know what they are like. I'm operating in a vacuum. It's a period that I knew I would go through, for a year probably. The other side of that is that there is incredible freedom. I go on my gut reaction.

"I've had nearly 1,000 proposals submitted to me since First Choice opened for business. My appointment book looks like a dentist's. At the moment I have 45 productions in process. The successful ones all have their acts together. They know what their budgets are. They've done their casting. They have good concepts, solidly formulated and in place. I have the confidence that they will not run over budget and that their shows will not require me shutting down the productions at any time.

"It does happen however that there are people who have the best product in the world and we even want to buy it,



the core companies can do the American sale for the first-time independent or the second-time independent and actually leave that producer-director free to do the product as opposed to having to sell it and interim-finance it. The nurturing, in fact, is carried on somebody else's shoulders. I'm very happy about that. And I also like that I can make five or six deals at one time with these core companies. That's much more interesting because if one movie fails and one succeeds then that's a pretty good ratio. So the rise of the core companies, the Canadian core companies, makes me very happy as well as the return of the expatriates. I get lots of calls from Los Angeles asking me 'Should I come up?' and I say 'Yeah, absolutely. But you are going to have to take your chances like everybody else!'

"It's my goal to establish a good economic base for independent producers in Canada because it wasn't there when I was making features and needed it. Jon Slan of Superchannel and I talk about this a lot. Before pay-TV both Slan and I were producers, although he was a feature film producer mostly and I was mostly involved with television product. And we ask each other 'How do you like sitting behind the desk?' And it's tough because it's an arm's-length creative relationship that I have with the independents and that's hard. It's rough: 16 hours a day minimum. I never get home at night before 12. It's a long run. And it's not going to let up for a long, long time.

"I think that pay-TV is an international business. It has to be an international business. And now what's so wonderful is that the rest of the world is opening up a lot more. So producers are coming in and saying that 'Thames TV is interested in this. I have British partners. They'll go if you go.' And this is a chicken-and-egg game if I ever saw one. Everyone is going to go if everybody else goes and I say let's get everybody in the same room at one time and we'll all say 'go' together. France is keen to buy product. The white paper is coming down soon in Britain to clear the way for pay-TV in Britain. Australia has passed pay.

"So I'm very concerned about the CRTC's somewhat arbitrary and narrowly defined Canadian content. The tide now is to try and narrow it and that will hurt the industry incredibly. I mean, I'm trying to get Peking acrobats as Canadian content. It's been done by a Canadian producer, it's been shot by Canadians and everybody doing it was Canadian except the acrobats. And the CRTC is saying that this show is a cultural exchange with China. Well, give me Canadian acrobats and I'll do it! What am I supposed to do with that? This debate over Canadian content is really going to be hot and heavy and it is really going to hurt if it is too narrowly defined. People are upset that there are no Canadian writers being developed in the *Romance* series and *The Loving Friends and Perfect Couples* series that First Choice has licensed. Now if I go through all the production lists of movies and shows that I have licensed for First Choice, there are 26 million dollars in productions... and that does not include the two series of *Romance* and *Loving Friends and Perfect Couples*. That's 26 million dollars right here and they are all Canadian writers, right? Now do you think I can get the press to talk about that? Probably not. And that happens time and time again. I wish they would give me some support because we need it. The whole industry needs it.

JON SLAN
chairman and
executive vice-president
Superchannel, Ontario

A former university lecturer with a Ph.D. in literature, Slan began producing feature films in 1977. His most recent project was Threshold with Donald Sutherland. At present he is overseeing programming and production for the Superchannel network. He is also the second-largest shareholder of Ontario Superchannel.

"There are always people who think that we are not moving quickly enough but there are just tremendous numbers of people coming through our doors and we have limited funds available and, unfortunately, a lot of people are disappointed. I think that the production community has got to understand that, until March 15, we never received a single cheque from the cable companies. We didn't know until then who our subscribers were, or how many of them there were. It's only now that we are beginning to get a feeling for what they want.

"Lots of things come in here for which we have little interest. We have little interest in plays. We have less interest in plays probably than First Choice. We have very little interest in variety material. We have more interest in dramatic films and especially long-form dramatic films. I think that the key for what we are looking for is quality dramatic productions.

"We are also not too interested in spending money for development. Development is always high-risk and it becomes more so as you give it to less experienced hands. Let's say that I'm giving \$25,000 in faith to a producer in the hopes that a) they can develop a property that somebody is going to want to film and b) they can finance it, and c) they can manage the production, that's a really risky thing.

"As time goes on we will be developing other things with producers but for our first few months we were mainly interested in dealing with shelf material and projects in which we are not the sole investors. Home Box Office in the States, Antenne 2, the second network in France and Radio-Canada are all partners in the Héroux-Kemeny films we're interested in.

"Our schedule still needs refining. Our viewers are very vocal and let us know when they are not happy with something. They let us know quickly and directly. They are amazing. For example, we ran a movie called *Cheerleaders* at 11 o'clock on a Saturday night. I had come home from a dinner out and was saying my nightly good-night to Superchannel and looked at the movie and said 'Oh oh!' I had seen most movies but I am not familiar with the skin movies. And when I saw it, I knew we had made a mistake. And did our viewers ever call in and let us know that it should have been shown later at night. Others thought never.

"An area we wish to change is children's programming. We want to start in April and May various shows called 'Superchannel for Super Kids' every day from 6 to 9 a.m. It's an area that really takes time to find the quality stuff and ultimately I think we will probably have to have it produced. These are things which will evolve.

"We've decided to become the prime investor in a deal which would involve

more than 100 million dollars in film production over the next four years. We signed with producers Denis Héroux and John Kemeny of the Montreal-based International Cinema Corp. for the films *Louisiana, The Blood of Others*, and the Plouffe family sequel. These films have been in the works for years. These films have little in common other than they are all quality projects with well-written scripts by top writers and developed by what we think is a first-rate production company.

"The people in Ottawa are making it very difficult for us. It's already a tremendously competitive marketplace anyway and then they keep making it worse by allowing increases in satellite services and making huge funds available to other people and not to ourselves. They certainly aren't making our lives any easier.

"I think we are severely damaged by the new development fund set up by the CFDC and I'll tell you why. The conventional broadcasters are a must-participant in the fund and we are a may-participant. We may or may not participate. There's really very little way we have of accessing those funds even if we develop something and the producer goes to the fund. He then has to go to the free TV networks and get a network deal and they may or may not allow us a window. Also, they may have different requirements and different taste than us and they would really control the destiny of the product. Frankly, I don't see pay getting involved in that fund as it now stands.

"We are very pleased with how we are doing so far. We are ahead of our business plan. We thought that we would probably have 3% penetration by the end of February and we've got 4 1/4%. So we are doing substantially better than we thought. Obviously this is going to be an ongoing process and we can't sit and bask on one month's figures. Up to now there has been very little churn and I don't think that says a whole lot. Experience in the U.S. seems to show that you start to get churn after 90 days on the air. So we'll be watching."



but that we have a hard time seeing them. We have only been on the air a very short time and we are still out of our minds. And, really, there are only three of us who can make a decision. Riff [Markowitz] who is senior vice-president of exports, Phyllis [Switzer] who is senior vice-president-programming, and myself. I see six producers a day and I work well into the night. But sometimes it can take a person two or three weeks before I have time to see them. But if they are patient, they absolutely do see me.

"Another thing that I am struggling with is keeping creative control in Canada on projects that I'm interested in licensing. The first thing a producer does when he finds out that I am interested in licensing a show is that he goes down to New York to talk to the people at Home Box Office. And the first thing that HBO wants is world rights on a show. I keep telling producers not to dare give away those world rights and to be tough at the table. HBO wants world rights because they can turn around and sell it to Canadian pay and make huge profits. I'm afraid that the producers who don't really understand this are being muscled by HBO and the other major studios and they give away everything. It seems that they learn by making mistakes and then they come back with tales of woe about how they got sold down the river, da, da, da. The reason that I like dealing with producers like Bobby Cooper is that they really understand the marketplace and they are really tough when they go down to L.A. or New York. They keep their rights and they keep their pieces.

"There is a lot of product coming in that is very substantial and very good. First-time players are getting together with major players to produce features. For example, Harold Greenberg is backing young solo independent producers to make features, producers who up till now have been lurching from one project to the other. So Greenberg is in fact becoming a Canadian core company. We need that here because the independents need a source of funding much like the American studios do in the States, but which we've never had here.

"Young producers need to be fed in-between their projects and they need to get development money and I am totally happy to match Greenberg's money. I prefer to see if I can get somebody else taking a risk along with me. And then

AUDREY COLE programme executive - performing arts C Channel

Cole is responsible for the acquisition of performing arts programming and evaluation of new production proposals. She has been with C Channel since its inception and worked with Ed Cowan in building the concept and putting the application together. Prior to working with C Channel, Cole was the project director for a small publishing company, Mintmark Press, as well as program director for two years at the women's club, 21 McGill. At one time she worked on the film Inquiry, a 90-minute film that won the Canadian Film Award in 1977 as the best documentary.



"We always assumed that we would have a very small percentage of the total market. We knew that and that was in our projections. What people are now doing is comparing our numbers with the large movie channels and they are asking how we can possibly survive with such small numbers. Well, they aren't such small numbers relative to what our projections were. Relative to our projections, we're right on. We're doing just fine.

"I get about 35 to 40 new proposals each week. And everything has to be read and looked at and considered. A great number of the proposals are not workable. Either there isn't enough experience behind the project or there isn't enough money behind the project or it's a combination of the two or it's a concept that is not appropriate to us. But in all cases you can't just say no. You have to explain to people why. You have to leave the door open for people to come back with something else. It has to be a nurturing process for both us and the independents or we've defeated our purpose. You see, we didn't consider the restrictions that were put on us by the CRTC about Canadian content in production as cumbersome. The fact is that is why C Channel exists in the first place. Lively Arts Market Builders, which is the corporate entity, was put together by a group of individuals who had been involved for years in the arts in Canada. People like Hamilton Southam, who runs the National Arts Centre, saw pay-TV as a way of being able to bring the best of Canadian talent to the rest of Canada and the world. That's why we started this whole thing.

"But there are only so many projects that we can do and we have been very cautious. Many of the proposals that

have come in have been for a series of programs on dance or a series on music or whatever. And in all cases where we have decided to go with the producer we have said that we'll do one show. And we'll see how it goes. And later if the producer is happy and if we're happy then we'll do more.

"Sometimes a young producer comes in and has an interesting concept which still needs a great deal of work. We're not at this point prepared to spend the time and energy it takes to nurture that person along. We aren't the Canada Council. We aren't a grant-giving body. We are a commercial network and what goes on that screen is going to be the most discriminating audience there is in this country and it has to be the best. People shouldn't be able to turn on C Channel and half-way through the night look at a program and say, 'Ah - this is Canadian!' The fact of the matter is that our produc-

tions match everything else that is shown on the channel. It's a quality look.

"I have often been in a situation where a producer has come in with an idea that I think is wonderful but is nowhere near ready to produce and I've put that producer together with someone I think can make it actually happen. So, in some cases, I have served as a marriage broker.

"What's been happening here since we opened is that we have been getting a great deal of support from subscribers for what's been on C Channel. There has been a tremendous number of requests from subscribers and cable operators for us to extend the number of hours that we are on the air. We are just now working out how quickly we'll extend, based on the costs and the amount of programming that we have. So we are going to be extending the hours, but I can't say when it will be."

The CBC

IVAN FECAN director of program development CBC Television

This new position was created for Fecan in August, 1982. His basic mandate is to revitalize the look of the network in an era of declining funds. Among Fecan's many responsibilities is the requirement that he be involved in all discussions with independent producers who wish to discuss co-licensing arrangements between the network and pay-TV.

"I don't think the position of the CBC has changed a lot since three months ago. We are just more consistent with our approach to pay. Our board of directors recently passed a policy that basically says that we're not going to take stuff in second position all of the time and that we have no intention of becoming a second-run network. And the flip side of that is that we will negotiate with independents and co-finance with pay systems when we can negotiate first and second windows so that we don't always get stuck in second position. And also there are just some things that we want in first position and we are prepared to pay for it. We understand that the market is changing and becoming more competitive and so we also have co-financing deals with C Channel and



Superchannel. We are talking to First Choice but we have made no overall arrangements with them. In terms of co-licensing with pay, I see ourselves more involved in single-show 'specials' and possibly some kinds of movies.

"I hope to work more with the pay systems in the future and I think that the pay system, and the free broadcasters after the first few projects, will have to assess what impact sharing will have on their audiences. And there may be a market readjustment at that point. I know one huge push that I am going to start in the next few weeks is more and more international co-productions. The

success of *Empire Inc.* around the world is helping us in seeking partners. There is a lot of interest now from around the world to help us finance our next mini-series or our next series of mini-series. I think that is very positive and one direction that we are really going to pursue. In terms of pay television co-financing, we are more interested in individual 'special' shows than we are in series. I think that we will always want to reserve the series as something that we do. For example, if we have got a series planned called 'Son of Empire Inc.', then I don't think that we are interested in sharing that with another broadcaster, free or pay, in this country. For those kinds of projects, for series that is, we are going to look for money internationally. And I know that the Australians have had a great deal of success with this and *Empire* is opening a lot of doors that have been open for the Australians in the past few years. And we're certainly going to try to capitalize on those opportunities.

"And finally I think that Canadian producers, aside from the Héroux-Kemenys, the Acombas, Dick Nielsen-Pat Ferns, are going to have to learn very quickly what other producers elsewhere in the world have had to learn and that is how to structure deals and how to finance projects. I know that they all know basically how to do it, but as the environment becomes more complex they will have to do more complex deals. I don't think that anyone is particularly naive right now but all of us have to be ready to become more creative and more adaptable and more smart about how we structure deals. That is common for everybody, for the networks as well as for independent producers."

The deal-makers

GEORGE FLAK lawyer Bell, Flak Barristers and Solicitors

Having worked for CBC as legal counsel and later as Don MacPherson's executive assistant until 1975, Flak set up in private practice in Toronto. In recent years he has acted for an impressive number of independent producers including Insight Productions, Nemesis Productions and Bob Clark. Recently he acted as TV sales agent for the motion picture The Grey Fox that won seven Genies at the 1983 Awards. Prior to the sale of Grey Fox to the CBC, Flak was in touch with all the pay-TV channels. Here is his story.

"My negotiations with Canadian pay-TV began about four months ago and lasted up to very recently on *Grey Fox*. My first impression regarding pay-TV was that Superchannel is very easy to deal with. They were easy to phone and set up an appointment with. They are a very streamlined organization and were very frank and forthright in what they could and couldn't do. Their assessment of the film was that they liked it very much but that they would be in the position to give us an offer on the film once it had shown its theatrical legs. I could understand their position. They were a little hesitant about committing hundreds of thousands of dollars to a film without knowing how it would do.

"I didn't take the film to C Channel

because we thought that if it was going to go to pay, it should go to a channel with a lot of subscribers. We were looking for a substantial amount of money.

"Then I started trying to deal with First Choice. I had a hell of a time trying to make contact at First Choice - not withstanding that Don MacPherson was once my boss. I don't know if that was a reflection on me but I wrote Don as soon as I got the film to rep. I wrote him that I had *Grey Fox* and that I would like to show it to him. And I didn't get any response from him. No acknowledgement, nothing. No phone call. After four or five phone calls from me to them, I was then put on to a Lola something or other who said she'd like to see a cassette of it. And I said that our plan was that we were not going to show the film that way because it is a theatrical feature and we wanted them to see it in full scope. And I also knew that Lola wasn't really the person that could make the decision to buy the film or not. We tried to get one of her supervisors; we would have preferred to have Don MacPherson see it but, of course, he's so busy. And Joan Schafer was unavailable. It's not as if it was a film that had never been heard of. I mean this was a film that had already got good word of mouth and was one of the few films around that people had some respect for. I was frankly a little shattered when I couldn't get the right people to see it - which is the exact opposite of what happened at the CBC. I got in touch with Roman Melynk and all I can say is that we had



an offer for the film that day. They said, 'We'll buy it.'

"Now eventually Lola of First Choice came down and looked at the film and went ecstatic over it. And I said, 'Okay, you love it. We have an offer from the CBC. Please get back to me and see what you can do.' She said fine and one week rolled by; two weeks rolled by, three weeks rolled by and nothing! Finally I contacted Lola and she said she could offer us 35¢ per subscriber over two years. That didn't exactly impress me because we needed cash and when you are offered a deal contingent on the number of subscribers, well, who really knows what numbers of subscribers there are and who's going to audit the number of subscribers they have. Boy, I'll say, it's a non-bankable contract! Anyway, I said it was not acceptable.

"Next came the Genie nominations and Grey Fox was nominated for 13 awards. The day after the nominations I get a call from First Choice. The first call I ever had! And a couple of days later I talked to them and they said, 'We'd be interested in talking to you about Grey Fox, and I said, 'That's nice.' Then they said, 'We can now give you a price and we can give you 10% down and the balance over the time period that we're going to run it' and so I said 'That's nice. What's your price?' So they gave me a price that was lower than the CBC price but they wanted first window. They wanted an exclusive first-run before it would go to theatrical and commercial television. Anyway, I went back to CBC and I asked them if they would allow First Choice to get a window before they run it commercially. After thinking for a while they said that they were prepared to let it run once and then give it to First Choice for a year's window and they could run it 86,000 times and then the CBC would run it again after that. Now I thought that was big of CBC because although the legal papers weren't signed, Roman Melnyk and I had already agreed on a deal and my word and Roman's word were there and CBC had the right with that verbal deal to show Grey Fox three times in three years.

"Well, I went back to First Choice and basically their attitude was that they couldn't agree to that because it was their policy never to show a film that had shown on commercial television. And with that I fell out of my chair! I went back to Roman and asked 'Is this possible?' and he said 'No, because First Choice are dealing with CBC a lot these days, buying product that CBC has already shown.'

"So now I think what we'll do is that,

given CBC will allow pay to have a window, which makes a lot of sense, we'll probably go back to Superchannel and talk to them or C Channel or the regionals.

"Do you want to know frankly what I think of First Choice? I think that if you are somebody new or unknown to them, if you are not Robert Cooper or somebody that has made a lot of pictures, then they don't recognize you. You are not, quote, on their 'lists.' It's a very clubby, in-house thing. I get the feeling that you have to have somebody 'in' with the pay-TV crowd at First Choice. The other thing I feel is a bit of arrogance on the part of First Choice in the sense that they actually feel that they are going to destroy CBC in terms of viewership... not destroy it as a network but that they are going to get all the audience. They feel that in two years they are going to have all the money to buy all product and that CBC will be in trouble trying to keep up. As somebody who has been around town for some time, I bet on the CBC as opposed to the pay services, not only as to product but for helping independent producers."

MAX ENGEL

president
Televentures Program
Management Inc.
(formerly Media Lab
Television Inc., Toronto)

Televentures is this country's largest distributor of Canadian shows abroad. As well, Televentures "packages" shows; that is, Max Engel secures financing for Canadian producers by negotiating co-production agreements with other countries.

"The market has improved tremendously and First Choice and C Channel have certainly become very strong customers for Canadian programming, even though it does demand the ability for Canadian producers to work with foreign partners in order to cover the cost of production.

"What Televentures does is, in essence, take Canadian show ideas and sell them to the rest of the world. It's a mixture of pretty extensive market intelligence and knowing what's being made where, how good it is or isn't and keeping in touch with your buyers and keeping a look at their schedules to see what they need. And then beyond all that there's a certain amount of what you'd call a 'hunch.' I travel a lot, a lot, a lot, probably 35% of the year on a good year and on a bad year it's nearer 60%.

"No one really pre-sells properties any more. Basically, what you do is co-produce which is a polite euphemism for selling. You call it co-production and this way everybody has input. But you get a better dollar. You're far better if you have a really strong property to do it as a co-production with another party because you're going to get more money from them. Because it will come out of their production budget as distinct from their buying budget. And you may sometimes in many countries work with an independent producer there because, just like broadcasters and pay people here have a commitment to the independents, they do over there as well. And very often this system works better and you'll get more money.

"At present I am quite concerned about the review of the Canadian content regulations by the CRTC. If in future



these regulations get too tight they will prevent producers from being able to make co-production deals with other countries. And foreign partners are necessary. Our domestic market can't support the total monies needed to make world-class shows.

"Another problem area that I see at the present time involves the lack of an industry infra-structure. Because we haven't really had a viable production industry in this country until recently, we've never really developed an infra-structure to service the independent

producers. There are no agents: no William Morris's, no Cy Fishers, those being the American examples. I mean, up to this moment, the independent in this country has been somewhat forced to be everything from his own developer, script writer, to money raiser, financial wizard and marketer and deal-maker. And nobody's good at all that. I mean, the last thing he gets to do is become the creative producer which is exactly what you need him to do. That situation is changing, but slowly.

"Besides one or two lawyers in town and myself, there are no people around who can help the independents make deals. And deals up to now for the most part reflect a certain amateurism as a result. The problem is, and any pay operator or broadcaster who is honest will tell you, that if they're dealing with an independent producer they have a psychological edge in their negotiation because it's the producer's goal to make a show and he will often give away all kinds of things in order to get the money he needs to make the show. Too many producers, in order to make their shows, defer their fees. Now that is silly. Because if it's for First Choice or CTV or CBC, the delivery system is getting what they want. They're getting a show when it's made for the money they wanted to pay, which is great. The producer is getting a show, and if it sells elsewhere he may eventually get his fee. If it doesn't, he didn't get anything. Now that is silly."

The producers

JOHN BRUNTON
president, and
IAIN PATERSON
producer
Insight Productions

These two up-and-coming producers have over the past five years sold scores of shows around the world, especially to the American pay services HBO and Showtime, as well as to the major American networks. Recently they were in Toronto shooting a black musical cabaret special entitled Indigo.

"I have grave apprehensions about the pay-TV industry here as a whole. I think that the pay people have made big miscalculations. Basically Superchannel and First Choice are trying to knock each other off with volumes of movies.

They are not concerning themselves with quality, only volume of movies. The thought is always numbers, volume and who's got the most movies. Not who's got the best movies. And there is not much difference between the two pay services.

"I think that there is a real miscalculation in the sense that they really base their vision of Canadian pay-TV on the American experience. Unlike the Americans, however, we were late in getting pay-cable up here in Canada. Most of my friends have got Beta machines or VCR's and find it much more convenient to go to their corner video stores. When you go to L.A. and New York where cable has done really well, there are no corner video stores. Unfortunately we were so late in getting pay-TV that everybody got video recorders instead.

"Pay here is not offering things that are new and exclusive. That's going to



create big problems and people aren't going to go for it. They've got to develop programming that's unique, different; that you cannot find on standard TV or your corner video store.

"I guess that we are now a little glum because we now have opportunities, but most of those opportunities are outside this country. And it's kind of weird that with the pay-TV experience happening and everybody having waited so long and being so excited about pay, even Francis Fox is going to give another 60 million dollars to independent producers. And with all those things happening you would think that we'd be jumping for joy and doing somersaults, but we're not. If we were to make the same kinds of shows that we have historically made over the last ten years, there would be plenty of opportunity for us here. We have unmet music concert opportunities that we could do here, but after doing it for so long already it kind of feels ridiculous to continue doing them. We've outgrown the idea of Canadian content.

"In order for us to continue growing and developing as producers, we have to look at creating innovative partnerships with other broadcasters and investors from other countries and maintain the Canadian content which is important. That is the biggest change of heart or change in philosophy that we've had since pay-TV started. There is no question in our minds that we're going to pursue these international partnerships with other broadcasters. And I think that if the pay-TV operators are going to make pay-TV go in this country, they also have to be actively soliciting relationships with other countries like Australia or Britain, or Germany or France. There has to be much more of an effort to secure product from Canada and then create relationships with the rest of the world to make it happen. You know, you just can't expect that the Canadian broadcasting people are going to come up with all the dough. They just can't do it and survive. And if pay is going to survive, the only way it can survive is to make unique partnerships with other countries and try to maintain the Canadian content and maintain the Canadian approach and employ Canadians doing it and develop the industry here.

"But if they can build up a subscriber base and if the reality of the promise can come true, I think that it is a tremendous incentive to people to do programming. But if you look around and see what kinds of deals people are making and what shows are being created in Canada for the pay-TV market, there is not very much that is of great interest to me for the most part. They've got to start looking at shows which will be of a great deal more interest, and doing them exclusively."

JACK McANDREW

Jack McAndrew Productions

McAndrew is an independent television producer who specializes in productions for the international market. Before forming his own company two years ago, he was head of CBC Variety which under his supervision scored unprecedented successes both nationally and internationally. Recently he worked as the supervising producer for the shooting of *Romance and Something's Afoot*. These shows were originated by American producers who came

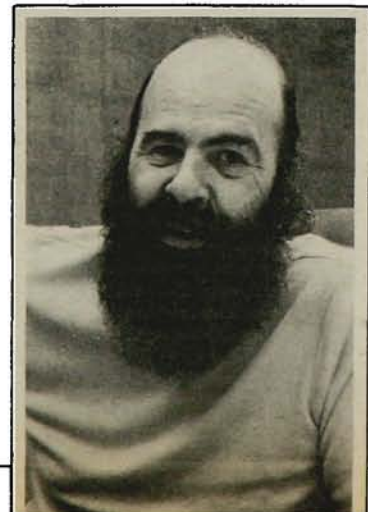
to Canada with 80% of their financing in place from commitments they made with the U.S. pay-cable networks and then made deals with First Choice based on the fact that they would qualify as Canadian content.

"I always felt like a whore acting as a supervising producer on *Romance and Something's Afoot*. I have since decided that I would no longer work as a producer on these types of productions because it is too demeaning to be used that way. It's demeaning for the same reason that whoring is considered a necessary service in some quarters but is ultimately demeaning to the participants. And I did it for all the rationalizations that one makes to oneself, like wanting to pay the rent. But I've discovered that when you allow yourself to be a whore then you can expect to be treated like one. And I also feel that when you participate in these exercises you are cutting your own throat. It's all very self-defeating and demeaning and I don't like being treated as a serf on my own turf. So I'd rather be out of the business, teaching or running a hardware store if that's what it means to be an independent producer.

"Now, I have submitted over 30 proposals to First Choice in the past. And I couldn't go any further with them because I couldn't bank their per subscriber contracts. Recently they have gone to a flat-rate system of financing and that seems like a significant change.

"I have a deal memo now with First Choice to do a fight card out of Montreal with an option for them to pick up a half-dozen more. There are three young boxers in Montreal named the Hiltons. They are 17, 18 and 19; clean-cut, faces like babies and eyes like killers, and they are being groomed as an attraction called the 'Fighting Hiltons'. It's a great story. Their father is an ex-Canadian featherweight champ who has had a heart attack and is not allowed to go and see them fight. Anyway, we are doing a boxing card in April and then we'll see what happens. But I'm skeptical with First Choice. I've been burned enough now.

"I have a bunch of projects submitted to both Superchannel West and Superchannel Ontario. Now at various times Superchannel West has expressed interest in some projects. And that is a terrible word: 'Interest.' It can mean anything from they let me into the office to they mail me a letter. But they have expressed 'interest' in several projects and they have agreed in principle to the supply of development money and I have sent them development budgets - and then nothing happened. I mean, this morning I have a sports concept



which Superchannel West has said they like and Superchannel East has said yes, they like it and a letter from Star Channel saying yes, they like it and I've discussed it with TVEC and they said yes, they like it. And I said fine. Now, to bring this project to this point requires a fair degree of organization and several weeks' work. And I said that 'If you all like it, then I think that a modest development fund is necessary and available' because I do believe that Abe Lincoln was right when he freed the slaves. A modest five or ten grand should come my way so that I could hire a researcher for a couple of weeks and do the necessary backup and give them the whole production package. As of this morning I haven't received any development money from anybody and so I made yet another phone call. Well, how many phone calls do you make? Just to say 'Anything new yet?'. You get to be a bloody nuisance and you get to feel like a beggar.

"I have just completed shooting *The Passion According to St. John* by J.S. Bach in Notre Dame Cathedral in Montreal. It was sung in the style of the 17th century, using 17th-century musical instruments. It was made as an Easter Special for C Channel. I can't really talk about the details of the contract but suffice it to say that myself and some of the other participants agreed to defer our fees so that the production could take place. There were two reasons, I suppose. One, I had told C Channel that I would be able to pull it off for their investment. So I had given my word and they had scheduled it and I would rather be doing that even with the expectation that I may never make any money than be doing nothing. And, second, because they are nice people at C Channel. They are straight. They give you a contract and they write you a cheque. No fuss, no muss, no hassle. I think that there is a fairly unanimous opinion among the community of independent producers that among the three existing pay channels, they come out on top in terms of their dealings with producers.

"So frankly, for the moment, I am more interested in exploring the possibilities right now of the new Francis Fox fund than pursuing pay-TV. It doesn't upset me that the funds cannot be used in projects for pay-TV. Pay-TV can be used in combination with a conventional broadcaster, but the fund is specifically designed to knock American production out of prime-time on conventional broadcasting. That doesn't mean that the program could not first be exposed on pay television and secondly exposed on conventional broadcast or vice-versa."

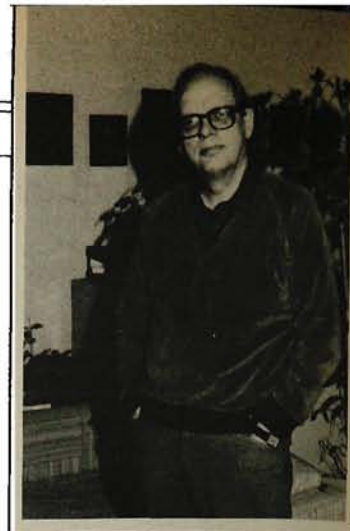
RICHARD NIELSEN

chairman

Primedia Productions Limited

Nielsen is recognized internationally for the quality and success of his programs. Over the past ten years they have included *The Newcomers*, *The Third Testament* and the feature film *The Wars*. Prior to working as an independent, Nielsen was the executive producer of what were then the CBC's two flagship public affairs shows, *Weekend* and *Midweek*.

"In terms of what I think is possible with pay-TV, which was not possible before, I have written a 90-minute drama specifically with pay-TV in mind. My objective



was to raise all the money one needs to make it in Canada, thereby retaining the producer control.

"The play is called *Quebec Canada 1995*. The premise of the play is that Quebec has separated from Canada and, ten years later, there are still situations which lead to a great deal of aggravation. You see, in real life, Canadians, both French and English, have never said in public what they all say and hear in private. In my play, however, they finally get to say all these things to one another and I try to have them say it with a bit of wit.

"*Quebec Canada 1995* is going into production in May. It is only a two-week shoot, all shot at one location, the King Edward Hotel in Toronto. It will be shot with video, using only one camera. The budget is in the neighbourhood of \$400,000. I have paid for it with a \$250,000 contract from First Choice, with \$50,000 from the CFDC and \$100,000 from CTV. It will be shown first on pay and then CTV. The way the show is financed it won't need to be sold anywhere else to break even.

"I have found dealing with First Choice excellent. I think that the situation with them has improved enormously since they got on the air. Contracts have become shorter term. They are not spreading them out as long as they were. Meaning that if First Choice puts up \$250,000 that you have a chance of getting that money within a year. Before you would have gotten it in two years. Similarly the banks' attitudes are slowly altering towards those contracts. Suppliers' attitudes are changing and we are finding the beginnings of an ability to operate in this climate. Furthermore, the new CFDC fund is going to substantially alter the conditions in which we operate. In terms of Canadian programs, Canadian pay is learning quickly now to cause Canadian programming to happen. Our networks haven't learned it yet.

"So I have found, if anything, that First Choice is perhaps too accommodating in what it considers and takes from the independent producers. First Choice has been commissioning one of everything, hoping to find out what their subscribers like. And I suspect that they haven't been very receptive to the second or third of the same thing. Not until they get on the air longer and find out what works.

"I think that we are going to move into an era, a year hence, when we are going to have a clearer sense of direction in terms of what pay wants. As producers we've never before had very clear direction from the Canadian marketplace and what it wanted. And I also feel optimistic that with free TV cooperating with pay and the CFDC, it is possible for the first time to aspire to a viable television industry. And I don't think that we should only aspire to a viable industry. We should insist on it."

REBECCA YATES and GLEN SALZMAN independent producers Cinefilms Ltd.

Yates and Salzman have been producing award-winning, family-oriented dramas for the past six years. All of their films have been sold to the CBC and have had extensive sales in the United States and Europe. They are now ready to make the jump into feature film production.

"We haven't taken any of our previous films to pay yet. We've wanted to sell them something that is new. Last June we sent First Choice a feature script which was still in the rough draft stage. We got instant no's. We don't know why it was rejected. Maybe our timing was too early. Maybe the project was not the kind of thing they were looking for. We just don't know.

"We also talked to Superchannel and they said that our project was not suitable for them. We then asked them if they had found any suitable projects and they said no. Okay, maybe our script doesn't appeal to them, but at the same time, I think that if nothing appeals to them then there's something unusual. And I think that this is mostly due to cash flow. They don't want to spend large amounts of money when it is a lot easier to buy off the shelf. It's not risky and they can see what they are going to get. In terms of our films that are on the shelf, so to speak, they are still tied up with the CBC and are not available for Canadian pay sales. We really only have one film that is available to them right now, and First Choice is interested in buying it.

"I don't think that the Canadian pay services know what kind of programming is going to go for them in terms of Canadian content. I do feel, though, that the production community has placed unreal expectations on the fact that pay would get off the ground, in terms of production, a lot quicker than they have. In comparison, HBO didn't do a lot of production in its early years. It's been only in the last year or two that they have started making their own pay-TV movies. At first, they were acquiring everything that was on the shelf. I'm not trying to be lenient on the Canadian pay-TV systems but I think that we all have to be more patient with them while they're still teething."

JEFF SILVERMAN independent producer

Two and a half years ago Silverman had never been inside a television studio in his life. He ran the 99¢ Roxy movie theatre before opening another theatre and adapting the stage so that music groups could perform. But he found being an impresario for punk groups like the Ramones too harrowing and decided to try his hand at television. He proposed doing an all-night television program for Toronto's multilingual TV station which accepted the idea and for one year Silverman produced over 1000 hours of live television from 1-5 a.m. seven nights a week. The show was an unexpected success but Silverman decided to leave when budgets were slashed in an austerity move. He then turned his energies to trying to break into pay-television production.

"When pay started happening, I went to a conference at the Plaza II in Toronto and spoke to anybody who had anything to do with pay. I asked them what they thought of me doing short pieces, filler. And nobody was interested in filler material. They said, 'Shorts? We're not interested in shorts because that's when people go to the bathroom. You've got to let people go to the bathroom!' Well, I couldn't argue with that. But now they are in the position that myself and a lot of other people were in running movie theatres. You realize that when you have people coming in the door, you have to start to entertain them and you don't stop until they leave.

"What's happening to pay now? They all ran out and bought every short in town and they all have their own shorts now and you'll see them a billion times over and over and over again as filler. If the station is on for eight hours a day they'll need 96 minutes of filler because if you show a program for an hour, that program will come slotted for regular TV, which means for every hour they deliver only 48 minutes. So that's 12 minutes an hour they need filler.

"Pay-TV should consider filler as important as anything else they show. When you watch television you watch television. You don't say in your mind, 'Oh this is the filler. It doesn't matter that it stinks!' And the whole idea of pay is that you have to give them something more than they can get on regular TV.

"So I started going around to the pays and the first people who thought it was a good idea and that it was something that they wanted to try producing was C Channel. And they said, 'We have a market. We have children's programming. What can you do for kids?' Then it was a matter of going home and thinking that it should last anywhere from 10 seconds to three minutes and something that I should tailor to be shown a million times without getting boring. And C Channel didn't fully understand at first that it's just as important to have 10-second bits as it is to have three-minute bits. Well, I came up with all kinds of ideas. Once I knew my audience the ideas came like water.

"One idea I had involved magic. I myself always wanted to know how to do magic tricks. Did you ever try and talk to a magician? They never tell you their secrets! Well, I had a magician who performs a trick and then shows you how to do it so the kids can do it themselves. I called these shorts Magic Moments. Another idea evolved because



I wanted something light and so I got a stand-up comic to research a million jokes. Then I dressed him up as a jester and I had a puppet made up to look exactly like him. At the opening of the short there is a puppet on a stage and the king comes out and sits on his throne and claps his hands and the puppet comes out on the other side of the stage, bows and I then take a close-up of the puppet but it is no longer the puppet. It's this guy who looks exactly like the puppet, strings and everything. He tells three jokes and after each joke goes "da daaaa" and at the third joke somebody pulls a lever and he goes down the trap-door because the jokes are so bad. But he plays on the fact that they are so bad and they are jokes that kids love. I called these shorts Jester of the King's Court.

"Another idea was I had a friend explain in 2 1/2 minutes how things worked. Like how the stripes get in toothpaste. That short is called How. Anyway, I had lots of different kinds of series of shorts and C Channel loved them all. C Channel collectively called them Kid Bits and commissioned me to do 10 hours' worth of Kid Bits between Feb. 26 and Apr. 1 of this year. And the deal that I have made with C Channel is that because they commissioned it and paid for it 100%, it's theirs and because I produced it we have a percentage of it if it is sold anywhere else. But basically they own it.

"Recently I have been in discussion with First Choice. They say that they want to look different and they want to have some stuff for their audience and I'm saying, 'Yeah, why not? You tell me the kind of audience that you want us to go for and I can do anything and I can do it cheaper than the stuff you are buying and you'll own it! And you can run it a million times and forever and you can sell it!' The stuff I produce is made to be watched a lot."

STUART GILLARD independent producer Clear Vision Pictures Inc.

Gillard is best known for his performance in *Why Rock the Boat* for which he won a Genie award for best actor. He has also acted in *Threshold*, *The Neptune Factor*, *The Rowdyman*, *F.I.S.T.*, and *CTV's Excuse My French*. *Living in Los Angeles* for the past seven years, Gillard has written for such top shows as *Mork and Mindy*, *Sonny and Cher* and *Donny and Marie*. As a writer-producer, he has recently completed a

pilot sitcom entitled *Honeymoon Haven*. *First Choice* has now commissioned the series.

"*Honeymoon Haven* is a new program form which I hope works well for pay. It's basically a situation comedy but it has music in it as well. In that sense, it has some variety elements. So you might say it's a sitvar. There is a lot of freedom in pay in terms of what you can do with content, but there are a lot of restrictions with budgets. They cannot afford to pay very much.

"This is certainly, in an artistic sense, the best show that I have ever done, and it is the best show that I have ever written bar none. I had for once absolute control. First Choice gave us the artistic freedom. They gave me the right of casting. In our agreement, they had approval on script and casting and they never exercised any judgment or made changes to what I wanted. And I had final cut which is unusual. So if this show fails I'll have no one to blame but myself. At the same time how much can you go into debt as a producer? It's a tough question. How much risk do you want to take with your own money or someone else's money? How much deficit financing are you prepared to do? You have to balance out the two and



think of the market and where your product is going to go and where it can be sold.

"I already have a couple of major U.S. distributors who are very hot to see the pilot. They know the concept and are interested in seeing it. I'm also going to the pay networks separately. I have contacted Showtime and HBO and they are also very much aware of the project. The best of everything would be to have a choice to go on pay first and then syndication afterwards. Then the show would really be in good shape.

"*Honeymoon Haven* is a show that is also technically first-rate. The technicians are really experienced now. When we go into full production, we are going to be needing a staff of writers and it certainly would be a chance for Canadian writers to work on an on-going basis as opposed to that one script a year for the CBC.

"I hope we don't goof up the pay-TV scene here in Canada like we goofed up the Canadian feature film industry. I hope something more permanent will come out of the pay structure."



MICHAEL LEBOWITZ

independent producer

Lebowitz has been in the business for seven years and was involved in the feature film industry during its boom in the late '70s. Working under David Perlmutter of Quadrant Films, he produced two features, one directed by David Cronenberg called *Fast Company*; the other, originally entitled *Misdeal*, has yet to be released because of financial problems. He has just completed twenty-one 20-minute exercise shows for First Choice entitled *In Motion*.

"In consultation with Joan Schafer, I developed an exercise program and format suitable for First Choice's primary programming needs which were in two parts. One: a show that could be used to fill a larger time slot and function like a typical half-hour exercise show. Secondly, it had to be a show that could be divided into smaller parts of five to 10 minutes with no loss of impact to provide filler programming or what is called 'interstitial programming' to take up some of the spaces between regularly scheduled movies. Also, the amount of money involved is not terribly large. It was a flat rate. Nevertheless, it did require certain kinds of guarantees so it could be interim-financed by me.

"I am aware that all the pay networks have a somewhat more cautious approach to developing programming at this point than they did prior to going on the air. It's a pause and a good one and I would suggest a very appropriate response to a very risky new venture. They have reached plateau number two and I think that it is good corporate management to stop and look around and see what the audience really wants.

"Pay-TV is something paid for by the consumer. It's either accepted or rejected by consumers on a one-to-one basis. If they don't like what they are getting they will simply refuse to pay the next month's subscription. You can't have a clearer audience response than that. So I think that the pay services are absolutely correct in taking some time to evaluate what their audiences want. I actually applaud the intelligence of the action.

"The fact of the matter is, from my point of view as an independent, I am very well served by an accident of fortune to have produced a show for pay-TV in its infancy. I hope to do more."

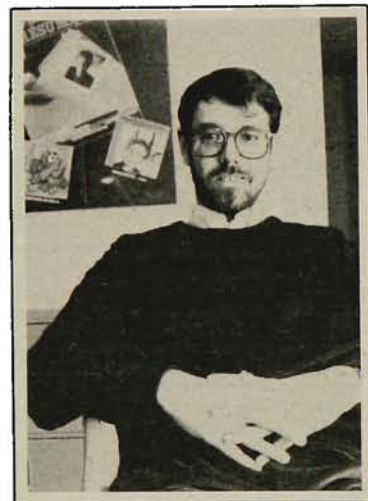


BILL HOUSE

independent producer
Extra Modern Productions

Extra Modern Productions was founded in 1979 to do two things. One, to produce a theatrical production of the *Cliches* in a show called *Half Human, Half Heartache*, which was mounted in Toronto and toured Canada. The second reason was to make a promotional film for the Toronto Sun called *The Little Paper That Grew* which won a *Bijou Award* in '81. Before that House ran an alternative theatre and worked as production manager at the Toronto Film Festival.

"We sold *Rumors of Glory: Bruce Cockburn Live to First Choice* in February '83. All along when we planned the film we had envisioned that pay-TV was going to be a strong market for this film because Bruce had never been seen on film before - and because it was Canadian and because the production values were very high. Our plan worked. First Choice paid an extremely high price for the film which is remarkable. Let's say that the price was so good that with an additional sale to Premier Choix we are



close to recouping all of our investment in those two sales. Not all, but very close. First Choice has a two-year window. We hope that with repeat sales we will be able to not only recover our costs but also make a profit in Canada alone. We've just begun to peddle it to foreign markets. I think that the whole project will turn out very well.

"The reason that First Choice paid a hefty price for this product is not only that they like Bruce but that they wanted to differentiate themselves from their competitors and one of the ways that they have done so is to buy this product exclusively. Now that serves both of us well. It gives me more money from the sale and secondly they've got something that nobody else does for two years. I hope that it is going to sell some subscribers for them.

"They are treating this film as a very high profile piece for the month of May when it has its premier on First Choice. All kinds of things are in the works for promotion across the country. Things like record tie-ins, and a significant amount of print advertising promotion. And I'm delighted. It also looks like *Rumors of Glory* will be simulcast locally, regionally and perhaps nationally in FM stereo during its May premier.

"All in all, this is a very very nice deal and this is very very nice for the film."



BARBARA TRANTER

independent producer

Tranter did graduate work in film production at U.C.L.A. and returned to Canada in 1979 when everyone told her the "boom" was on. She immediately started working as an assistant art director on a string of features including *Happy Birthday Gemini*, *Love, Circle of Two* and *Porky's*. She then decided to produce her own show with the intention of selling it eventually to pay-TV. In '81, before anyone had even been granted pay-TV licenses, she raised money from investors and began plans to shoot on spec a one-hour comedy pilot entitled *Hello Goodbye*. Her gamble is beginning to pay off. First Choice has just licensed the show for an exclusive two-year window in Canada.

"Initially, when we were putting the *Hello Goodbye* package together and tried to get the financing in place, we went to the traditional sources of financing such as the CBC and the CFDC. I saw the CBC role in a pre-license situation rather than just purchasing the films. However, they didn't want to take risks on first-time producers. I found it very difficult to put together a substantial base which would make investors confident about investing in my project without the CBC or somebody having any interest in it. And I was constantly told not to go ahead with the project unless I did have a pre-license in place from somebody. Yet, in my situation, it was a Catch-22 situation: if I had listened to that advice I would never have made the film.

"It was a risk project but, at that point, I felt that the script was good and we were ready to go ahead regardless. And as it was, we did start shooting with only half of our budget in place so it was constant money-raising throughout the whole process of production and even into post-production.

"First Choice licensed *Hello Goodbye* for 50% of our budget. The pay-back that was originally outlined was for a two-year window with installments every six months. Through a revision of the contract they are now going to pay for this show by the fall of 1983. That's good for us because it allows us to pay back the majority of private investor money in the film.

"Right now I am looking for an agent to sell it in the States, as I don't have the expertise at the moment to do that. And the paying cable market is so complex there in terms of releasing it - because

there are so many different regions and one sale can negate a whole other group of stations. So it is inevitable to have to go through a sub-agent when dealing in the States, I think. Also First Choice is willing to set up appointments for me by calling people and telling them that I am coming to see them. That kind of thing is really helpful.

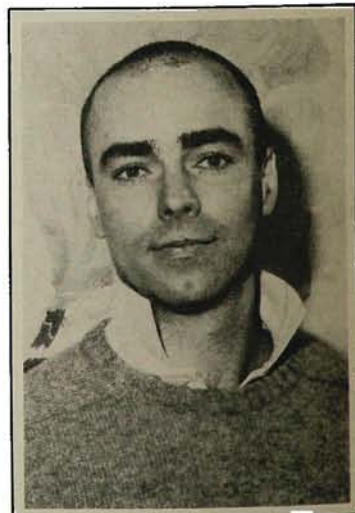
"I think that by the end of '83, we'll be breaking even with the U.S. sales. Comedy is a good seller and one of the agents that I talked to said that although a lot of people are trying comedy, there are not that many who ultimately do succeed.

"So, in the end, investors are pleased with us and they are pretty well assured of all their money and more. They are even eager to reinvest in another property."

DAMIEN LEE

president
Rose and Ruby Productions Inc.

Lee's company, founded in 1977, has produced over 200 sports items for such programs as CTV's *Wide World of Sports* and for the CTV Network's CFL half-time shows. In 1982, Lee began to diversify into feature film production. His first film, *Copper Mountain*, which has been sold to First Choice, was shot at Club Med's resort in Colorado. His second feature, in the completion stage, is presently in negotiations, and was shot in Mexico at Club Med's Ixtapa resort. Both films were financed through unit offerings and a deal with Club Med in New York City. Lee has just completed a pre-sale agreement with First Choice for his third feature, *Reno* and the Doc.



"First Choice was instrumental in setting up a portion of the funding to come from the States as well as a portion of the funding coming from themselves. They've been very good in setting that up. I couldn't have done that by myself.

"I've never made a sale in the U.S. I've been to see people at NBC and CBS three or four times a year for the past several years and I've never made a sale. So I know how hard it is to make a sale in the States. When someone like Joan Schafer of First Choice sets up a deal for our shows to be pre-sold in terms of raising the necessary money for the product, that's great and I'm going to knock myself out to deliver the best product I can for the money they've given me. I've been knocking on doors for years and no

one's really opened it until now.

"First Choice is helping us get to a certain base and as far as I'm concerned you really have to respect that and give them their just due. So if you're not selling a program to somebody, either your sales method is wrong, your pricing is wrong or you have no credibility. It's that simple."



KEVIN SULLIVAN
independent producer-director
Huntingwood Films Limited

Sullivan has made several half-hour and hour-long dramas over the past four years. These films have been sold to CBC, HBO and in several European countries. The Wild Pony, set at the turn of the century, is Sullivan's first feature-length film. It is also the first feature film licensed by First Choice. It has been scheduled for a May broadcast.

"It's difficult dealing with a lot of people within the pay-TV corporations and the investment community especially when you are an independent producer, because the first wave of independent producers in this country, who were producing feature films, were, for the most part, crooks. And they since have gone out the windows and the second wave of independent producers are people like myself, or Cineflics, or Atlantis Films: people who are producing for television, who are seriously committed to film and who suddenly have a new marketplace which is pay-TV.

"In terms of getting my film made for pay, I think that I was very fortunate to have the right elements together at the right time. I think that's the key in terms of trying to make any deal, whether it's with pay or with CBC or with Nickelodeon, PBS, HBO or anybody. You have got to have the right project that suits their needs with the right elements in place. Now it just so happened that First Choice was looking for family entertainment and *The Wild Pony* was in the position of meeting those criteria. So, in a matter of a week, the whole project came together.

"Now we have European distribution lined up and we have had really strong interest from the U.S. But, we are restricted in what we can do because of our First Choice sale. We can't sell to a U.S. network that has penetration into Canada, so we can only go to pay-TV there. We are also thinking of a theatrical release in order to get a better price in the U.S., because films that have gone that route could generate a better sale. There are so many different ways of working things out that it makes my head spin."

**WYNDHAM P. WISE and
TERRENCE JACQUES**
independent producers
Pierrot Productions

Pierrot Productions was the first independent to make an equity partnership deal with C Channel for their one-hour production of *Liona Boyd - First Lady of the Guitar*. At the moment, they are also developing several features, one of which, tentatively entitled *Christie*, is in negotiation with First Choice.

"The market has turned nuts with pay-TV and there is a huge demand for concepts that are viable and entertaining. The trick is financial, of course. For us, like many producers, it has been fairly easy to get a deal going with pay-TV. In the last six months we've been in the position to sign six deals with pay, most of them in the musical variety area. They could have been in place instantly with C Channel, Superchannel and First Choice but we chose not to do them because there was a trap. They had no potential for sales after being licensed on pay-TV. They were not marketable beyond pay-TV. And the trap is that unless the show has a life after pay you are not going to cover your costs. I know of a lot of producers who fell into the trap of signing deals with pay-TV on properties that will have no after-pay-TV marketability. I don't know how they are planning to cover the costs of their shows.

"There are feature film deals going through with pay-TV and they either involve actors who have 'star status' or a story that is a really hot property like the Terry Fox film. When we started to talk to First Choice about our feature film script *Christie*, they told us they wanted it and really liked the story but that they weren't going to touch it unless we had a U.S. pre-sale with an exhibitor like HBO. You see, First Choice is prepared to pay up to one-third of your production budget in a license fee but they will not do so unless you have got the other two-thirds secured with a U.S. pre-sale. Quite honestly I think that they are trying to protect the financial interests of the Canadian producers.

"So on *Christie* I think that we are going to have to change what we were going to do. We had intended to use Al Waxman and R.H. Thompson in the lead roles but in terms of a sale to the U.S. market, who the hell has heard of Al Waxman and R.H. Tompson? Nobody! So the pressure is on us to introduce star value into our film and this of course will throw our budget way out of whack! Instead of a one-million dollar budget, we've got a two- to three-million dollar budget. But if that's what it takes to get a U.S. pre-sale, then we are prepared to do it.

"And that's why we are in business. To produce something people will buy, right?"



**KIT HOOD and
LINDA SCHUYLER**
independent producers
Playing With Time Inc.

In business for seven years, Hood and Schuyler are presently completing a 13-part series of half-hour dramas for children entitled, *The Kids of Degraffi Street*. To date, these films have been licensed to CBC, HBO, Showtime and Learning Corporation of America. Plans are underway to have the series distributed in Europe. However, none of the films have been licensed by any of the Canadian pay services.

"We've tried selling to pay-TV here like everybody else in town. We tried with our series, *The Kids of Degraffi Street*. We got really fantastic responses from both C Channel and First Choice. However, they both insisted on having first window. We knew we had a sale for sure from CBC and we were just trying to get a higher sale price by going to the pay channels.

"When we told C Channel that we were getting 30% of our budget from the CBC they said 'Look, we can't even begin to match that.' I know from distributors that C Channel is picking up their material very cheaply.

"First Choice were willing to come to at least 50% of our budget. But, when we started analyzing their deal, we became aware that we weren't going to see any money from it for at least a minimum of 18 months with how they structured their payments. With CBC contracts we negotiate, so we get so much on signing, so much on script approval and so on. And also, over the years, we have developed a really nice working relationship with them.

"I understand what they say about this business of wanting first window, but I disagree with them, particularly in the area of children's programs. And when you try to point out to them the logic of having a second window, they can't see it. Yet they'll pick up a *Star Wars* as a big blockbuster. It certainly isn't a world premiere and certainly not a first window. They're counting on the fact that people have seen it and want to see it again. And I think that applies to kid's films. But they don't see that and that is what is so frustrating. My argument with them is that what free TV is going to do is build their audience for them. Because kids are going to say 'I've seen that at so-and-so's birthday party' and kids like to hear and see things over and over again. Like a story in a book, they like to read it over and over again. And I find nothing wrong with that. I've pointed out to the pay-TV people that they can cash in on CBC's publicity. People are going to know about these shows and the audience is just going to get stronger. But that argument goes nowhere.

"I think that both the CBC and the pay channels have got to lose this sort of pompous attitude that 'we will only be the ones with a first window' because they can't afford to fracture the market or the producers that much."

RICK BUTLER
president
Tapestry Productions Inc.

Butler has had a diversified career as an academic at several universities; as a writer of three books: "*Quebec: The People Speak*," "*The Trudeau Decade*," and "*Vanishing Canada*"; as a documentary producer for CBC, TVOntario and the NFB; and as a producer of 12 record albums. In May 1982 Tapestry Productions concluded a deal with Standard Broadcasting Ltd. to develop Canadian stage plays for television.

"Balconville" was the breakthrough show initiating co-operation between C Channel and CBC. It's first going to be shown on C Channel which has an initial six-month window on the show. Then it goes to CBC for a one-year window and then it goes back to C Channel for a 24-month window after that.

"Recently, Tapestry Productions has concluded an agreement with First Choice on *Maggie and Pierre*, with Linda Griffiths starring. *Maggie and Pierre* is going to First Choice exclusively for an initial two-year window. Then other broadcasters could come in and buy windows in the third year, but this is still to be negotiated. In years four and five *Maggie and Pierre* goes back to First Choice. It is scheduled to go into production in July and we'll be delivering it in the fall.

"In my contract with First Choice, I have a very interesting agreement as far as video-cassette rights are concerned. First Choice has the show totally and exclusively for the first six months. Then it is possible after six months that video-cassette distribution could take place. I'm going to use *Maggie and Pierre* as an experiment in video-cassette marketing. I'm looking into video-cassette sales because there are a lot of people who have home recorders, but who do not subscribe as of yet to pay-TV. In some countries like Scandinavia and Spain I have heard that the video-cassette rights to a show are worth more than the television rights.

"I have found First Choice extremely co-operative and helpful to deal with. From the first meeting everything came together very quickly and I find that they seem to know, at least in terms of *Maggie and Pierre*, that they wanted this show. They were very quick in their decision-making, very straight-forward to deal with.

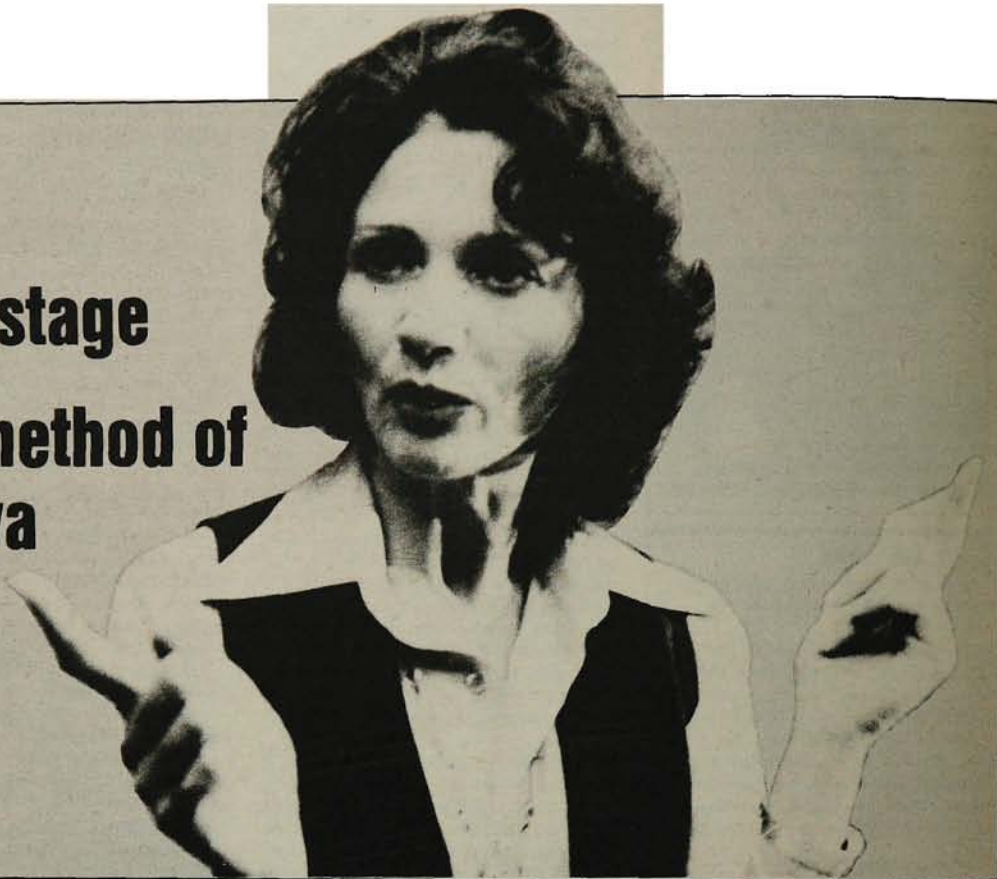
"I see that the pay networks have had criticism for being slow to produce Canadian dramas. I think that it has taken them a while to get on their feet to establish their priorities, but I see real signs now that they are serious about Canadian drama. I've sold two shows to them in the last eight weeks, and I think that their presence is going to make a real difference for producers and writers and directors. I really do. And I've got more shows in mind."



All the world's a stage

The passionate method of Maruska Stankova

by Steve Lucas



The lights have been shut off, the camera-woman is sitting down, and Maruska Stankova is doing her damndest to sell twelve predominantly young actors on the virtues of letting go.

"I know that you have it - but you are afraid to give it! Don't be afraid! You are not competitors. *There is nobody here who can harm you.*"

We are huddled this fall evening - the actors, Kathy Robertson, the camera-woman, the four directors, and I - in the sweltering wood-paneled confines of a boardroom on the sixth floor of the Ontario Studio of the NFB - a place seldom given to the letting go of anything other than money, and that only rarely, after programming sessions, in decidedly modest amounts. But Stankova, a Czechoslovakian-born actress with three thousand stage performances, a dozen film and television roles, and five years worth of workshops behind her, is not about to be daunted by her surroundings.

"My Gott, I am an animal," she declares, her eyes ablaze, her hands uplifted, her tone exotic and imploring, "I react like an animal and I feel I can com-

Principals on the production team that was responsible for the Academy Award-nominated NFB film, After the Axe, Steve Lucas and Sturla Gunnarsson are currently in Latin America researching a feature-length political thriller for the NFB.

municate with everyone in this room. I am risking the same way you are. We actors are all of us risking, all of the time - but we must be generous! *You must be generous... to yourself.*"

With this, Stankova falls silent, pausing to look one by one into the alternately deadpan and abashed expressions of those with whom she is destined to spend the next eleven weeks in this, her first workshop since coming to Toronto. Finally she announces that it's time for a break.

"I never had to do this before," she later confides to some of the non-actors over coffee in a neighbouring bar. "They are so tight and closed. Why? What is it?"

"It's Toronto," one of the directors shrugs, "the whole town's tight."

"Is it?" Stankova asks, then she nods - "I suppose it is. I just didn't want to say it."

"It's my baby and it would be difficult for me to kill it"

It's not just the town or the actors that are tight, of course: it's the times, the economic situation and, regrettably, the Canadian film industry itself. I have no way of knowing what your experiences of it have been over the past year or so; I only know that, give or take a few bright moments here and there, I doubt I have had a single working day go by without hearing someone complain about the lack of direction in our embattled institutions, the lack of funding for this or

that worthy project, the lack of commitment or competence among many of those working in the industry, or the lack of hope that things are going to get any better. Maybe I keep bad company - but I doubt it. It's tough to make a decent living when you work in film at the best of times, but lately nobody seems to be having that much fun doing it, either. There is little or no sense of community; there is plenty of ennui, fatigue, grimness, and fearfulness at play.

Enter Maruska Stankova, a bona fide Madame Butterfly of the world's theatre, with an antidote that is simplicity itself: put actors and directors together in a non-threatening situation, coax them along and see what they come up with. For me, this added up to the best professional experience I had last year. For Maruska Stankova, this came as no big surprise: "I have become passionate about it. It has really become quite good. It helps actors and directors as well."

While she now admits that the workshop "is my baby and it would be very difficult for me to kill it", giving filmmakers extended access to a group of stage actors who are struggling to make the transition to film was not always one of Maruska Stankova's goals in life.

"I said I don't know how, he said just try it."

Prior to the Russian invasion of Czechoslovakia in 1968, Stankova was a leading light in the *Laterna Majika*

Theatre, taking direction for the better part of a decade from the luminous likes of Milos Forman, Jan Kadar, Ivan Passer and Alfred Ruddock, and giving command performances to European heads of state (some of them crowned), in the native languages of eight countries on both sides of the Iron Curtain.

"I was a star and I was given star treatment. It was a shock to come to Canada and not be known by anybody."

She came to Montreal in 1967 for precisely the same reason she came to Toronto fifteen years later: she was following her husband, Zavis, a civil engineer who had come to take on a new job. (After the invasion, neither could return safely to Prague.)

Stankova proceeded to work in Quebec film, television, and theatre, in both official languages. By 1976, she had attracted the attention of Roman Kroitor, head of NFB drama at the time and a pioneering filmmaker in several respects.

"He asked me to do (the workshop). I was horrified. I never taught anybody before. I said I don't know how. He said just try it."

Her first workshop lasted several months, the second, held the following year, was equally long, but by 1980, Stankova had evolved a formula: 12 actors and four directors for two to three months. While she maintains that "every workshop is different - there is always something new", the pattern is now more or less set.

A used-car salesman, a stripper, and an opera singer

Stankova selects the four directors on the basis of her instincts, their interest, the quality of the films they submit, and certain other considerations: as Rogers Cable 10 and the Ontario NFB Studio combined to provide the physical resources - video camera, studio, rehearsal space - needed for our particular workshop, two directors from Rogers - Ian Knox and Michael McNamara - and two ostensibly from the NFB, though both are freelancers - Gayle Singer and Sturla Gunnarsson - were chosen, and I came along for the ride as a sort of writer-in-residence. (The subsequent workshop, however, included directors affiliated with neither Rogers nor the NFB.)

Next, Stankova places ads for actors in local newspapers and on the bulletin boards, screening the respondents over the phone down to twenty or twenty-five, or as many as can be comfortably auditioned in a single day.

Both Stankova and the directors attend these auditions, selecting actors best suited for the scenes, generally taken from theatre plays and intended for three players, which they will by this time have in mind.

Shot and edited at the end of the workshop, the scenes represent the sum of what the actors, and the directors, have learned throughout; it is hoped that the cassettes produced will help the actors find work. (In our case, they did in fact help at least three actors: Renée de Villiers landed the same part in *Cold Comfort* she had played in the workshop; Michael O'Hara turned up on SCTV; and Angie Pietarinen had a part in a half-hour drama produced by Atlantis Films.)

The actors chosen for the workshop may vary in terms of their day job - our group included a used-car salesman, a stripper, and an opera singer - but they have at least three things in common: 1) they are stage actors with little or no experience in front of the camera; 2) they know where they can get their hands on the \$380.00 required (the workshop is now eligible for a Canada Council grant for those wishing to apply) and 3) they are about to encounter an approach to film acting that is extremely down to earth.

"A film actor needs to have alive his face and his heart"

"All this discussion about schools, between schools, seems to me silly", Stankova admits. "Why not pick the best from them all and use what works for you?"

What works for Stankova, and what she encourages nascent film actors to do at all times, is use their imaginations: "You have to have images, you must create them, make them concrete, otherwise we (the audience) will not be able to see them, or know how you feel about them." This belief gives rise to a host of exercises in which actors are asked to see flowers, old friends, and enemies where there aren't any, much as they might be asked to do so on an actual film set, where there likely won't be any either.

Stankova also believes that a film actor must learn to combine both presentational and representational modes of acting: presentational being the mode in which the actor is constantly becoming the character in such a way that performances and emotions may vary, and representational being the mode in which an actor repeats only

those results achieved during rehearsals. In her words, a film actor "needs to have alive his face and his heart" and "to remember his gestures, his movements, and his position" so he can repeat them; he must hit his marks emotionally and technically.

"Directors, for an actor, are like Gotts"

During the eleven-week period, Stankova leads actors and directors alike (for directors are expected to do the exercises as well) step-by-step along a path designed to help them hit these marks. There are exercises, as a matter of fact, for hitting nothing *other* than marks on the floor; for head movements and eye movements in precise tandem and repeated, one after the other; for maintaining a constant flow of inner thoughts, so that no matter how abbreviated a given reaction shot may be, it will always have something about it that intrigues.

Scenes from famous and not-so-famous films for one, two, and an ensemble of actors are re-enacted, shot on video, and examined.

A director gets a chance to learn about the consequences of his being late: "Directors, for an actor, are like Gotts. They are guiding lights. They must be professional. They cannot be late."

Actors learn that even 'Gotts' can be gotten round: "If a director gives you a subtext and it doesn't work, use a substitute."

Dierdre Bowen, a prominent Toronto casting director, pays a visit and offers some hardnosed advice: "You come in to see me. It's a job interview. I'm looking at your physical appearance. I'm looking for a professional attitude. I'm making notes to myself, such as 'Doesn't have a clue'. So be sensible. Don't push me. Introduce yourself. Give a number where you can be reached. Have a picture that looks like you. A one-page resume that lists your most recent work. And remember, the minute you walk in the door to my office or a casting session, you're on."

"I'm extremely happy now"

At the end of the workshop, there is a party to which casting directors and producers about town are invited to view the finished tapes. There may even be some kudos, from Stankova herself: "At the beginning, you were horrible. I never met a group so horrible. But no group ever made better progress. I am extremely happy now. The scenes are good. You are good. We have something to show."

We also, it seems to me, have something to be thankful for. While our counterparts in the theatre may work together informally and formally a great deal of the time, actors, writers, and directors in Canadian film seem to do so all too infrequently, waiting in many cases until they are on the set together, by which time it's often too late.

If all Maruska Stankova did was bring together young people from the creative side of the business - the side that falls on its face with such numbing regularity - we would owe her a small debt. But because she gives them the benefit of her vast experience in the dramatic arts as well as the opportunity to learn from one another, respect one another, and move forward after making a few mistakes, we owe her a very great debt indeed.

I wish there was more training of this kind available in Canada. I think we need it. I know it helps.



● Getting a part on SCTV was Michael O'Hara's reward

photo: Roger Mattiussi



● Melissa Bell takes it hard from Peter Stevens in a workshop scene

photo: Sturla Gunnarsson



● Acting adulterous, Angie Pietarinen and Micheal O'Devine

photo: Roger Mattiussi