

Majors win first round in Quebec

MONTREAL — On Nov. 27, the Quebec Cabinet decided not to approve the regulations of Quebec's Bill 109 touching on the question of distribution of films in the province, among other items. *Cinema Canada* learned from a well-informed source on Nov. 28 that Bernard Landry, then minister of finance in the Parti Québécois government, had opposed the regulations in cabinet. On Dec. 2, the P.Q. lost the provincial election in a landslide vote that returned Robert Bourassa and the Liberals to power in Quebec after nine years of P.Q. rule.

These are the bare bones of a news story which held the front pages of both *Le Devoir* and *La Presse* for three days running, from Dec. 9-11. Curiously, the English press outside of Quebec took scant notice of the events.

As background to the story, Claude Fournier, president of the Institut Québécois du Cinéma, had been asked last August by then minister of Cultural Affairs Clément Richard to negotiate an understanding with the U.S. Majors around the regulations. Originally, Fournier's twin brother, Guy,

author of the study on which Bill 109 was based, had been negotiating with the Majors, and a sort of understanding had resulted, Claude Fournier told *Cinema Canada*. Leaks from the Majors, however, coupled with the fact that Guy Fournier was negotiating as a free agent for the government without any organizational backing, diminished the results, and Richard asked the president of the IQC to begin again. In August, Claude Fournier, Clément Richard and Jack Valenti, head of the Motion Picture Association of America, began discussions.

In September, public hearings were held on the subject of the regulations (see *Cinema Canada* No. 124), and the final draft of these regulations was sent by the Régie de Cinéma to the minister of Cultural Affairs who, in turn, would present them to the Cabinet.

At stake was the definition of just who would be permitted to distribute films in Quebec. The overwhelming recommendations heard at the public hearings was that only Quebec companies should distribute films. Two exceptions would, however, be permitted. The

"producer" of a film or the holder of "world rights" (already doing business in Quebec on Dec. 17, 1982) would be permitted to distribute on a film-by-film basis. In brief after brief, it was suggested that "producer" should be defined as the person who holds copyright on the first day of principal photography, and the "holder of world rights" encompass, effectively, rights in all parts of the world. These were tougher definitions than those in the first draft of the regulations.

These hearings, then, and the resultant regulations constituted what Fournier refers to as "the fall-back position", and made the job of negotiating with the Majors effective. "As time went on and they became convinced that the government was serious about passing the regulations as they stood (if nothing were to come of the negotiations), their position became more and more supple. We made enormous progress from August to October, and, while it would be exaggerating to say that an understanding was at hand, there

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Caplan-Sauvageau report running late

OTTAWA — The federal task force on broadcasting policy won't be meeting its original Jan. 15 deadline to present its recommendations to the minister of Communications. In fact, "If God is good", says task force co-chairman Gerry Caplan, it's only within the following two months that the recommendations will likely be passed. "March is what we're looking for," says Caplan.

Caplan attributes the delay as the product of various factors: the two months last summer spent "gearing up and roaming around" (a process that included public meetings at 14 cities across Canada); a misunderstanding by the task force's creators of what Caplan called "the magnitude of the task"; the temporary resignation last fall of Marcel Masse over allegations of federal election campaign overspending; and an avowed commitment to "stick with" promises to hear out the concerns of interested public and private groups (in some cases more than once) and just generally being as accessible as possible. Masse's

exoneration and return to cabinet late in November would not change the task force's revised submission of recommendations, Caplan told *Cinema Canada*.

Since late November, the task force has been in what Caplan referred to as "our semi-final to final stages," a period in which the seven task force members conferred among themselves and their researchers in a bid to agree on recommendations. Retaining his upbeat outlook (he, in fact, candidly regards his group's existence and experience since its creation last spring as "a wonderful time"), Caplan said that, while a general drift to the task force's report is still outstanding, "We ought to be able to reach a consensus on a whole lot of different issues."

One key recommendation certain to appear when the report is presented (and, as vowed by Caplan, made public) is the continued significant presence of the CBC in the Canadian broadcasting spectrum. Speaking at a November gathering of CBC trade-union

employees (groups that included ACTRA, NABET, and the National Radio Producers among others) at Toronto's Hampton Court Hotel, Caplan pointed out "The question is not whether there should be a CBC. There will be a CBC when we finish. The question is what size it will be, what scale, and what areas will be served." Caplan, who mildly chastised the CBC unions for "missing the boat for five or six months" before finally forwarding submissions to the task force on their concerns, added the public broadcasting system he envisions would "probably be a significant one" with its relative weight vis-à-vis the private broadcasting system to be determined.

As if to emphasize the CBC has a future role to play, the former national secretary to the New Democratic Party found himself trying to allay the mutual concern of the approximately 60 assembled network employees that the federal Conservative government

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Feature Task Forces wants Canadian distribution, funds

TORONTO — On Dec. 10 the Film Industry Task Force, appointed last September by federal Communications minister Marcel Masse to analyze the structural problems of the Canadian film industry, released its eagerly awaited report, *Canadian Cinema — A Solid Base*.

In its 118-page bilingual report, the Task Force unimously requested that the elected government unilaterally establish a firm domestic film policy, aimed not so much at improving Canadian access to foreign markets, but at gaining access to its own domestic market. "We urge you, Mr. Masse," stated the report's covering letter to the minister of Communications, "to resist being distracted by the ongoing trade talks, and to steadfastly pursue your oft-stated policy of developing and enforcing, unilaterally in Canada, a truly Canadian film policy."

In its analysis of the Canadian film industry, the Task Force identified the three major structural problems that required solution for the development of a healthy, dynamic, profitable and competitive Canadian film industry. These are: the foreign domination of film and video distribution in Canada that prevents Canadian producers from taking their rightful place in the Canadian market; the chronic under-capitalization of production companies

and the difficulty of financing feature films; and the concentration of theatre ownership, as well as the vertical integration of distribution companies that reduce competition in the field of distribution and exhibition.

The Task Force's major recommendations, as regards Canadian control of film distribution, is that the distribution of films and videos in all media in Canada be by companies owned and controlled by Canadians. Canadian ownership and control of distribution in Canada is essential, the Task Force stated, recommending the government take the appropriate legislative and regulatory measures to ensure that this policy is carried out to rectify Canadian distribution companies' marginalization in the domestic market, where Canadian films only occupy three to five percent of screen time.

As regards private-sector capitalization of companies and the financing of Canadian feature films, the Task Force recommended the creation of tax incentives and other support mechanisms to encourage investment in Canadian production, distribution and export companies, as well as the creation of a Canadian Feature Film Fund with an annual budget of \$60 million.

The Feature Film Fund, to be administered by Telefilm

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Quebec box-office, distribs strong

MONTREAL — According to Quebec-based film distributors, 1984-85 was an excellent year in terms of box-office receipts for many of the province's films.

"1985 has been a very, very good year for us," Victor Loewy, president of Vivafilm Ltée, told *Cinema Canada*. "We had many films that were very successful at the box office. *Le Matou*, directed by Jean Beaudin and produced by Justine Héroux, has already brought in \$900,000 since its release in early September, and is still going quite strong."

"*Hold-up*, the Canada-France co-production starring Jean-Paul Belmondo, is now in its eighth week in Quebec and has already grossed over \$600,000. I project it to bring in close to \$850,000 before its run in the province is termi-

nated. We have also had success with some of the foreign films which we distributed.

"I am also very excited about our line-up for 1986," continued Loewy. "We will be releasing *Night Magic*, directed by Lewis Furey and produced by RSL of Toronto, as soon as Lewis Furey has secured a record deal for the film's soundtrack. We will also be releasing the new Nardo Castillo film *Claire... Cette nuit et demain* on March 7, as well as *Pouvoir intime* by Yves Simoneau. I am very optimistic about both these films."

In 1986, Vivafilm will also be distributing a line-up of foreign films that includes Federico Fellini's latest, *Fred and Ginger*, and Eric Rohmer's newest feature, *Les Rayons verts*.

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Caplan-Sauvageau

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would 'shut the CBC down' regardless of the task force's suggestions. Responded Caplan, "I don't believe the Tories will shut the CBC down. One of the thoughtful Tories, Marcel Masse, realized quickly they were full of shit in their asinine preconceptions about the CBC

...Something happens when you get into government - they're not going to close this place down, I can tell you!"

Aside from the reassurances he offered, a sympathetic Caplan, mindful of his own trade-union affiliations, also took the dissatisfied employees to task for their defence of the CBC as a means of propagating Canadian consciousness. All too well aware of the endless de-

mands placed on the CBC by competing interest groups and regions, of the burden CBC has lifted from the private radio and TV sector by having to cover the likes of premiers' conferences, and a private sector espousing free enterprise platitudes ("except," he said, "when talking about the protections they need from the state"), Caplan attributed to the CBC a penchant for step-

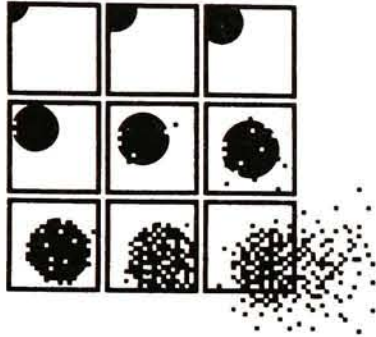
ping on its own tongues and antagonizing its "endless opponents." The corollary of those private-sector assaults, said Caplan, consists of internecine strife among the CBC's various unions, he said, are "doing it to themselves."

Admitting that "The system's not just about programming, it's a god-damned complex industrial business," Caplan said

the task-force wasn't opposed to recommending more money for the CBC. Rather, for all its value, it's a matter of determining how much the CBC's excellence is worth and needing to do "better than better with Tory ministers than saying the CBC is better than F-18 fighter aircraft or ice-breakers in the north." He noted as well that if certain changes are needed to the CBC, the task-force's report will include a sense of the ballpark financing required (one argument already in the offing is removal of the present five hours of American programming on CBC-TV, the replacement for which Caplan recognizes will require explanation).

At one point Caplan likened the task force's public perception to that of the CBC's, an organization that "collectively and in its individual components is in a permanent no-win situation because there are too many people with an ingrained bias. In five years they're going to kick the crap out of you for whatever and that's probably a permanent truth in the life of the CBC." The result, he said, is that CBC employees must continue to "fight back."

As task-force co-chairman, Caplan then voiced his own concern about not becoming "one in an endless line of god-damn task-forces on the CBC that makes recommendations that are then ignored." And, in a determined bit of conviction, Caplan promised "the government will get what we want them to get" - although he doubted the government itself knows what it wants in the way of broadcasting policy.



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