

Fifth column on the march

Roth leads forces to battle legislation

Just in case the Canadian government does get it together and introduce legislation on the distribution question, the ever-vigilant Millard Roth, executive director of the Canadian Motion Picture Distributors Association, has planned his strategy and communicated it to the members of his association and his patrons at the Motion Picture Export Association of America. The latter is a sister association to the Motion Picture Association of America and deals with MPAA foreign policy. Jack Valenti heads both associations.

The member companies of the theatrical division of the CMPDA are Warner Bros., Universal, Paramount, Columbia, MGM/UA, 20th Century-Fox, Orion and Paramount.

The member companies of the home video division are J.L. Bowerbank & Associates, CBS Fox Video (Canada) Limited, H.B.O. Video, Lorimar Home Video Canada, New World Video, Norstar Home Video Inc., RCA/Columbia Pictures Home Video, Walt Disney Home Video.

Roth's memorandum is reprinted as we have received it, though it would appear to end in mid-sentence.

"IT IS IMPORTANT THAT WE BE CLEARLY PERCEIVED AS BEING OPPOSED TO THIS APPROACH; SO AS NOT TO DISLodge SUPPORT FROM EITHER THE CANADIAN CULTURAL MILIEU OR THE OPPOSITION PARTIES."

"WE DO HAVE AN UNDERSTANDING WITH D.O.C. THAT QUIET COLLABORATION IS AVAILABLE ON THE WORDING OF SUPPORTING REGULATION."

MEMORANDUM C88159 April 8, 1988

To: Theatrical Committee, Home Video Committee, Television Program Committee

From: Millard S. Roth (executive director, The Canadian Motion Picture Distributors Association)

The enclosed status report has been provided to the M.P.E.A.A. (Motion Picture Export Association of America)

1. Legislation:

There seems little question that D.O.C.* will introduce legislation. It will be non-discriminatory and will give D.O.C. / Investment Canada control over the importation of film, video, and T.V. programming.

Affidavits will be required to indicate that the importer is either the producer, an investor, with a 50 per cent or greater financial interest, or has negotiated separate Canadian rights.

Although not confirmed, there is an indication that D.O.C. is willing to have the monitoring activity on a totally "passive" basis as there will be no D.O.C. response to the notice. In any 12-month period, each importer will be required to provide the government authority with a requisite notification for each title or program.

2. Timing:

We expect this legislation to be introduced within the next 6 weeks.

That being the case, the most significant question is whether or not such legislation will be passed by the current Parliament. It may well be caught up in an election. Clearly if there is a fall election, the legislative process (two readings, committee hearings, third reading, Senate approval) cannot be completed in time. On the other hand, it is reasonable to assume that the process could be completed, if the Prime Minister's decision is to opt for a spring election.

3. Other Issues:

1) We do have an understanding with D.O.C. that quiet collaboration is available on the wording of supporting regulation. As it has done in the instance of copyright, the C.M.P.D.A. could make available its counsel to provide technical assistance to the government's draftsmen.

2) The public position of the M.P.E.A.A. / C.M.P.D.A.

It is important that we be clearly perceived as

being opposed to this approach; so as to not dislodge support from either the Canadian cultural milieu or the opposition parties.

3) If there is a fall election, it is reasonable to assume that this issue will not be revisited for approximately 12 months.

In the post-election period, the C.M.P.D.A. could then capitalize on this lull to initiate the following:

a) meetings with a new Communications Minister, the new provincial caucuses, the PMO, and others in order to put forward a fresh look at the Canadian industry and the role of C.M.P.D.A. / M.P.E.A.A. members.

b) reactivation of the Motion Picture Institute of Canada as an intra-industry, unbiased organization to bring a better informed and more current perspective to the policy debate.

c) a quiet industry meeting which would include messrs. Drabinsky, Greenberg, Simpson, Malo, S. Roth and Link to consider viable alternatives to be presented to federal officials.

4. General Comments:

Given the framework that is developing, the introduction of film legislation can assist the Prime Minister with respect to the sovereignty issue in the free trade debate, the Canada / U.S. relationship issue, and the overall question of his leadership.

If the legislation is tabled and not passed because of a fall election, there are additional risks. The tax reform proposals will reduce the available funding for feature film production, and the smaller differential between the Canada and U.S. dollar may result in a decline in location shooting. Both of these scenarios will cause reduction in employment and earnings with resultant pressures by the creative community on the government. In the event of a minority government or a liberal party •

*D.O.C. : Department of Communications.