

Trade News

Broadcasting bill tabled

OTTAWA – New broadcasting legislation to replace the 1968 *Broadcasting Act* was tabled in the House of Commons by Communications Minister Marcel Masse on October 12th.

The bill is the result of a lengthy public review and consultation process and incorporates recommendations made during study by the legislative committee of Bill C-136. Although substantially unchanged, a few modifications have been made to the new bill to clarify points of concern raised during recent consultations.

"During the past six months, I have met with representatives of the broadcasting and cultural communities across Canada" Mr. Masse said. "These discussions showed widespread support for a new broadcasting legislation. A number of suggestions were made to further improve the Bill C-136, such as the recognition of the important role of educational broadcasters and the need for increased cultural and artistic programming. I am pleased to be able to take account of these points of concern in the new bill which is being presented to Parliament today."

"For Canadians, this amended bill will offer a greater choice of more and better Canadian programming, enriching Canadian life and strengthening Canadian identity," added the Minister.

In addition to this primary objective, major elements of the bill, compared to the 1968 act, include:

- Women, children, cultural minorities, aboriginal peoples and the disabled are specifically mentioned in the legislation, as is the need to portray more accurately the multicultural nature of our society.

- For the first time, the special nature of the French-language broadcasting environment is recognized. The CRTC will thus be required to take these market differences into account when making licensing decisions.

- Measures to strengthen the CBC's management structure and financial accountability to Parliament and to guarantee its journalistic freedoms and artistic independence are included.

- The new act will be "technology neutral," allowing for adaptation to new technologies such as fibre optics, high definition television, digital transmission and multi-channel, multi-point microwave distribution services.

- It will permit cable television operators to create programming services, but will give the CRTC the power to review potential conflicts of interest and, if necessary, to require cable operators to carry other specified programming services.

- The CRTC is given the power to implement,

if necessary, an incentive system to encourage broadcasters to exceed current Canadian-content quotas.

- The Governor in Council will give broad policy direction to the CRTC subject to preliminary review by Parliament.

- The number of full-time CRTC Commissioners will be increased from 9 to 13; the number of part-time Commissioners reduced from 10 to six. Terms for all members will be five years.

- The CRTC's head office will stay in the National Capital Region, but regional Commissioners, who live in the regions they represent, may be appointed.

- New wording will permit originators of program signals – and their authorized agents, such as cable operators – to take action in the courts against commercial pirates stealing their scrambled signals.

- In addition, provisions have been included to amend the *Railway Act* to enable the CRTC, in regulating telecommunications, to take into account the requirements of the *Broadcasting Act*.

In addition, several new modifications to Bill C-136 include:

- A clause has been added to make educational broadcasting an integral part of the law.

- The wording of the mandates of the CBC and the proposed alternate programming service will clearly underline their responsibility to include cultural programming among their range of program choices.

- Local stations will be given priority status when carried by cable.

- Provision has been made to make the President of the CBC a member of the board of directors and to be appointed by order in council.

- The definition of "broadcasting" has been changed to give the CRTC more flexibility in dealing with new types of programming services.

Canadians play role in setting European policy

MONTREAL – The European Foreign ministers' decision not to impose quotas on television follows the conference, *Les Assises européennes de l'audiovisuel*, in which Canadians played a part in the deliberations. A last-minute invitation allowed Canada and Quebec to send three

observers: André Bureau (former chairman of the CRTC) and Francis Fox (former minister of Communications), as well as producer Marie-Josée Raymond (Rose Films). Of particular concern to Canadian producers was the status of co-productions under the proposed quotas. At the Montreal Festival Symposium last month, French government representative Claude Norec said Canadian-French co-productions would be considered French at the time of production, but not necessarily so when broadcast.

In a telephone interview from Paris following the conference, Raymond told *Cinema Canada*, "We were asking that international agreements (the coproduction treaties) be respected. We are aware of the Europeans' concern, they want to encourage alternative production in order to resist American dumping of programming. It's in our interest to help them, but the existing treaties must be respected."

Raymond went on to say, "It was fascinating to see how the Europeans prepare for 1992. There's something sad about the lack of political discussion of culture at home, when you hear the prime minister and cabinet here talking about culture and film/television production. I

don't think you find the same political will among our politicians to use culture as an instrument of national affirmation. For them, it's just a business like any other."

Since, the European Community's foreign ministers have decided not to impose legislation to back up television quotas. They did pass a draft directive aimed at achieving a majority of Euro-programs on Euro-TV but, to the surprise and relief of many non-European producers, opted not to pass actual laws.

The approved version of the *Television Without Frontiers* document says that governments must reserve a majority of broadcasting time for Euro-shows. News, sports and game shows and ads are exempt.

Only Belgium and Denmark voted against the policy which is part of the plan to create a single TV market with a potential 320 million viewers by 1992. Sources at the conference in Paris say it will take about 125,000 hours of additional programming to feed the quickly increasing European appetite for television. The Community now produces only 20,000 hours.

Jack Valenti of the MPAA is opposed to even the watered down policy. "It is not the wise compass course into a future that depends on a growing global marketplace," he said.

Record for Canadian films in TO market

TORONTO – The week of Oct. 5-12 saw a record number of Canadian films on Toronto screens – no less than seven films on more than 20 screens. There was a time, not long ago, when seven Canadian films on seven screens a year would have seemed unusual. Of the seven, the only French-language entry, Denys Arcand's *Jesus of Montreal*, has done the best at the box office and has survived the longest, playing on four local screens and 11 nationally. It opened directly after the Festival of Festivals.

None of the Toronto offices of the distributors would give box office figures on their Canadian films, which is common practice. They seem to be afraid that the low figures would discourage people from attending. The one exception to this policy is Cinephile, the specialty Toronto distributor who is handling Atom Egoyan's *Speaking Parts*. To date, it has grossed \$20,000. Cinephile has since launched it nationally.

Playing in wide national release were Anne Wheeler's *Bye Bye Blues* (as many as 16 screens nationally) and Sandy Wilson's *American Boyfriends* (14 nationally). On a smaller release pattern was Allan King's *Termini Station*. Rounding out the seven, were Michael Anderson's *Millennium* (A big-budget Sci-Fi thriller not generally considered Canadian, but should qualify for the Genies, and makes it on

points, if not in the same spirit as the rest. Anderson is now a Canadian citizen and the film was short entirely in Toronto.), and Rose and Ruby's *Thunderground*, which lasted on one screen for one week.

The broad range of films – from Egoyan's modernist, low-budget *Speaking Parts* to Anderson's old fashioned, Hollywood-style *Millennium*, budgeted at over \$9 million; from Arcand's brilliant *Jesus*, to the exploitive and crude *Thunderground* – is extraordinary, and should forever put to rest doubts about Canadian abilities in this area.

At the time of writing (Oct. 23), *Jesus of Montreal* and *Millennium* were still holding strong at two screens each in the Toronto area and *Speaking Parts* was still playing on the one screen. *Bye Bye Blues* has been dropped to one screen while *American Boyfriends* and *Termini Station* didn't last beyond two weeks each. At the exploitive end of the market, *Thunderground* was replaced by SC's *Office Party*. With the impending release of Vic Sarin's *Cold Comfort*, Bruce McDonald's *Roadkill*, and maybe, just maybe, Borsos' long-delayed *Bethune: The Making of a Hero*, plus many others, the fall of '89 has turned out to be a bountiful harvest for Canadian film; maybe even a watershed.