



May 19, 2005

Director
Canadian Audio-Visual Certification Office
100 Sparks Street Fourth Floor
Ottawa, Ontario
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VIA Email cavco_bcpac@pch.gc.ca

Re Public Notice-CAVCO 2005-001

1. This is the reply of the Alliance of Canadian Cinema, Television and Radio Artists (ACTRA) in the matter of CAVCO's call for comments regarding guidelines to be adopted in response to the draft amendments to the Income Act and modifications to the Canadian Film or Video Production Tax Credit.
2. As noted in our original submission, ACTRA members have a vital stake in Canada's cultural future. Performers are an integral part of the Canadian film and television production industry. The films and TV shows that Canadians see, even if written and directed by Canadians will not be Canadian if the performers are foreign. While government policy goals include building an infrastructure and expanding the Canadian share of international markets, we cannot lose sight of the fact that the use of public funds and the public airwaves should support the production of Canadian stories. We agree with and support the Directors Guild of Canada (DGC) and the Writers Guild of Canada (WGC) in their submission. ACTRA specifically agrees that CAVCO must ensure that Canadian-certified production and creative control of those productions remains firmly in the hands of Canadians. We would add that Canadian films and television shows should not only be written and directed by Canadians, but also performed by Canadians.
3. ACTRA also supports both the WGC and the DGC with respect to the issue of copyright ownership. Copyright ownership underpins the real and financial control of a production. To use the old adage *he who pays the piper calls the tune*. Therefore, we do not think it appropriate to change the rules on copyright ownership to permit funding from foreign sources where the law for tax shelters or tax exemptions requires those foreign sources to own copyright in whole or in part. We are concerned that there will be insufficient protection and domestic cultural control of the creative elements of a CAVCO film if copyright is permitted to be transferred to a foreign financier who would want to influence the creative elements by insisting on use of foreign personnel including foreign performers. As this rule would primarily apply to CAVCO productions in English, we consider that foreign creative influences would mean U.S. writers, directors and performers. Removing the copyright ownership requirements will not build a Canadian industry nor ensure employment for Canadian writers, directors and performers.

Alliance of Canadian Cinema, Television and Radio Artists

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Therefore ACTRA opposes the relaxation of the rules on copyright ownership.

4. ACTRA agrees that the CRTC should be required to use its policy and licensing powers to support the production, broadcast and promotion of Canadian feature films and Canadian television dramas by both private and public broadcasters.
5. We specifically want to note our objection to submissions that oppose a prohibition against non-Canadian “showrunners”. It is our view that no matter how defined, the so-called “showrunner” does have control over the creative content of a production. While a rule that requires a “showrunner” to be Canadian is not insurance that in all cases creative Canadian elements will be used, it is of some assurance that the look and feel of the production at least would be Canadian.
6. ACTRA supports the recommendation of the WGC that the use of a Canadian screenwriter should be mandatory for Canadian certified productions in the same manner that a Canadian producer is currently required. As the WGC has noted, the objective of the CAVCO certification process is to create Canadian content, not foreign content. A rule that requires the use of a Canadian screenwriter and perhaps a Canadian director would increase the odds that Canadian performers would be used in leading roles.
7. We would like to support the creation of an Advisory Committee. However, such a committee should not be comprised solely of Canadian film and television producers. We recommend that the Advisory Committee include representation from the creator community - and that would include a performer representative. ACTRA would be pleased to cooperate with the other creators as well as with the producers and CAVCO to make such a committee work.

ACTRA would be pleased to supplement our comments in any hearing or additional consultations that may arise.

Thank you.



Stephen Waddell
National Executive Director