Federal Government Supports for Screen-Based Content Production:

Why Regionally-based Production Incentives are Counterproductive in the Digital Economy

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Executive Summary

Toronto and Ontario are home to the leading firms in Canada's English-language creative industries. Supported by a range of public policies, Ontario producers have harnessed Ontario's artistic talents and skills to build a dynamic screen-based content industry (films, television programs, games, and interactive media). Creative industries are founded on intellectual property and are central to the digital economy of the 21st Century.

Ontario-produced content is successful both financially and creatively, providing substantial and high-value employment and increasing worldwide exposure. When the industry brings Canadian stories to audiences, the cultural impact is profound.

Some federal government public policy mechanisms provide incentives for "regional" screen-based content productions. There is a legitimate public policy rationale for incentives to support Canadian producers to bring local stories to local and national audiences. Yet in reality, the public policy underpinning of regional incentives is about promoting a diversity of production locations, rather than a diversity of stories.

In the digital economy, regional production incentives do not support cultural policy; they are simply poor economic policy. By contrast, clustering is essential for competitiveness in a global marketplace and there is no public policy rationale for incentives based solely on the location where the content is produced. While the extent of these "regional" incentives today is modest, their existence is an anachronism. The remaining place-based funding and regulatory measures should be dismantled as part of Canada's digital economy strategy.

Further, in respect of English-language screen-based content productions, regional bonuses are often provided to productions that occur anywhere other than Toronto/Ontario. Thus, they are discriminatory and counterproductive to the development of centres of excellence where the critical mass of talent, skills, knowledge, financing, and specialized technology can be mobilized efficiently.

This report will examine the current state of regional production incentives. It will consider how they affect efforts to maintain Toronto/Ontario as the centre of excellence in the production of English-language screen-based Canadian content. It will also consider the management of related intellectual property rights. The findings are based on the author's independent research, nine structured interviews with independent producers and industry executives, meetings with officials of the Ontario Media Development Corporations, as well as informal discussions with other key players.

Canadian Policies Support Screen-based Content Production

Canada faces a basic cultural challenge. We are a nation of only 35 million people, spread over the second largest landmass in the world. Canadians share an 8,900 kilometre long border with the world's largest producer of cultural materials and the majority of us share a language, idiom, and many cultural references with that southern neighbour.

Canada is also an open market for the work of creative industries. Most Canadians believe in the free movement of ideas, information, and entertainment and we enjoy our access to the best of other cultures. When television first arrived, most Canadians could receive the closest U.S. services even with the smallest antenna. Hollywood studios consider Canada part of the domestic market for the release of movies and the Toronto International Film Festival has become a critical showcase for the best films from Hollywood.

Other content producers enjoy a comparative advantage over Canadians. Some foreign producers have a substantially larger domestic market and benefit from economies of scale; others are protected by language; still others by physical distance from competing products. While technology continues to eliminate these advantages, historically they were vital to the creation of national creative industries.

Most Canadians accept that, while we are free to enjoy foreign screen-based content, we also need to see ourselves reflected in what we watch, hear, and read. We need to be able to view the world from our own perspective. To offer Canadian artists and creative content producers a reasonable opportunity, Canada must rely on public policies and programs which help to level the playing field for our producers. This is essential for nation building.

Canadian governments of all political stripes have implemented regulations, measures, and funding programs, at both the federal and provincial levels, that permit our artists and creative industries to emerge and succeed. The federal government also maintains national cultural institutions and agencies. The basic objective of these policies, institutions, and agencies is to ensure that Canadians have choices in our own country. Canadian measures include:

- Direct funding programs for individual artists and content producers
- Indirect funding through tax credits for qualified spending
- Canadian content regulations in television and radio
- Support for Canadian rights holders in various laws and regulations, including simultaneous program substitution, and cable and satellite carriage rules
- Government cultural agencies, including the Canadian Broadcasting Corporation (CBC), National Film Board (NFB), Telefilm Canada, the Canadian Radio-television and Telecommunications Commission (CRTC), and heritage institutions
- Limits or restrictions on foreign ownership, including of cable companies, broadcasters and film distribution firms, as well as the telecommunications companies with which they are now vertically integrated
- Requirements that commercial interests, which enjoy a regulated monopoly or otherwise benefit from certain policies, provide resources for the production and promotion of Canadian content

Screen-based Content is Produced Primarily by Independent Producers

The bulk of production activity in Canada is undertaken by independent producers, considered independent because they are not affiliated with the exhibitor of the content they produce. Some may also be distributors.

Regional incentives have been used in funding programs which support the production of television programs and feature films, and in regulations which encourage such production. In both instances, this can include digital media content production associated with television programs and films. However, regional incentives are not employed in funding programs which support the production of other interactive digital media content, such as games.

This analysis addresses the impact of regional incentives on producers who create television programs and feature films. While most of them are now exploring opportunities in interactive, web-based content, some of which is produced specifically for the new media, they continue to produce primarily for initial release either on television or in movie theatres.

The producer is the individual or company who makes the deals and arrangements necessary for the film, television program, and interactive media content to be made. They are responsible for both the creative and the financial decision-making. They arrange for the financing; commission and/or shape the script brought to them; develop the project; hire the director, actors, and crew; approve the production schedule; and market and promote the work. These overall responsibilities may be shared between an Executive Producer and Producer.

The important role of Canada's independent producers is acknowledged in public policies. The *Broadcasting Act* states:

> "3. (1) It is hereby declared as the broadcasting policy for Canada that …
> (i) the programming provided by the Canadian broadcasting system should …
> (v) include a significant contribution from the Canadian independent production sector…."[1]

There are three parts to Canada's production industry. First, there are Canadian productions produced by independent producers, or by broadcaster-affiliated production companies. To qualify as Canadian content for purposes of funding and broadcasting regulations, these must use Canadians in key creative categories. International co-productions between Canadian and foreign producers done under one of Canada's 53 official co-production treaties may use fewer Canadians while still qualifying as Canadian content. Some productions undertaken by a Canadian producer may not qualify as Canadian content.

Second, there are some productions which continue to be done by broadcasters themselves, primarily news, information, and sports programming. A broadcaster may be also a co-producer of a drama or scripted comedy program or series.

Third, Canada has developed a sophisticated and active service production industry. Productions that fall into this category include everything from filming in Canada done

[1] http://laws-lois.justice.gc.ca/eng/acts/B-9.01/page-2.html

by a major Hollywood studio (by itself, or with a Canadian line producer), to informal co-ventures involving Canadian and foreign partners.

Financing for screen-based content in Canada has always been challenging. Even with average budgets far lower than comparable U.S. movies and television programs, independent producers often struggle to put the deal together. According to Profile 2011,[2] in declining order of importance, financing for Canadian production in 2010-11 came from these sources:

Source	Per centage (%)
Federal and provincial tax credits	29
Private broadcasters' licence fees	20
Canadian Media Fund	12
Canadian distributors	9
Public broadcaster licence fees	8
Other private	7
Foreign pre-sales	7
Other public	5
Canadian Feature Film Fund	3

'Other private sources' include financing from the production company, independent production funds, broadcaster equity investment and other private investors. 'Other pubic sources' include financing from provincial governments, Telefilm Canada, and other government departments and agencies.

The past decade has brought significant changes to the screen-based content industry globally, some of which are important for the discussion of regional incentives in Canada.

In 2011, the average Canadian spent 28.5 hours per week watching television, an increase of two hours from 2009. But, fragmentation of the television viewing audience has brought a decline in market share and slower revenue growth for conventional television broadcasters than in previous decades. Total revenues for private conventional television broadcasters were $2.15 billion in 2011, only 0.3 per cent higher than 2010 and 0.8 per cent lower than 2007 revenues. In 2001, revenues were $1.54 billion.

Specialty television broadcasters are capturing a growing market share and their revenues have risen accordingly. Specialty and pay television services, and video on demand, increased by 7.9 per cent from 2010 to 2011 reaching $3.73 billion, or 36.8 per cent higher than 2007 revenues. In 2001, revenues from specialty and pay television services were only $1.22 billion.[3]

More significantly for the future, Internet-based distribution of audiovisual content emerged and has grown exponentially during the period. Online advertising revenues

[2] Annual publication of the Canadian Media Production Association (formerly the Canadian Film and Television Production Association) in collaboration with l'Association des producteurs de films et de télévision du Quebec and the Department of Canadian Heritage. Collection and analysis of data are undertaken by Nordicity Group Ltd.

[3] All data on television revenues and viewing is from the CRTC Communications Monitoring Reports. See for example: http://www.crtc.gc.ca/eng/publications/reports/PolicyMonitoring/2012/cmr.htm

reached $2.23 billion in 2010, a 148 per cent increase from 2006.[4] In 2011, more than one-half of English Canadians used the Internet to watch television, spending more than 2.5 hours per week on this activity. In the same year, the number of Canadians using mobile devices to watch television, including smart phones and tablets, reached a measureable level.[5]

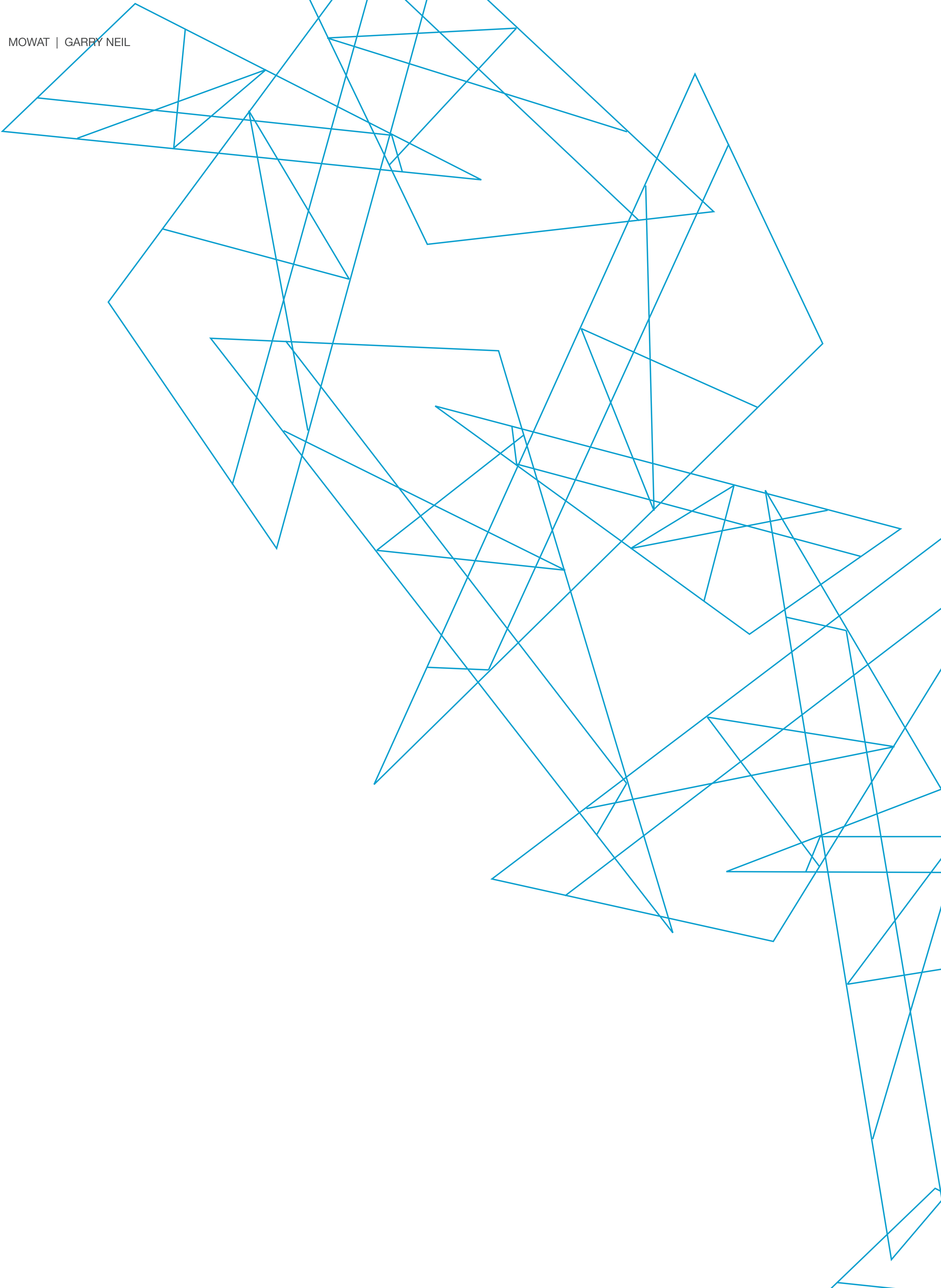
The fragmentation of audiences and the recent financial crisis have put pressure on the licence fees broadcasters will pay to independent producers. Many broadcasters have also cut back on local programming, or closed local stations. In their negotiations with independent producers to acquire programs, broadcasters are seeking more uses, longer licence periods, and the right to exploit the work across several platforms. In June 2011 the Canadian Media Production Association, representing Canada's independent producers, entered into a Terms of Trade Agreement with the major private broadcasters, which should stabilize the relationship.

Another important factor is the amalgamation of Canada's English-language broadcasters into three large ownership groups, Bell Media, Rogers Communications, and Shaw Communications. Current efforts by Bell Canada Enterprises Inc. to acquire Astral Media highlight this trend. In turn, these three groups are now part of vertically-integrated communications companies which have extensive interests in telephones, wireless, cable, satellite, and conventional and specialty broadcasters.

As a consequence of these changes, there are fewer buyers for independently produced Canadian television shows.

[4] See Canadian Online Advertising Revenue Survey at: http://www.iabcanada.com/wp-content/uploads/2011/07/IABCda_2010Act2011Bdg_ONLINEAdRevRpt_FINAL_Eng.pdf

[5] CRTC (2012). *CRTC Communications Monitoring Report*, September 2012. http://www.crtc.gc.ca/eng/publications/reports/policymonitoring/2012/cmr.htm



Regional Incentives

This report will argue that, while the stated rationale for Canada's regional incentives system is to promote a diversity of stories, the actual underpinning of this system is the promotion of a diversity of production locations. This, the report will show, is not really cultural policy. It is simply poor economic policy.

Since the most important sources of financing for Canadian productions are tax credits, private and public broadcaster licence fees, the Canadian Media Fund (for television productions), and the Canadian Feature Film Fund (for theatrical films), the report will analyze the nature and extent of regional bias in each of these mechanisms. The report will also analyze the regional incentive structures affecting Canada's public and private producers.

Some of the programs require that the production be Canadian, generally based on achieving a minimum of six out of ten points awarded according to the nationality of the key creative personnel, including the director, scriptwriter, lead and 2nd lead performer, director of photography, etc. Heavily subscribed programs may require a higher minimum point level.

Canada's *Broadcasting Act* provides an important underpinning for regional incentives:

> "3. (1) It is hereby declared as the broadcasting policy for Canada that,
> (i) the programming provided by the Canadian broadcasting system should …
> (ii) be drawn from local, regional, national and international sources,…"[6]

CANADIAN BROADCASTING CORPORATION (CBC)

In addition to being covered by the broadcasting policy for Canada, the Broadcasting Act provides a specific regional mandate for CBC programming.

> "3. (1) … (m) the programming provided by the Corporation should …
> (ii) reflect Canada and its regions to national and regional audiences while serving the special needs of those regions …"[7]

The CBC maintains a production capacity and has local programs in centres across Canada. The regional mandate of the CBC addresses program content, rather than where the production is filmed. In its five-year strategic plan adopted in 2011, the CBC affirms a focus on web content and local programming, while showcasing smaller regions to the rest of Canada, including through non-news regional content. Such an objective is designed to ensure a diversity of stories.

However, the CBC also follows the broadcasting policy and the guidelines of the CRTC, outlined below, to ensure that productions also take place in different regions.

An analysis of CBC drama and scripted comedy programs shows that for this programming genre, the CBC has a reasonably balanced slate. Current and recent shows include:

- *The Republic of Doyle*, set and shot in Newfoundland
- *22 Minutes*, produced in Halifax since 1993, currently by Halifax Film
- *Heartland*, produced by Calgary's Seven24 Films is set and shot in Alberta

[6] http://laws-lois.justice.gc.ca/eng/acts/B-9.01/page-2.html
[7] Ibid.

- *18 to Life*, produced in Montreal by Galafilm
- *Arctic Air*, shot primarily around Vancouver by Omni Film Productions
- *Murdoch Mysteries*, produced in and around Toronto by Shaftesbury Films
- *Cracked*, produced in Toronto by White Pine Pictures
- *Rick Mercer Report*, produced in Toronto by Island Edge Inc.
- *InSecurity*, originally produced in Regina by Vérité Films, a Saskatchewan company now relocated to Toronto
- *Mr. D.*, produced in Halifax by Topsail Entertainment
- *Michael: Tuesdays & Thursdays*, filmed in Ottawa by Toronto's Rhombus Media

The requirement to diversify production locations may warp the normal production decision-making process. For example, in interviews conducted by the author, several respondents reported that the CBC has indicated that interest in a television production under development in Toronto was contingent on the producer agreeing to move the production to a regional location.

The capacity of the CBC to continue to deliver on its strategic plan may be at some risk. The CBC has been negatively affected by the 2012 federal budget, which reduced the CBC's parliamentary appropriation by $27.8 million for 2012-13, another $41.8 million in 2013-14 and a further $45.4 million in 2014-15, for a total of $115 million in three years. The CBC has also been hit by the decision of the CRTC to phase out the Local Programming Improvement Fund (see below) from which the CBC drew $47 million in 2011.

The CBC also relies disproportionately on advertising revenues earned by Hockey Night in Canada, which total roughly $200 million annually, more than 50 per cent of the advertising revenues of CBC's English-language television.[8] The rights to NHL hockey will be up for renewal in 2014.

PRIVATE BROADCASTERS/DISTRIBUTORS/ CRTC RULES

Canada's private broadcasters and distributors are licensed by the CRTC under the *Broadcasting Act*. In exchange for using the public airwaves for private profit, and benefiting financially from other regulations and policies, they are required to advance the goals of Canada's broadcasting policy. For broadcasters, the leading requirement is to acquire and schedule Canadian programming. For distributors, the leading requirement is to provide financial support for the production of Canadian programs.

CRTC polices for broadcasters were most recently outlined in Broadcasting Regulatory Policy 2009-46, for local programming, and Broadcasting Regulatory Policy 2010-167, for regional production.

Broadcasting Regulatory Policy 2009-46 defines local programming as "programming produced by local stations with local personnel or programming produced by locally-based independent producers that reflects the particular needs and interests of the market's residents."[9] It is primarily intended to cover news and information programming. The CRTC requires each television station in a metropolitan market (one million people) to program at least 14 hours per broadcast week of local programming and stations in a non-metropolitan market to program at least seven hours per week.

[8] http://www.friends.ca/press-release/10853
[9] http://www.crtc.gc.ca/eng/archive/2009/2009-406.htm

In response to the economic crisis, the CRTC established the Local Programming Improvement Fund (LPIF) to support this programming in the non-metropolitan markets or for a minority language broadcaster in a metropolitan community. In a recent decision, the CRTC decided to wind down the LPIF. The contribution by Broadcasting Distribution Undertakings (cable, satellite) decreased from 1.5 per cent of their gross revenues to 1.0 per cent effective September 1, 2012, will decrease to 0.5 per cent effective September 1, 2013, and the fund will be discontinued entirely in September 2014.

In its Broadcasting Regulatory Policy 2010-167, which deals with a group-based approach to the licensing of private television services, the CRTC said this:

> "96. In the last licence renewal decisions for the major television groups, the Commission stated that these groups, as national broadcasters, have a critical role to play in ensuring that all regions of the country are reflected in their programming.
> 97. The Commission continues to be of this view, and expects the major television groups to commission programs of national interest from all regions of Canada, engaging in levels of production activity that are commensurate with their presence in the respective markets."[10]

In its 1999 Television Policy, the CRTC had defined as "regional," any (English-language) production that took place outside Toronto, and it required that broadcasters acquire some of their priority programming from regional sources. In its 2010 policy, it has replaced the requirement for priority programming with a new category called programs of national interest (PNI) which are drama, scripted comedy, and Canadian award shows. In its 2011 *Group-based licence renewals for English-language television – Introductory decision* (Broadcasting Decision CRTC 2011-441), the CRTC declined to impose specific obligations for regional productions. However, it expressed "concern about the decline" in regional production and imposed these requirements:

> "… the Commission requires each of the four ownership groups to file detailed regional production plans that include information on proposed outreach efforts for the coming broadcast year. This information should consist of specific details on the number and nature of outreach efforts, including attendance at regional production-related festivals, conferences, and/or visits by programming executives to actively engage with regional producers…. This information should also describe projects in development with regional producers, and actual production activity in the regions."[11]

Finally, in the 2011 introductory decision the CRTC defined regional production to be all English-language production, except production within 150 kilometres of Toronto and Vancouver (excluding Vancouver Island).

One producer interviewed by the author stated that he was required by one of Canada's private broadcasters to move a production from Toronto to a regional location in order for the deal to be finalized. While the producer did so, all of the key creative personnel were simply transported to the regional location.

The *Broadcasting Act* provides that "each element of the Canadian broadcasting system shall contribute in an appropriate manner to the creation and presentation of Canadian programming."[12] Under this provision, the CRTC requires cable and satellite companies to contribute 5 per cent of their gross revenues to Canadian production (on top of the soon to be discontinued LPIF funding). While some of this may be allocated to the cable company's community channel, the bulk is contributed to the Canadian Media Fund.

[10] http://www.crtc.gc.ca/eng/archive/2010/2010-167.htm
[11] http://www.crtc.gc.ca/eng/archive/2011/2011-441.htm
[12] http://laws-lois.justice.gc.ca/eng/acts/B-9.01/page-2.html

CANADIAN MEDIA FUND

Launched in 2010, the Canadian Media Fund combines the former Canadian Television Fund and the Canada New Media Fund. CMF's budget for fiscal 2012-2013 is $375 million. The government contributes roughly $135 million and more than $200 comes from Broadcasting Distribution Undertakings. The balance is recoupment, interest, etc.

By its mandate, the CMF "champions the creation and promotion of successful, innovative Canadian content and software applications for current and emerging digital platforms through financial support and industry research."[13] The contribution agreement between the Department of Canadian Heritage and CMF requires that the Fund "ensure funding support to regional television convergent productions."[14] CMF concentrates its funding on drama, documentary, children and youth, and variety and performing arts programs.

The majority of the CMF's funding is distributed through the Broadcaster Performance Envelope (BPE) program. The CMF allocates funding envelopes to English and French broadcasters in an amount that reflects their track record of supporting Canadian programming. (62 English-language and 29 French-language broadcasters have envelopes in the current year.) Even though broadcasters are allocated a funding envelope, the actual funding is paid directly to the producer by CMF.

The CMF provides regional incentives in two ways. In determining the size of the broadcaster envelopes, the CMF assigns factor weights to certain criteria. The leading weight, 40 per cent, is for Audience Success (Total Hours Tuned). The second leading weight is 20 per cent, assigned to Regional Production Licences issued by the broadcaster. The remaining 40 per cent is divided on the English side between Audience Success (Original First Run), Historic Performance and Digital Media Investment factors. The Regional Production Licences weight factor was increased from 10 per cent in 2009/10 to the current 20 per cent figure in 2010/11. In 2010/11 CMF reported that 30 per cent of its total English-language envelope funds, or $55.9 million, was allocated to English-language regional productions.

The second regional incentive in the CMF is the English Production Incentive (EPI) which provides additional funding support to producers in areas of Canada where English-language production volumes have declined more than 20 per cent below their five-year historical average. Producers from British Columbia and Quebec were eligible to apply for EPI funding in 2010-2011 and CMF contributed $8.0 million to 35 projects. For provinces/territories with production activity of less than 1 per cent of the national total, the CMF provides minimum English Production Incentives for each province/territory.

[13] http://www.cmf-fmc.ca/about-cmf/overview/?setLocale=1
[14] http://www.cmf-fmc.ca/documents/files/about/ind-outreach/2012-13/bn-regional-development.pdf

For 2012/13, the following provisional allocations have been made:

PROVINCE	Funding ($)
Alberta	5,514,000
Quebec	4,849,000
British Columbia	1,459,000
Nova Scotia	979,000
Manitoba	614,000
Saskatchewan	540,000
New Brunswick	245,000
Northwest Territories	200,000
Nunavut	200,000
Prince Edward Island	200,000
Yukon	200,000

Only Ontario and Newfoundland and Labrador received no funds, while Alberta received the largest allocation.

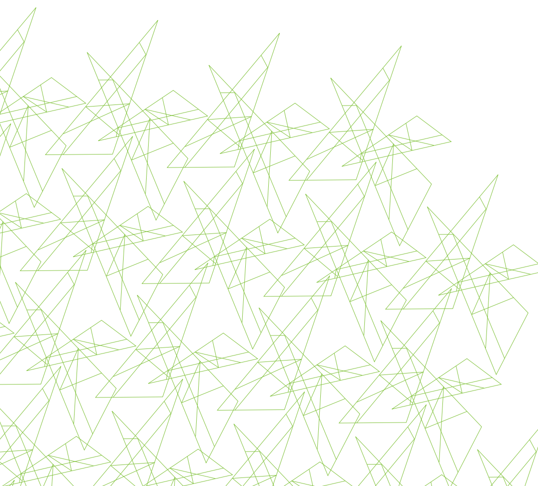
In preparation for consultations around the program's guidelines, CMF senior management initiated a review of how the Fund has provided support for English-language regional production and to survey the current thinking of key stakeholders across the country. *Canary in the Minefield, a report on the CMF and the regions*, was published in October 2010.[15]

While the report was discussed widely, it appears not to have been a major factor in the subsequent decision making. The discussions did bring a widely supported decision to provide "pre-pitch" funding for producers who must travel to Toronto to meet with broadcasters. This decision was meant to level the playing field for non-Toronto producers who incur additional costs to pitch or close deals with broadcasters.

CANADA FEATURE FILM FUND/TELEFILM CANADA

According to Telefilm Canada, "the primary objective of the CFFF is to increase Canadian audiences in theatres for Canadian feature films."[16] It does this by investing in and otherwise supporting the production, distribution and marketing of Canadian feature films. While Telefilm's parliamentary appropriation is stable at $105.6 million annually, the phase out of the Canada New Media Fund means that the agency has $13.1 million less than in the previous year.

In 2010/11, CFFF gave $96.4 million to producers and distributors. Unlike the CMF, some of the funding is recovered from financially successful films and roughly $9 million was recovered in each of the last two years.



[15] Bisbee, Jane & Geoff Le Boutillier (2010). *Canary in the Minefield, a report on the CMF and the regions*. Canada Media Fund. http://www.cmf-fmc.ca/documents/files/about/ind-outreach/2011-12/groups/Canary-in-the-Minefield-Oct-2010.pdf
[16] Telefilm Canada (2012). *Canada Feature Film Fund: Production Program for English-Language Productions (Guidelines)*. p.

The broader "objective, spirit and intent" of the CFFF is "to support the production of Canadian feature films with the strongest box office potential. Telefilm will encourage diversity in feature film production by supporting a range of genres, budgets, companies, and regions."[17]

Like the CMF, the CFFF allocates some of its resources through an envelope system that earmarks resources for production and distribution companies which achieve success in the Canadian market for their Canadian films. In 2010/11, CFFF allocated $68 million through the envelopes and $20 million through national production financing. In addition, $10 million was distributed through regional offices. The objectives of a local decision "will primarily focus on 'skills development, and less on box office targets.'"

In 2010-11, CFFF funding was provided to the following numbers of films (English- and French-language productions combined):

Region	Funding
Quebec	31 films/4 co-productions
Western Canada	11 films/1 co-production
Ontario	8 films/2 co-productions
Eastern Canada	1 film/1 co-production

TAX CREDITS

As reported in Profile 2011, federal and provincial tax credits are the most important overall source of financing for Canadian productions, representing 29 per cent of the total. There is no regional bias in the federal government programs which provide a tax credit to film and television production companies for eligible labour expenses on eligible productions. The programs are agnostic in relation to where the filming and post production work take place.

However, many producers point out there is a problem with the federal tax credit regulations which reduce ("grind") the amount of their credit if they are funded by a provincial program. These rules are complicated, and there is not a one-to-one reduction of the federal credit.

Nonetheless, producers point out that these rules would seem to be counterproductive, since the purpose of the tax credit programs is to encourage defined spending (qualified Canadian labour expenses in the case of the federal programs). To compensate for the grind, producers will typically reduce the production budget.

Canadian Film or Video Production Tax Credit (CPTC)

This program provides a tax credit to an eligible Canadian company whose primary business is film or television production. The producer must have exclusive worldwide copyright in the work. The tax credit is 25 per cent of the qualified labour expenditures and is refundable, meaning that if the amount of the credit exceeds the tax liability, the producer will receive a refund of the difference from the government.

Eligible salaries and wages qualifying for the tax credit may not exceed 60 per cent of the cost of the production, net of assistance (the grind), thus the tax credit can provide a maximum refund of up to 15 per cent of the cost of production.

[17] Ibid.
[18] Ibid, p. 9.

Film or Video Production Services Tax Credit (PSTC)

This program is intended to encourage the employment of Canadians, by a taxable Canadian company, or a foreign-owned corporation with a permanent establishment in Canada. As with the CPTC, the credit is only available to firms whose primary business is film or video production, or production services. The tax credit is 16 per cent of salary and wages paid to Canadian residents or taxable Canadian corporations (for amounts paid to resident employees) for services provided to the production in Canada. This is also a refundable tax credit, and there is no cap on the amount which can be claimed.

Some Canadian content productions chose to file for this credit rather than the CPTC because it is administratively far simpler and because there is no cap.

Table 1: Regional incentives in Canada's broadcast and production support policies

PROGRAM/ AGENCY	CRTC	CBC	CMF	TELEFILM CFFF	TAX CREDITS
Nature of Regional Incentive/ Policy	Expects major TV groups to commission programs of national interest from all regions Local TV programming requirements	Should "reflect Canada and its regions" in its programs Adheres to CRTC policy	Broadcaster envelopes give 20% weight factor for regional production licences English Production Incentive program	Encourages diversity in production, including regional Some funds allocated by regional offices	None

SUMMARY

The broadcasting policy for Canada established in the *Broadcasting Act* provides that programming should "be drawn from local, regional, national and international sources."[19]

PRODUCTION NUMBERS

The following figures are from Profile 2011, an annual publication of the Canadian Media Production Association (formerly the Canadian Film and Television Production Association) in collaboration with l'Association des producteurs de films et de télévision du Quebec and the Department of Canadian Heritage. Collection and analysis of data were undertaken by Nordicity Group Ltd. Additional analysis of figures was done by the author.

Total film and television production activity in Canada in 2010-11 was $5.49 billion and the industry created 129,000 jobs. Total activity was 8.9 per cent higher than the previous year and reached an all time high. The export value was $2.26 billion. Canadian content production (excluding broadcaster in-house productions) was $2.39 billion, a decrease of 1.3 per cent from 2009-10.

Production activity in Canada is volatile. In the decade ending 2010-11, overall production volume increased by 16.0 per cent, but in four of the years, activity decreased from one year to the next. For Canadian content, the decade brought an increase of 18.5 per cent, and production activity declined in four of the years. The peak year for Canadian content production was 2008-09.

[19] http://laws-lois.justice.gc.ca/eng/acts/B-9.01/page-2.html

TOTAL AND AVERAGE PRODUCTION BY REGION

Table 2: Total Production by Region, 2010-2011 ($ Millions)

Region	Canadian	%	In-House	%	Foreign	%	Total	%
Ontario	1,084	45.4	761	61.8	224	12.0	2,069	37.7
B.C.	256	10.7	84	6.8	1,364	72.8	1,704	31.0
Quebec	839	35.1	254	20.6	240	12.8	1,333	24.2
Alberta	61	2.6	68	5.5	4	0.2	133	2.4
Others	147	6.2	65	5.3	42	2.2	254	4.6
Total	2,387		1,232		1,874		5,493	

Source: *Profile 2011*, with analysis by author

Table 3: Average Production by Region, 2001-2011 ($ Millions)[20]

Region	Canadian	%	In-House	%	Foreign	%	Total	%
Ontario	917	40.5	638	58.6	372	22.2	1,927	38.3
B.C.	302	13.3	83	7.6	985	58.7	1,370	27.2
Quebec	817	36.1	241	22.2	199	11.9	1,257	25.0
Alberta	67	3.0	64	5.9	271	1.6	158	3.1
Others	162	7.2	62	5.7	94	5.6	318	6.3
Total	2,265		1,088		1,677		5,030	

Source: *Profile 2011*, with analysis by author

There is no provincial breakdown of the overall production figures by language. However, in 2010-11, roughly 28 per cent of total Canadian production was in French. The centre of French-language production is Quebec, primarily Montreal, and the volume of French-language production outside the province is relatively small. Over the decade, perhaps 10 per cent of the foreign location and service production would be in French, principally in Quebec. Taking these factors into account, one could estimate Quebec's annual English-language production volume on a ten-year average basis to be as follows:

Table 4: Quebec's annual English-language production volume ($ Millions)

Region	Canadian	%	In-House	%	Foreign	%	Total	%
Quebec English	180	7.9	30	2.8	80	4.8	290	5.8

Source: Author's estimate

[20] This is an average for eight years only. Figures for the other two are not available.

The figures reveal dramatic fluctuations from year to year. For example, for foreign location and service production, British Columbia had only $567 million in 2004-05 and its second highest volume of $1.2 billion the previous year; Ontario had only $206 million in 2008-09 and a high of $561 million in 2001-02; Quebec had only $99 million in 2005-06 and a high of $399 million in 2002-03.

Despite these fluctuations and uncertainties, the general trends are evident:

- Toronto/Ontario is the leading centre of English-language Canadian production.
- Vancouver/British Columbia is the leading centre of foreign location and service production.
- Montreal/Quebec's industry is based primarily on the production of Canadian content, primarily in French, with some in English.

Toronto/Ontario is the leading cluster for English-language Canadian content productions. It is home to the majority of production companies, writers, directors, actors, and technical personnel essential for the production industry. It has a critical mass of knowledge, equipment, studios, technology, and financing.

Analysis of the Impact of Regional Incentives on Toronto/Ontario Producers

REGIONAL INCENTIVES ARE ABOUT THE BUSINESS AND NOT THE STORY

An Ontario producer interviewed for this project said that, "Regional incentives are not about telling the stories; they are about where you have to do the business to tell the stories." The same producer pointed out that when forced to move a production to another location, they typically bring their key creative personnel from the original location with them. Depending on where they shoot, they may be able to crew a production in the co-production location and pick up some local talent, or they may employ a few locals. In other locations, they simply have to bring everyone, and the local spending is limited to accommodation, food, gas, supplies, and similar items.

While there are great stories in every corner of Canada, the incentives reviewed here are generally not awarded for bringing a northern saga or a story of the trials of a fishing village to television or movie audiences. Aside from the obligation of the CBC to reflect regions to themselves, each other and to national audiences, and some equivalent CRTC rules, the incentives are provided for shooting productions outside the primary production centres.

The public policy underpinning of regional incentives is about promoting a diversity of production locations, rather than a diversity of stories. Therefore, this is not really cultural policy; it is simply poor economic policy.

"Regional incentives are not about telling the stories; they are about where you have to do the business to tell the stories."

It would appear that regional incentives are more part of an economic policy agenda (jobs, economic diversification, development/maintenance of an infrastructure, etc.) than they are part of a creative industries content policy agenda (bringing diverse stories to Canadians and global audiences). In this connection, it is interesting to note that the federal government has included its commitment to fund the Canadian Media Fund in 2010 and 2011 as part of its Economic Action Plan for Canada's recovery from the recent recession.

But, if the regional incentives are part of an economic policy that seeks to diversify regional economies, the amount of resources available are likely insufficient to achieve this objective. It's unlikely that the CMF investing $200,000 in each of four provinces and territories will lead to the development of a mature production capacity. It would be far better to target such limited resources on early stage development of the story idea or script, or on local programming, and allocate the more significant production funding according to other criteria, such as audience success and digital media investment, as in the case of the CMF.

In the past decade, and particularly under the current government, the CRTC is moving toward deregulation and leaving market forces to decide financial allocations. Increasingly, a regulatory solution is seen as the last resort, to be introduced only in the case of market failure. Both CMF and CFFF are increasingly focused on market success and building audiences for Canadian works.

Figures indicate that English-language Canadian productions are losing their market share to U.S. and foreign offerings. Profile 2010 reported that, in the four years ending in 2008-09, all CTF supported genres of television programs experienced declines in their audience shares in the peak viewing hours: drama from 15 per cent to 13 per cent; documentary from 55 per cent to 49 per cent; children's and youth from 52 per cent to 45 per cent; and variety and performing arts from 32 per cent to 29 per cent.

Profile 2011 reported that Canadian television programming in the English-language market saw its share of peak-period viewing plummet by 12 per centage points during the 2009-10 television season, after experiencing two consecutive years of share increases. Although the overall audience share of Canadian programming dropped, the audience share held by English-language drama actually increased to a five-year high of 16 per cent on the strength of shows like *Combat Hospital, Rookie Blue, Flashpoint,* and *The Listener*.

Profile 2011 reported that the share of theatrical box office revenues of Canadian films declined from 5.5 per cent to 3.1 per cent between 2005 and 2010.

There is no evidence to support a conclusion that the regional incentives have helped their cultural policy objectives. Furthermore, it may be that making a larger investment in more successful productions, regardless of region, is a more effective way to maximize audiences for Canadian productions. It would be far more consistent with sound economic policy to invest resources in successful regional clusters than to continue with the current approach.

VANCOUVER AND TORONTO HAVE A DIFFERENT EXPERTISE

Given that the regional incentive programs have economic policy objectives, there is no justification for considering Vancouver as a "regional" production centre, regardless of how its Canadian production levels fluctuate.

Because of its varied locations and proximity to Hollywood, British Columbia has been the centre of Canada's location and service production industry for more than 20 years. Individual producers and policymakers in the province have chosen to use and build on that competitive advantage. When the volume of service production in British Columbia reached $1.2 billion in 2003-04, the volume of Canadian production in the province was actually at its second lowest level of the decade. In the last two years, the volume of service work has soared, while the volume of Canadian production was well below the levels of the previous three years. This is, in part, because the infrastructure was stretched to the limit.

In February 2011, the federal government announced it was providing $1.5 million funding to two B.C. film industry organizations. Close to $1 million went to Capilano University to purchase 3D equipment used to train students and existing industry professionals. More than $500,000 went to the Motion Picture Industry Association for a three-year project to attract more investment from "key international markets." This is clearly about supporting B.C.'s efforts to stay on top of the location service production sector, and is good policy from an economic development perspective focused on investing in areas of strength.

If encouraging regional production is about economic development and jobs, then it makes no sense to provide incentives based on changes in the volume of Canadian content production, as the CMF has done, while ignoring the volume of foreign service production.

One of the arguments put forward by proponents of regional incentives is that producers in Toronto are advantaged unfairly because they have easier access to the broadcasters. With the growing integration of Canada's broadcasters and their financial challenges, it is certainly true that decision making about what (English-language) productions will be acquired has been centralized in Toronto.

All informants for this study agree that producers with a positive track record, regardless of whether they are in Vancouver, Calgary, Regina, Toronto or Halifax, are the ones who have easier access to the decision makers. If a company has produced successful television programs in the past, the broadcaster will be naturally more willing to hear their next pitch. If the producer is unknown, they will have a more difficult time. But, it is also true that broadcasters are constantly looking for new ideas and all of Canada's major broadcasters get involved in pitch sessions across the country, and otherwise are open to hearing from a wide range of producers. Their regular reports to the CRTC on how they are performing in this regard will facilitate the monitoring process.

One of Canada's leading producers said, "Ninety per cent of my contact with broadcasters is by email or telephone. Only occasionally do we meet." Others say the same thing; the primary contact with broadcasters in 2012 is electronic, not at informal meetings at the local coffee shop or squash court.

In any case, to the extent that producers outside Toronto are disadvantaged in relation to their access to broadcaster decision makers, the CMF decision to provide "pre-pitch" travel funding for producers, would appear to have leveled the playing field. The Canadian Media Production Association has recommended that this program be augmented "to further assist producers who must fly into Toronto to meet with creators, writers and potential co-producers, as well as to pitch new ideas to broadcasters."[21]

THE IMPORTANCE OF COPYRIGHT

Given that "success in the digital economy will come to those who can produce innovative creative content, successfully manage their intellectual property rights, and maximize their returns across all of the platforms,"[22] the requirement of regional incentive programs that a regional producer must have at least 51 per cent of the copyright in the work is problematic.

There are certainly well qualified producers in every region of Canada who have access to broadcasting licences and funding programs. Where they develop the concept, they control the copyright and will arrive at whatever partnership arrangements are appropriate for them. In the same way, if regional incentives are designed strictly to bring work to regional locations, there does not appear to be any rationale for forcing the producer who has developed the work to give up 51 per cent of their copyright.

In *Canary in the Minefield*, the authors note:

> "More than one interviewee clearly identified 'the rights question' as the one that will make or break Canada's independent production industry. Independent

[21] Canadian Media Production Association. *CMPA Regional Task Force Recommendations*. http://www.cmf-fmc.ca/documents/files/about/ind-outreach/2011-12/groups/cmpa-reg-task-force-rcmmnd-oct-14-11.pdf

[22] FilmOntario (2010). *Driving a Digital Canada Strategy through Content*. http://www.ic.gc.ca/eic/site/028.nsf/eng/00426.html

> producers, they insist, are the only 'solution' to capturing cultural diversity, and an independent Canadian voice. Without a solution to this core challenge, they argue, there will be little ultimate success for Canadian screen content producers."[23]

While these authors were referring to the push by broadcasters to obtain more rights over longer periods and across different platforms, the same argument applies to the "forced" partnerships required by Canada's regional incentives system.

THE DIGITAL ECONOMY REQUIRES FIRMS THAT CAN BE GLOBALLY COMPETITIVE

As Canada looks to position itself as a leader in the digital economy, it is critical that we develop firms that can compete globally. Global success is built on having centres of excellence, where a critical mass of talent, skills, knowledge, financing, and specialized technology can be mobilized efficiently. The appendix examines clustering in other countries which have mature screen-based content production industries.

In its 2010 submission filed in the context of the federal government's consultations on the digital economy, FilmOntario, a consortium that brings together the leading players in Ontario's screen-based sector, called for measures to build Canada's content companies so that they could become globally competitive.

> "The biggest challenge faced by digital media producers is access to capital to build the core business. While there are federal and provincial programs designed to support production of Canadian film, television, new media, interactive and gaming content, these are project-based and are not directed at building the business. Traditional business loans and lines-of-credit are difficult to obtain. This is the case both because SMEs predominate in the content business and because of the nature of the works that are created. Predicting audience taste is an art. Even the most successful firms in our business fail as often as they succeed on individual projects. Traditional investors and lenders are sometimes reticent to provide capital to our firms.
>
> Being able to create businesses that have a reasonable level of ongoing operation is necessary if we are to have firms that can innovate and experiment, and that in turn is essential to success in the digital economy. It is important to note that producing and distributing screen-based content is a knowledge industry that involves intellectual property rather than finite natural resources, is labour intensive, generally high wage, high tech and environmentally benign."[24]

A public policy that attempts to spread benefits broadly, rather than focusing on global success, would seem to be more appropriate for the analogue era rather than the digital age.

[23] Bisbee, Jane & Geoff Le Boutillier (2010). *Canary in the Minefield, a report on the CMF and the regions*. Canada Media Fund. http://www.cmf-fmc.ca/documents/files/about/ind-outreach/2011-12/groups/Canary-in-the-Minefield-Oct-2010.pdf

[24] FilmOntario (2010). *Driving a Digital Canada Strategy through Content*. http://www.ic.gc.ca/eic/site/028.nsf/eng/00426.html

Conclusion

At the 2003 Canadian Film and Television Production Association (CFTPA) Prime Time conference, Canadian producer/director Ivan Reitman (*Ghostbusters, Animal House, Twins, Old School*) made a blunt assessment of Canadian producers. He said that they have been trained to deal with a plethora of rules and regulations imposed by a succession of bureaucrats and politicians and this has taken them away from creating film art for audiences. "Navigating the minutiae of this hermetically-sealed world of institutionalized filmmaking genetically selects Canadian producers for failure."[25]

The regional incentives fit into Reitman's catalogue of rules that producers must navigate. If he is correct that this "genetically selects Canadian producers for failure," it would argue strongly for a fundamental change in these public policies.

If governments wish to develop and support screen-based content producers that can be globally competitive, they must move away from incentives, funding measures and regulatory policies that are region-based. If they provide equal access to all content producers, regardless of where they are located or where they decide to produce a given program or film, they are far more likely to encourage clustering and with it a comparative advantage in the global economy.

[25] http://www.ffwdweekly.com/Issues/2003/1016/film1.htm.

Appendix

Clustering in Other Countries

Relatively speaking, Canada's screen-based content production industry is modest in size. This 2011 survey of the industry in other countries shows that clustering is occurring in industries that are substantially larger than Canada's. Greater clustering in larger industries creates challenges for the Canadian cultural industries.

GREAT BRITAIN

London is the centre of that country's film and television industry. When you include in the London calculations the production activity that takes place at the major studios (Pinewood, Shepperton, and Leavesden), which are just beyond the borders and within commuting distance of the city, the South East region overwhelmingly dominates.

In 2009, total employment in film and video production was 25,556, of whom 18,716 people, or 73.2 per cent of the national total, worked in London and the South East. London and the South East are home to 68.5 per cent of the companies which work in film production, 69.2 per cent of the companies involved in post production and 72.7 per cent of the companies involved in film distribution. In total, companies in London and the South East accounted for 85 per cent of national turnover in the film business in 2009.[26]

AUSTRALIA

Sydney is the centre of Australia's film and television industry. Australian statistics, provided by Screen Australia and the Australian Bureau of Statistics, cover all film and television production, whether domestic or foreign, and are generally provided on a state-by-state basis. The figures for New South Wales can be considered a proxy for Sydney, because roughly 95 per cent of NSW film and television production companies are based in Sydney, representing roughly 66 per cent of the national total.[27] Some location production in NSW occurs beyond Sydney but the majority of production is in the city.

In 2008-09, NSW-based companies were responsible for AUD $497million or 69 per cent of the total spent on feature film and television drama production in Australia. Of this, $451million was spent in NSW, or 63 per cent of the national total. Production can fluctuate dramatically from year to year and NSW production activity dipped to only 26 per cent of the national total in 2009-10,[28] but in the ten years ending in 2009-10, production in NSW averaged 45 per cent of the national total.

According to Screen Australia, between 2007 and 2010, NSW accounted for an average of 70 per cent ($111m) of total expenditure on post production, and digital and visual effects in the country.[29]

While Australia provides funding for film and television producers, there are no regional incentives.

[26] (Tables 21.12 and 19.8, UK Film Council Statistical Yearbook 2010: http://sy10.ukfilmcouncil.ry.com/Default.asp)
[27] Screen Australia (2010). *The Drama Report 09/10: Production of Feature Films and TV Drama in Australia*.
[28] Screen Australia (2010). *The Drama Report 09/10: Production of Feature Films and TV Drama in Australia*, p.15.
[29] Screen Australia (2010). *The Drama Report 09/10: Production of Feature Films and TV Drama in Australia*, p.19.

FRANCE

The Centre national du cinema et de l'image animée (CNC) does not provide a breakdown by city or region but Paris would seem to dominate production activity. The total number of films produced in 2009 was 230, including 48 "films à majorité étrangère." The ten year average (2000-09) for French film production is 213.[30] According to a 4 January 2011 press release from the Office of the Mayor of Paris, 110 feature films were produced in Paris in 2010, including 19 "longs métrages étrangers."[31] This represents roughly 50 per cent of the average yearly national total. In addition, the Office of the Mayor reported 132 television series and Movies of the Week were produced in Paris in 2010.

INDIA

India produces more feature films than any other country. While there are a number of centres of production activity, it is important to note that particular cities dominate production in particular languages. According to statistical data drawn from the Central Board of Film Certification's Annual Report, in 2009 a total of 1,288 films were certified by the CBFC. Of these:

- 444 films in total were made in Mumbai, the largest centre. 163 films of this total were in Hindi, 69 per cent of the Hindi national total. As well as Hindi, Mumbai is the centre of production for films in the following languages: Marathi (99 films, 100 per cent of the national total), Gujarati (62, 100 per cent of the national total), Punjabi (15, 100 per cent of the national total), Bhojpuri (60, 94 per cent of the national total), English (8, 89 per cent of the national total), Nepali (1, 100 per cent of the national total), Rajasthani (4, 80 per cent of the national total), Haryanvi (1, 100 per cent of the national total) and Konkani (3, 75 per cent of the national total).
- 250 films were made in Hyderabad. 171 films, 78 per cent of all films in Telugu were made in Hyderabad. The city also had film production in Hindi (41, 17 per cent of the national total), Tamil (26, 14 per cent of the national total) and Malayalam (11, 12 per cent of the national total).
- 199 films were made in Bangalore, which is the major centre for Kannada film production, with 175 films, 99 per cent of the national total.
- 190 films were made in Chennai, which is the major centre for Tamil language film production, with 146 films, 77 per cent of the national total. Chennai also had film production in Hindi (16, 7 per cent of the national total) and Telugu (27, 12 per cent of the national total).
- 91 films were made in Thiruranathapuram, which is the major centre for films in Malayalam. 77 films, 82 per cent of all Malayalam films were made in Thiruranathapuram.
- 83 films were made in Kolkata. 75 films, 89 per cent of all films in Bengali, were made in Kolkata. The only films in Rajbanshi, Nagpuri, Maithili, and one of the two made in Santhali were produced in Kolkata.

[30] Centre National du Cinéma et de l'image Animée (2010). *La production cinématographique en 2009, Bilan statistique des films agréés du 1er janvier au 31 décembre 2009*

[31] Mayor of Paris, Press Release, 4 Jan 2011

UNITED STATES

Few would doubt that Los Angeles is the centre of the U.S. film and television industry since it is the home of the U.S. studios. It is also the largest production centre despite competition from other states and from other countries, including Canada. New York is also extremely important, since it is the largest city in the U.S. and home to the major broadcasters and some key production companies. Other cities are well behind. But it is very difficult to demonstrate this statistically, since there is no central statistical data base and different organizations, states, and cities keep track of production activity in different ways.

Screen Digest reported in its annual survey in July 2009 that 716 feature films were produced in the U.S. in 2008,[32] but there is no regional breakdown provided. The Motion Picture Association of America is one leading source of information and provides full statistical data for all U.S. states. Adding the individual states' data suggests that there were 1,131 films produced across the United States in 2008. Presumably, the discrepancy is explained by the fact that the MPAA figures may double count films produced in more than one state.

The MPAA lists 160 films and 320 television shows made in California in 2008 (or 14 per cent and 27 per cent of national totals), with 208 films and 143 TV shows made in New York state (or 18 per cent and 12 per cent of national totals). Nevada is in third place with 264, but this may be misleading. Since Nevada's film tax credit is not among the leading in the country, it is likely that these productions are largely shared with neighboring California, for which Nevada has historically been a location shooting destination. After that, there is a large drop off: Texas 115, Arizona 106, and Georgia 92 (total productions).

The New York Mayor's Office of Media and Entertainment (MOME) provides a variety of information about production in New York. The MOME reports there were 27,251 "location shooting days" in New York in 2008, a fall of over 7,000 from the record year of 2006. In an article on the expansion of Steiner Studios in Brooklyn, the Wall Street Journal reported that 232 films and "prime-time television shows" were shot in NYC in 2010, up from 223 in 2009.[33]

In Los Angeles, the local film commission, FilmLA uses its own measure, "Permitted Production Days" or PPD. FilmLA reports there were 7,096 PPDs for feature films in 2008 and 19,100 for television. In a Year-End report for 2008, FilmLA reports a total of 27,955 production days in 2008, a figure that may be comparable to New York's.[34]

[32] Figure taken from Screen Australia 'International Comparisons' http://www.screenaustralia.gov.au/research/statistics/acompfilms.aspx. *Screen Digest* does not break the country figures down by city.

[33] Banjo, Shelly. (2011). 'Take Two for a Brooklyn Film and TV Studio' *The Wall Street Journal* 18 January 2011.

[34] Available for download at http://www.filmla.com/data_reports.php.

About the Author

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The Mowat Centre is an independent public policy research centre located at the School of Public Policy & Governance at the University of Toronto. The Mowat Centre is Ontario's non-partisan, evidence-based voice on public policy. It undertakes collaborative applied policy research, proposes innovative research-driven recommendations, and engages in public dialogue on Canada's most important national issues.

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