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January 25<sup>th</sup> 2010

Mr. Louis L. Roquet, Chair of the Board of Directors  
Canadian Television Fund  
50 Wellington Street E, 4th Floor  
Toronto ON, M5E 1C8  
Re: CMF Industry Consultations

Dear Mr. Roquet,

During the later half of 2009, the Documentary Organization of Canada / l'Association des documentaristes du Canada and its members voiced their positions throughout the extensive and transparent cross-country consultation process undertaken by the CMF board and staff. DOC approached these consultations with much hope of addressing important aspects of the CMF directly affecting the documentary community and welcomed the opportunity for real and constructive change.

It is now clear to us that in spite of the consultations few of our positions will be included in the upcoming program guidelines. In the final analysis, it seems that cabinet directives supercede well-reasoned business experience and that the independent documentary industry is powerless to effect practical change. Despite our disappointment, DOC will continue to champion the documentary genre. In particular, we remain focused on strengthening production of POV/auteur and one-off documentaries, and strongly suggest the following measures be included in the final program guidelines.

**The first and most important step is the creation of a POV fund DISTINCT from the BPE system.** In this scenario, a broadcast licence would not be the required trigger, although broadcasting would comprise part of the financing. The CMF financing trigger could be the confirmation of a fixed percentage of the production's financing from other sources such as provincial funding sources, distribution sources or other fundraising initiatives.

Here is how we propose the non-BPE POV documentary envelope operate:

1. The POV envelope is equal to a minimum of 15% of the English documentary BPE envelope;
2. A 25% non-broadcast trigger is secured from sources which could include web-based distribution or streaming;
3. The CMF contribution comprises up to 49% of the budget;
4. The broadcast licence threshold addition is no less than 15%;
5. The producer has a 6-month period to close financing and obtain the television licence.

Under these guidelines we believe broadcasters could commission more one-offs through smaller licence fee commitments. Combined with the existing strand incentives, this POV fund would reinvigorate the production of POV, one-off, and auteur documentaries – a genre currently in peril of disappearing entirely from Canadian airwaves.

We would also recommend that any unused portion of this envelope be re-invested in the POV envelope for the following year.

The cancellation of *The Lens*, *Witness*, *Global Currents*, and CTV's decision to no longer commission independent documentaries for *W5 Presents*, have severely limited available on-air hours for independent POVs and one-offs. DOC is of the opinion that broadcasters should be given incentives to present POVs and one-offs and offers the suggestion that broadcasters be rewarded within their BPE envelope if they establish a branded documentary stream to present POV and one-offs.

During the National focus group meetings, we repeatedly heard how broadcasters are attached to the POV and one-off documentaries and wish they could find a financially appealing way of presenting them. We feel that by offering such incentives they might offset the challenges of scheduling these productions. We believe that in order to encourage the production of POV, auteur, and one-off documentaries, incentives must be offered to the broadcasters to both develop and commission these types of production.

The documentary community is struggling through the recent disappearance of television documentary commissioning and is increasingly looking to online distribution models as an alternative. The inherent niche appeal of one-offs, POVs, and auteur docs make them well suited for release through aggregate video websites, direct marketing, online community building using social media and Internet streaming and downloading.

However, the Minister's directive mandates that all CMF projects must have a television component. In order for us to find a functioning balance between old and new media, it is imperative that a POV fund be created OUTSIDE of the BPE system, where the broadcaster licence is not the CMF trigger, although broadcasting remains one of the required platforms. This will hopefully create opportunities for documentary filmmakers to exploit the strengths of both old and new media. Combined with the documentary genre allocations WITHIN the BPE envelope, these two strands – POV and documentary BPE – will allow for an increase in production of POV and one-offs while CMF continues to support the production of TV documentaries and documentary series.

**Our second major concern is the eligibility of broadcasters to access the funds for in-house production.** DOC and others have consistently argued that an increase of in-house production and/or service production could severely disrupt the independent documentary community.

We are aware that one of the policy objectives of the CMF is to “level the playing field”, and that according to the directive there may not be genre exemptions for in-house productions. The current staff proposal is that in-house production be capped

at 10% of the broadcaster's BPE plus 25% flex. We are requesting that documentaries be excluded from the flex amounts. Allowing the flex funds to be used for in-house and affiliate production will have serious consequences on the independent documentary sector.

It is also DOC's understanding that the financing a broadcaster receives for in-house productions will entirely be equity investment rather than a license fee top up -- as a broadcaster could not pay licence fees to itself. DOC submits that it is imperative that broadcasters be held to the same reporting and recoupment requirements as independent producers and that the investment be repaid to the CMF while meeting all the Canadian content requirements expected of independent producers. If this is truly a level playing field, then all productions must report on all distribution and recoup in the same manner.

**Finally, in order to facilitate the documentary sector's access to the CMF, it is crucial that the ERs be reflective of the reality of production for documentaries.** We outlined in our September submission the breakdown of the CAVCO points, and we reassert that only 2ERs should be required for documentaries.

DOC is certain that the introduction of the CMF will have a grave and lasting impact on the documentary industry, which has recently been diminished by the elimination of several broadcast windows. The fund will continue to support the production of series at the expense of POV and one-offs unless we manage to build incentives within the CMF's regulations. The net effect of CMF policies will be continued job loss in the production community. Although all of the production genres will be affected by the Minister's directive, we fear that Canada risks losing one of the most distinctive art forms it has, its unique documentary voice.

Thank you for the opportunity to provide our input,



John Christou  
Chair

cc Ms. Valerie Creighton, President and CEO  
Mr. Stéphane Cardin, Vice-President, Policy & Stakeholder Relations