



## **STANDING COMMITTEE ON CANADIAN HERITAGE**

### **REMUNERATION MODELS FOR ARTISTS & CREATIVE INDUSTRIES OCT. 4, 2018**

Mathieu Dagonas  
Executive Director  
DOC

- Hello/Bonjour
- Thank you. My name is Mathieu Pierre Dagonas, Executive Director for the Documentary Organization of Canada or DOC.
- DOC is the collective voice of independent documentary filmmakers across Canada, a national non-profit arts service organization representing over 800 directors, producers and craftspeople from all provinces and regions of the country working in the documentary genre. DOC advocates on behalf of its members to foster an environment conducive to documentary production and strives to strengthen the sector within the broader film and television production industry. In so doing, DOC seeks to ensure that viewers in Canada and abroad have access to high quality, original programs reflective of current Canadian events, lives and values.
- Canadians can be proud of the broadcasting system that has been built over the past 80 years. It has encouraged and sustained successful public and private broadcasters. It has supported the creation of respected production industry. Most important, it has reflected Canadian values and told Canadian stories to audiences throughout Canada and around the world.
- However, the system badly needs updating and we recognize that this important process is now underway. In DOC's view, the key policy declarations set out in section 3 of the Broadcasting Act remain valid. For this committee, the policy requirement that "each element of the Canadian broadcasting system shall contribute in an appropriate manner to the creation and presentation of Canadian programming" is particularly relevant.

- The policies designed by government and the CRTC to ensure the creation of quality Canadian programming have also worked well.
- In the digital age, however, there is a key missing piece. As audiences increasingly turn to the new, digital, streaming services we have no policies in place to ensure that these services, both foreign and Canadian, contribute appropriately to the creation of quality Canadian programming.
- In the old analogue days the CRTC ensured an indirect contribution from US border stations and specialty networks through its simultaneous substitution rules and foreign specialty services helped drive subscriptions to Canadian cable and satellite distributors which are required to offer a preponderance of Canadian channels.
- Digital streaming services, however, are currently exempted from regulation and make no contributions to the Canadian system. The CRTC's 1999 exemption order for internet-based broadcasting services was based upon its conclusion that licensing such services would not contribute in a material manner to the objectives of the Act. What may have been true then is clearly not the case today.
- DOC is pleased that the CRTC, in its recent report to the government recognizes this situation. The CRTC states:

**“To ensure a vibrant domestic market and be equitable to all players, it will be essential to develop better regulatory approaches that engage all audio and video services and for each to participate in the most appropriate ways in creating and promoting content by and for Canadians. Accordingly, if legislative change is to take place, it should clearly and explicitly make any video or audio services offered in Canada and/or drawing revenue from Canadians subject to the legislation and incorporate them into the broadcasting system. This should apply to traditional and new services, whether Canadian or non-Canadian. Further, any new or revised legislation should be founded on the principle of ensuring that Canadians continue to have access to high quality audio and video content and that is made by and for Canadians, as well as the best content from around the world, regardless of the platform, device or technology they wish to use. This principle is, in essence, similar to many of the current **Broadcasting Act objectives**, updated to better reflect the future of content distribution in Canada.**

- This is the greatest challenge for policy makers today. It is also the policy with the greatest potential benefit to Canadian producers and the one that most directly bears on the work of the Committee.
- If an appropriate contribution from digital streaming services can be achieved and if a fair copyright framework is in place, Canadian documentary producers will be able to negotiate fair remuneration for their programs using the existing mix of private investment; tax policies; licence fees; and the public/private funding agencies.

- We see other avenues as well to ensure fair artist remuneration. To put it simply, growing the pie.
  - ✓ An investment into Telefilm of 50 Million, a proposal we support brought forward by the CMPA several weeks ago
  - ✓ A topic the Minister knows well, a return of the CIFVF, something DOC is committed to working with committee members on ---- so that we relaunch this fund, abruptly cancelled in 2009, to help francophone, rural, indigenous stories get made and seen!
  - ✓ Fair pay for equal work. To ensure the system prevents broadcasters to pay a fraction for work placed on digital platforms that would otherwise pay a living wage if commissioned for TV etc
  
- Finally, and more closely related to the scope of the committee's work today, The Canadian Copyright Act allows the use of material from a copyright protected work (literature, musical scores, audiovisual works, etc.) without permission from or payment to the copyright owner for specified purposes. These purposes include research, private-study, education, parody, satire, criticism, review, or news reporting. This rule, called the "fair dealing exception," is often utilized by Documentary filmmakers, in fact, is necessary to represent reality more completely and truthfully. While it's practical application aren't perfect, we believe this provision must remain intact beyond this review.

Thank you for your attention, I will be happy to answer any questions.