

September 27, 2019

Modernizing the Film Classification Act, 2005

Purpose of this Consultation

Significant changes in digital technologies have influenced the film industry and the public's access to film content and film rating information. As a result, there is a need to review Ontario's Film Classification Act, 2005 (Act) and find ways to modernize the legal requirements to better reflect today's film market. A key priority for government is to reduce unnecessary and duplicative burden for businesses while film classification information continues to be made available to the public.

This consultation seeks your feedback on how to modernize the Act and develop a current and efficient policy framework for film classification that ensures consumers have the information they need to make informed viewing choices.

How to Respond

Your input is important. We welcome your answers to the consultation questions and any added input or suggestions you offer.

Please provide concrete examples or evidence to support your suggestions where possible.

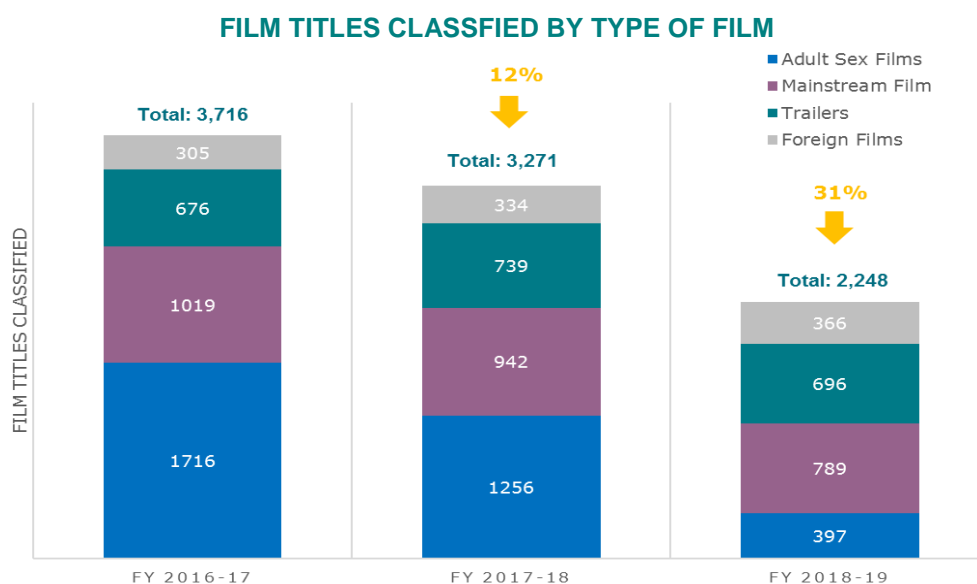
You may respond by email to the Public Safety and Operations Policy Branch at PublicSafetyandOperationsPolicyBranch@ontario.ca or by mail to:

Film Classification Act Consultation
Ministry of Government and Consumer Services
Policy, Planning and Oversight Division
56 Wellesley Street West, 6th Floor, Toronto, ON, M7A 1C1

Changing Marketplace

In October 2015, responsibility for administering the Film Classification Act and its regulation was delegated to the Ontario Film Authority to oversee the licensing of film distributors, exhibitors and retailers. The Ontario Film Review Board, a division of the Ontario Film Authority, classifies mainstream films and approves adult films for public exhibition and distribution.

Technological changes influencing the film industry have resulted in fewer films being submitted for classification, particularly in the adult film category. In 2018-19, the Ontario Film Authority reviewed 789 mainstream films, down from 942 the year before, a decline of 19 percent. For the same period, the Ontario Film Authority approved 397 adult films, down from 1,256, a decline of 68 percent and following an earlier decline of 27 percent in 2017-18.



Source: Ontario Film Authority, Annual Report

Feedback from the film industry indicates that the system is not responding to the significant shift in the entertainment market where content has moved from being viewed at theatres and at home on DVDs to downloading or streaming content over the internet. Some film industry businesses have informed government that Ontario’s film classification and approval system is inefficient, burdensome and costly. Industry participants also experience other indirect costs, such as time spent to prepare and submit movies for classification and interact with the Ontario Film Authority.

Specifically, industry stakeholders have asked the government to consider ways to reduce burden and costs and noted:

- submitting film for review and classification to multiple classification bodies across Canada is a duplicative and burdensome process that should be eliminated
- it is unfair to require brick and mortar film industry businesses that provide jobs for the local economy to be subject to regulatory requirements when online content providers can self-classify
- the purpose of the Act has diminished over time because of the:
 - evolution of new platforms where the Act does not apply (e.g., websites, mobile applications and streaming services)
 - availability of other sources to provide consumers with classification information (e.g., websites such as Common-Sense Media and Filmratings.com)
 - decline of adult films distributed or sold for home video viewing and exhibition in theatres.

In Ontario, the current program costs approximately \$2 million per year to operate. For the Ontario Film Authority to continue operating, significant and unsustainable fee increases imposed on film industry participants would be required.

Short-term Approach

Effective October 1, 2019, Ontario will accept film classifications from the province of British Columbia for mainstream films. For adult film products, an approval from any Canadian jurisdiction that reviews and approves adult film product will be required. Ontario will not impose a fee on film distributors for classifications or approvals provided by those other jurisdictions. Furthermore, current licences issued under the Act will be extended for up to two years. With implementation of these changes, the administration of the Act will be assumed by the ministry and the authority of the Ontario Film Authority to administer the Act will be revoked.

The government is taking action with changes to the regulation and move towards modernization to help reduce the unnecessary and duplicative burden for businesses, while ensuring that consumers are protected. These changes will be in effect until the government's broader legislative review is completed. Ontario will then consider making additional long-term changes to the Act and its regulation. Your feedback will help inform the government for additional long-term changes.

Background

Canada is one of the few countries in the world without a national film classification system. Ontario, Quebec, Alberta and British Columbia each have their own provincial classification body, and the Maritimes (Nova Scotia, New Brunswick and Prince Edward

Island) use the Maritime Film Classification Board based in Nova Scotia. Nunavut and the Northwest Territories require films to be classified and to use Alberta's film classifications. Manitoba and Saskatchewan also require films to be classified and have agreements with British Columbia's film classification authority, Consumer Protection BC, to classify films on their behalf. Newfoundland and Labrador and the Yukon Territory do not require films to be classified.

Canada's provincial classification system requires a distributor wishing to distribute a film across Canada to submit films to five classification bodies and pay seven sets of fees. In most cases, the distributor obtains the same classification or rating from each classification board because they use similar classification categories and guidelines in each jurisdiction, with the exception of Quebec. The classification ratings used in Quebec are comparable but not identical to those used in the rest of the country. In the past, members of the film industry have requested provincial and federal governments to consider harmonization to streamline classification requirements to reduce duplication and costs.

Specialty broadcasters have conditions with respect to their licences with the Canadian Radio-television and Telecommunications Commission (CRTC) to ensure that certain films, such as adult films, are classified by a provincial film authority prior to broadcast. Ontario has no role in classifying or approving films shown online or through online subscription-based streaming services. Over the past decade, an increasing volume of the entertainment market has moved to this type of medium.

Ontario's classification system is focused on classifications and approvals of films in theatres, on DVDs and other tangible media sold or rented through retailers, and on adult films broadcast over specialty cable channels. The Ontario Film Authority has observed a significant decrease in the classification market for DVDs and adult films over the past decade.

Below are some questions for your consideration and response. Additional comments are welcome.

Questions:

1. What features of Ontario's film classification system are important to you?
2. Do you see the federal government playing a role in the film classification system, please explain?
3. How does the adoption of film ratings from another Canadian jurisdiction impact you and/or your business?

4. Do you have a preference for which Canadian jurisdiction should be used, if so, please indicate which jurisdiction and why?
5. Are there benefits to licensing film distributors, exhibitors and retailers, please explain?
6. Where do you generally obtain a film's classification before you watch a movie?
7. What type of information should film exhibitors and retailers provide to the public?
8. Beyond the short-term changes the government recently announced, are there additional changes the government should consider making, please explain?
9. Do you have general comments about Ontario's film classification system?

Privacy Statement

Please note that unless agreed otherwise by the Ministry of Government and Consumer Services, all submissions received from organizations or from individuals indicating an affiliation with, or acting on behalf of, an organization in response to this consultation will be considered public information and may be used, disclosed, and published by the ministry to help in evaluating and revising its proposal. This may involve disclosing any response received to other interested parties. An individual who provides a response and indicates an affiliation with an organization will be considered to have submitted the response on behalf of that organization.

Responses received from individuals who do not indicate an affiliation with an organization will not be considered public information. Responses from such individuals may be used and disclosed by the ministry to help evaluate and revise the proposal. The ministry may also publish responses received from individuals. However, should the ministry use, disclose, or publish individual responses, any personal information such as an individual's name and contact details will not be disclosed by the ministry without the individual's prior consent, unless required by law. Contact information you provide may also be used to follow up with you to clarify your response. If you have any questions about the collection of this information, please contact the ministry by email PublicSafetyandOperationsPolicyBranch@ontario.ca.