

Film Location Incentive Policy

YUKON

CANADA



Contents

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Scope	2
Principles	2
Goals	2
Program Restrictions	2
Definition	3
Roles and Responsibilities	4
Program Framework	4
Approval Authorities	6
Accountability Framework	6

Scope

This policy applies as follows:

- The Film Location Incentive applies to feature films and television programs, movies, and documentary films. The travel subsidy portion of this incentive also applies to commercials.

The following are not eligible projects under these programs:

- Sport broadcasts;
- Contract driven productions;
- Talk shows;
- Game shows;
- News programming;
- Awards presentations;
- Productions that solicit funds;
- Pornography.

Principles

The Film and Sound Incentive Programs have been designed based on the following general principles. These principles will be used to guide operational decisions.

ECONOMIC SUSTAINABILITY

The private sector is the preferred engine of economic growth for the Yukon economy.

BALANCED INTERESTS

Funding requirements will reflect a fair balance between financial accountability for the expenditure of public funds and the administrative burden borne by fund applicants.

FAIRNESS AND IMPARTIALITY

Government funding shall not alter level playing fields in the business community by fostering unfair competition.

All funding applications will be treated in a fair and impartial manner and the processing of applications will be conducted as expeditiously as considerations of due diligence allow.

Goals

The goals of the Film and Sound Incentives Programs are to:

- Maintain and ultimately increase the level of total independent film and sound recording production and expenditure in Yukon;
- Maximize Yukon employment opportunities resulting from film and sound recording production in Yukon;
- Encourage sustainable growth in the Yukon film and sound recording production sector resulting in a stronger infrastructure of skills and services.

Program Restrictions

Program restrictions are intended to:

- 1 Encourage productions that genuinely benefit the Yukon economy;
- 2 Encourage sustainable growth in the Yukon film and sound recording production and production services sector;
- 3 Extend the number of productions that may participate by limiting the access any one production has to program funds;
- 4 Ensure accountability by requiring a full reporting of Yukon expenditures from each participating production.

To ensure that the funds paid out by this program best serve the purposes of the program, the Yukon Film & Sound Commission may, by means of a written statement to the applicant and the Deputy Head, reduce or decline an application on the basis that:

- A In the case where there is – for whatever reason - a substantial difference between the information provided in the approval process and what later occurred;
- B The situation being applied for is – in spirit or in specifics – clearly different from what the program was intended to accomplish.

Definitions

Broadcast commitment Either one of a Broadcast development agreement or a Broadcast license.

Broadcast development agreement A “broadcast development agreement” is a commitment by a licensed broadcaster or broadcasters to participate financially in the development of the project, and to broadcast the program within two years of completion at a time appropriate to its genre. The broadcaster participation must be in the form of a cash contribution. Service contributions, such as studio equipment or any other form do not constitute a cash contribution in order to fulfill the license fee requirements.

Broadcast license A “broadcast license” is a commitment by a licensed broadcaster or broadcasters to participate financially in the production of the project. The broadcaster’s participation must be in the form of a cash contribution. Service contributions, such as studio equipment or any other form will not be accepted in order to fulfill the license fee requirements.

All licensed broadcasters are permissible. This includes all private, public and education broadcasters, as well as all specialty, pay and pay-per-view broadcasters.

Controlling Interest “Controlling interest” means having, owning and maintaining throughout the course of the project or production, managerial, financial, logistical and creative influence in all production decisions.

Deputy Head “Deputy Head” means a member of the public service responsible for the Department of Economic Development.

Distribution Arrangement A financial commitment from an approved distribution company in the form of a distribution advance or distribution guarantee for release in a major territory (e.g. Canada, US, UK, Germany, Japan or Australia).

Distribution Company Any distributor recognized by Telefilm Canada unless otherwise approved by the Yukon Film & Sound Commission.

Documentary A non-fiction representation of subject matter.

Eligible Yukon Labour Employment of Yukon labour as a member of the production crew; includes the dedicated labour component of production services hired by the production (such as the pilot’s wage on a helicopter rental, but not incidental labour such as hotel staff).

Film Film includes television. Except where specifically indicated otherwise, film refers to any technology or method of capture that is universally accepted as being of broadcast quality.

Matched Labour Where a foreign production brings in their own crew persons and the Human Resources Development Canada’s Foreign Workers Office requires them to hire a Canadian equivalent. This person must have appropriate experience in the same department at the task. Where a Yukon crewmember is given the “matching position,” it will be considered a career development – and hence training – opportunity.

Minister An Executive Council member designated as the Minister of Economic Development.

Reality Television A dramatic, unscripted production that follows real people in real or artificial context for a period of time.

Rebate Claim Application made to the Yukon Film & Sound Commission for rebate under the Film and Sound Incentive Programs.

Travel Rebate Payment made to a production company as partial reimbursement for travel costs between Vancouver or Edmonton or Calgary and Whitehorse.

Yukon Expenditure Monies paid to a Yukon person or business for goods or services related to the Yukon portion of a film or sound production.

Yukon Resident A person who has resided in Yukon for at least one year (365 days) prior to the date of application and maintains a valid Yukon Health Care Insurance Plan registration.

Yukon Business The definition of Yukon Business shall be the same as is defined in the Contract Regulations and Contracting Directive.

Yukon Film & Sound Commission The Yukon Film & Sound Commission is a unit within the Department of Economic Development’s that seeks to develop indigenous and location filmmaking and sound recording in an environmentally, socially and economically responsible manner.

Yukon Labour Dedicated labour by a person who resides in the Yukon and has maintained a valid Yukon Health Care Insurance Plan registration for at least ninety (90) days.

Roles and Responsibilities

Minister of Economic Development

The Minister may table a copy of the annual report at the next ensuing session of the Legislative Assembly.

Deputy Head of Economic Development

The Deputy Head shall receive from the Yukon Film & Sound Commission, by June 30th each year:

- An annual report on the status of the Yukon Film and Sound Incentive Programs (including names and number of applicants, project information, approved amount and project status);
- Recommendations regarding any proposed changes to the Yukon Film and Sound Incentive Programs;

The Deputy Head shall receive an appeal regarding a decision made pursuant to this policy.

- Upon receipt of an appeal, the Deputy Head shall seek the guidance of the Yukon Film & Sound Commission or any professional organization as may be necessary to assist with the decision making.
- The Deputy Head shall make the decision regarding the appeal and shall give written notice of that decision to the appellant and to the Yukon Film & Sound Commission. The decision of the Deputy Head will be final.

Yukon Film & Sound Commission

The Yukon Film & Sound Commission shall administer and maintain the Yukon Film and Sound Incentive Programs.

Within the approved policy framework the Yukon Film & Sound Commission shall determine application procedures and time frames for establishing payment procedures for funding under the programs.

Program Framework

1. Purpose

The purpose of the program is to encourage production companies from outside Yukon to film in Yukon and hire and train Yukoners. There are three components to this incentive program:

- a) Travel Rebate
- b) Yukon Spend Rebate
- c) Training Program.

2. Objectives

To attract productions to shoot on location in Yukon;

To support the training and development of the local Yukon film industry.

3. Eligible Applicants

Production companies filming in Yukon and using Yukon labour.

Recipients under this program are not eligible to apply under the Yukon Film Development Fund or the Yukon Film Production Fund.

4. Eligible Projects & Activities

Travel Rebate – only available to productions companies from outside Yukon.

Yukon Spend Rebate – productions supported by a broadcast license or distribution arrangement and shooting on location in Yukon using Yukon labour.

Training Program – production companies shooting on location in Yukon who undertake pre-approved training of Yukon labour.

5. Outcomes

An increase in the number of films shot in Yukon. Development of skills in the Yukon film industry.

6. Funding / Contribution Levels

The Production Company must apply for pre-approval based on anticipated production arrangements.

TRAVEL REBATE

Where the production company is from outside the Yukon; and where Yukon labour content equals or exceeds 15% of the total person days on the Yukon portion of the production, the production is eligible for a travel rebate of up to 50% of travel costs from Vancouver or Edmonton or Calgary to Whitehorse:

- To a maximum of the equivalent of \$2,000 per day of principle photography in the Yukon;
- less 10% of the eligible Rebate Claim per non-Yukon crew member where, in the sole discretion of the Yukon Film & Sound Commission, a qualified Yukon crew member could have been hired instead;

- less 10% of the eligible Rebate Claim per non-Yukon production-related service brought in where, in the sole discretion of the Yukon Film & Sound Commission, a qualified and competitive Yukon service could have been purchased instead;
- Commercial and documentary productions, supported by a broadcast license, are eligible for a maximum Travel Rebate under this fund of \$10,000 or 10% of all Yukon expenditures, whichever is the lesser.
- Television program, television movie, and feature film productions are eligible for a maximum Travel Rebate of \$15,000 or 15% of Yukon expenditures not assisted under any other portion of the Yukon Film Incentive Programs, whichever is the lesser.
- Travel costs for any non-Yukon crew member where, in the sole discretion of the Yukon Film & Sound Commission, a qualified Yukon crew member could have been hired instead, will not be considered for the Travel Rebate

YUKON SPEND REBATE

Where the production company has either a broadcast or distribution arrangement with an internationally recognized entity, and where eligible Yukon labour content equals or exceeds 50% of the total person days on the Yukon portion of the production, the production is eligible for a rebate of up to 25% of Yukon below-the-line spend.

- Productions accessing the Yukon Spend Rebate are not eligible for the Travel Rebate.

TRAINING PROGRAM

The production company may apply for a rebate of up to 25% of a trainer's wages for the period during which they are actively transferring skills to a Yukon trainee. This must be at a rate no more than that of the position next more senior to the one being trained.

- The training rebate will be capped based upon available resources; production companies must request details in advance of the training.
- Trainees must be Yukon Labour who have demonstrated a commitment to a career in film, who are union permittees, or have significant recent experience working on a film production or have graduated from a recognized film crew training program.

7. Intakes

Applications will be accepted on an on-going basis throughout the year.

Applications must be complete and include all necessary documentation at time of submission.

Processing of applications will be conducted as expeditiously as considerations of due diligence allow.

8. Assessment Criteria

Applications will first be screened on the basis of the following mandatory criteria:

- The applicant is an eligible applicant as described in Eligible Applicant above.
- The proposed activities comply with the criteria for eligible activities set out in Eligible Projects and Activities above.
- Any financial obligations to the Government of Yukon by the proponent must be in good standing.

The criteria against which an application will be assessed will include:

- Success of previous projects undertaken by the same applicant assisted by the Film Location Incentive or any other fund administered by the Department of Economic Development.

TRAVEL REBATE & YUKON SPEND REBATE

The applicant must provide:

- Production Schedule
- Cast & Crew List noting which positions will be filled by qualified Yukon residents
- Total Budget for the production
- Financing Plan for the production
- Yukon Budget - please supply estimates of the Yukon portion of your budget to show expenditures by categories. For example Yukon Labour, non-Yukon Labour, accommodations, travel, production services etc.
- If Documentary, please supply evidence of a broadcast agreement
- Scripts/Boards
- Yukon Locations List

Training Program

- Applies to commercial productions as well as documentary, television and feature film work.
- Applies only to the portion of a production that occurs in the Yukon.
- Training must conform to accepted standards, for example those established by Canadian unions and guilds.
- Training must be for technical positions such as a typical commercial production crew would use. Trainers must be recognized by the appropriate unions as being fully qualified to train for the position for which they are training.
- To be considered eligible for matched labour positions under this program, Yukon Labour must clearly demonstrate a commitment to a career in this field, such as significant recent course work and/or significant recent work experience.
- Eligibility for matching positions will be determined by the Yukon Film & Sound Commission which may consult with any organization deemed necessary to provide technical advice respect thing applications.
- The Yukon Film & Sound Commission may disqualify a Yukon crew person from qualifying for an assisted matched labour position on the basis that the person's training and career opportunities are insufficiently developed to warrant assistance under this program, or a sufficiently developed to not warrant further assistance under this program. For example: where a grip has become well enough established to be recognized by typical production managers as qualified and experienced in the position and is well enough known by outside Yukon commercial production managers that the grip is included in most job calls, that grip would no longer be eligible under the Training Program.

Approval Authorities

9. Project Officers

Project officers are the first point of contact for all applicants. They will be available year round and provide support and advice on the funding program. Each application will be assigned to a project officer who

will work with clients to ensure that all the information has been provided for full project consideration.

- Since some projects may impact government operations, or the applicants are client groups of other YG departments, project officers may involve other departments. YG departments who have an interest in specific projects will be requested to verify information and provide their perspective on projects on an 'as-needed' basis.
- The project officers will be responsible for preparing an assessment of the application including a recommendation for approval/disapproval

10. Approval Authorities

The Film & Sound Commissioner will be the approval authority for applications within the Departmental signing authority of the Commissioner's position. For applications above that signing authority, the approval authority will be the Minister of Economic Development.

- The Film & Sound Commission will provide a prompt and written estimate of the Travel Rebate, Yukon Spend Rebate and/or Training Program rebate for which the production would qualify based upon the information provided.

Accountability Framework

11. Basic Reporting Requirements

Reporting requirements for funding recipients are intended to obtain information necessary to meet Government financial obligations while recognizing the costs that such reporting place upon recipients. Project financial reporting requirements will be relevant to the level of funding received and will not place unnecessary burdens on recipients.

- The Production Company shall submit, along with their rebate claim, a detailed Yukon expenditure list supported by copies of paid receipts and invoices for expenditures made to Yukon businesses and crew.

Travel Rebate

- A Rebate Claim will be submitted by the Production Company for comparison and approval no earlier than the final day or Day 10 of Yukon-based principle photography, whichever is earlier;

- The production company shall submit a detailed expenditure list including copies of all travel receipts and invoices.

Yukon Spend Rebate

- A Rebate Claim may be submitted by the Production Company for comparison and approval only after all Yukon crew and services are paid;

Training Program

- The Production Manager must provide to the Yukon Film & Sound Commission within 30 days of completion of training, a signed, written Statement of Training, explaining which techniques and equipment the trainee has become experienced and/or qualified in during the production.
- Call sheets must be provided and retained. Copies must be submitted with the application for rebate.

The Yukon Film & Sound Commission will conduct internal verifications on projects that receive funding under this program.

12. Additional / Follow-up Reporting Requirements

Funding recipients shall:

- Maintain all related financial and performance information records for a minimum of three years following the completion of the training.
- Upon written request, and with appropriate notice, provide authorized representatives of the Yukon Government with access to relevant records for a minimum of three years following the completion of the training.
- Participate in interviews, focus groups, or other reasonable information gathering activities, in conjunction with a program evaluation of the Film Location Incentive.

Verification and evaluation reports shall be made public, within a reasonable time of completion, with the exception of any information protected under the Access to Information and Protection of Privacy Act.

13. Financial Procedures

Funds will be disbursed according to the following conditions:

- The Production Company shall submit a final copy of the production on VHS or DVD for the Film & Sound Commission files prior to release of Film Location Incentive Program funds.
- The production company must acknowledge and recognize Yukon's financial contribution to the project by providing an on screen credit of "Produced with the participation of the Yukon Film Incentive Programs". In all related advertising, publicity and promotional materials, the "Yukon" Wordmark and "Yukon Film Incentive Programs" title must be included.

If you have any questions or need additional information,
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