

# Program Policy & Guidelines

## Film and Sound Incentive Programs

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## 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 ***Film Training Initiative*** applies to approved training of Yukon residents in feature film, television, documentary and commercial productions;
- The ***Filmmakers Fund*** applies to film productions by Yukon residents and Yukon businesses that are either produced or post-produced in Yukon.
- The ***Film Development Fund*** applies to development of film projects which are financially and creatively controlled by Yukon residents and Yukon corporations.
- The ***Film Production Fund*** applies to production of films which are financially and creatively controlled by Yukon residents and Yukon corporations.

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:

- 1 Maintain and ultimately increase the level of total independent film and sound recording production and expenditure in Yukon;
- 2 Maximize Yukon employment opportunities resulting from film and sound recording production in Yukon;
- 3 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 licence fee requirements.

**Broadcast license:**

A “broadcast licence” 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 fulfil the licence 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.

<h2>Roles and Responsibilities</h2>
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**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 30<sup>th</sup> 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.