

Dear [MPP]:

The Government of Ontario is currently debating Bill 158 (the new Film Classification Act) in its third and final reading, and we are writing to you as concerned members of Ontario's non-profit arts community. This community includes many film and video festivals, production co-ops, distribution centres, artist-run galleries and independent artists. Many of them are funded by the Ontario Government, and represented by the national Independent Media Arts Alliance (IMAA) or provincial Artist-Run Centres and Collectives of Ontario (ARCCO). We were eager to see how the Government would respond legislatively to the Ontario Superior Court decision of April 30, 2004 which struck down the existing law.

Regrettably, Bill 158 does little to ease our concerns. The scope of the law effectively renders most public screenings of non-profit film and video illegal, because a vast number of non-profit media arts organizations are required to submit works for classification. As stated in the Ontario Superior Court Judgment, this practice is financially and administratively burdensome for these already over-worked organizations, not to mention discriminatory, as other art disciplines are not required to submit their work for prior classification. Many organizations across the province simply cannot submit work because of their geographical distance from the Review Board in Toronto, because the work is one-of-a-kind or fragile, or because it is brought at the last minute by the touring artist.

A Regulation in the old Act exempted Government-funded film and video festivals, visual art galleries and libraries, alleviating the need to submit work for classification, but in exchange for restricting admittance to people 18 years of age or older, regardless of the content of the work. Unfortunately, such a Regulation prohibits the non-profit arts community in their attempts to promote film and video art to Ontario youth and children.

The film and video art work created and exhibited by our community is primarily non-commercial and intended for cultural purposes. A vast majority of the work is appropriate for arts education programs and all ages, yet the law prohibits access for these audiences. Programmers and curators are well-educated, responsible citizens who are capable of self-regulating, and are in the best position to make decisions about access to the work. What training in contemporary media art do the people at the Film Review Board have?

So far the debate from all sides in the Legislature on Bill 158 has been entirely about the film industry. Nobody has spoken on behalf of the non-profit arts community. We demand to be heard.

We call for public consultations with the aim of amending Bill 158 as currently drafted, in order to remove non-profit media art from the Film Classification Act altogether, or to create an "Unclassified" category in the Act, not in the Regulations. To allow for these consultations, we also call for the government to request the three month extension of the bill's deadline offered in the Judgment.

Sincerely,