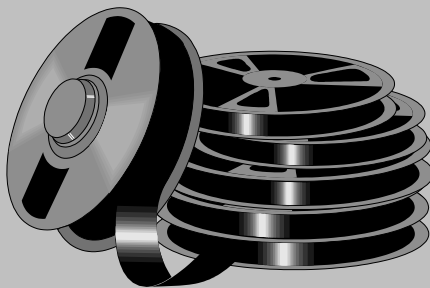


Ontario Film Review Board

Annual Report

2005/2006



www.ofrb.gov.on.ca

May 30, 2006

The Honourable Gerry Phillips
Minister of Government Services
Whitney Block
4th Floor, Suite 4320
99 Wellesley St. W.
Toronto ON M7A 1W3

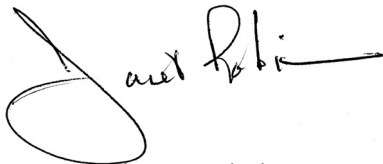
Dear Minister Phillips:

I am pleased to present the Annual Report of the Ontario Film Review Board for the fiscal year ending March 31, 2006.

The report outlines the duties and responsibilities of the Ontario Film Review Board under the mandate of the *Film Classification Act, 2005* and the operating results for the fiscal year.

The past 18 months as Chair of the OFRB have been exciting and challenging. I am looking forward to the future with a commitment to undertake new challenges, to promote education, and inspire innovation.

Yours sincerely,



Janet Robinson, Chair

Ontario Film Review Board

1075 Millwood Road, Toronto ON M4G 1X6
Telephone: (416) 314-3626 Fax: (416) 314-3632
Web site: www.ofrb.gov.on.ca

Table of Contents

Report from the Chair	3
The Board and its Operations	
Our Mission	6
Who We Are	6
Types of Panels	6
How We Classify.....	7
Why We Classify.....	8
Our Community.....	8
Refusal to Approve	9
Financial and Operational Information	10
Chair and Board Members	12

Report from the Chair

The fiscal year 2005-2006 was a year of many changes for the Ontario Film Review Board (OFRB). The *Film Classification Act, 2005* that replaced the *Theatres Act* was enacted on August 31, 2005 and regulations expanding the powers of the OFRB came into effect at this time. Our daily activities have been streamlined, and our public education program is expanding with new initiatives.

Film Classification Act, 2005

The main features of the *Film Classification Act, 2005* are as follows. The act:

- requires classification of mainstream films by the OFRB to ensure that consumers have information to make informed viewing choices regarding the content and age-appropriateness of films;
- requires that adult sex films be approved by the OFRB;
- recognizes videogame classifications of the Entertainment Software Rating Board (ESRB);
- provides for a number of exemptions from licensing and classification requirements.

Daily Activities

In 2005-2006 the OFRB classified 6,075 films, screening a total of 817,007 minutes of film. In addition, it classified another 970 films by documentation.

As of March 31, 2006 the OFRB had 17 members. With a smaller board it continues to have a more consistent decision-making process, resulting in fewer appeals. The board must continue to maintain a balance of male and female members and ensure its members provide representation from the entire province. At the Chair's discretion, and through the appointment of 10 new members, three-member panels for 35mm have replaced the

previous two-member panels, resulting in greater objectivity during the evaluation process. Senior members are occasionally working as single-person panels for adult film approval while mainstream DVDs and videos continue to be screened by two-member panels. All members are trained in the classification guidelines and administrative work that is required in completing summary reports.

The OFRB continued to update its formal *Member Reference Manual* in 2005, a document designed to be easily amended to reflect new policies and procedures. This reference document *Classifying Mainstream Films*, which defines the classification guidelines, has been adopted by five other provincial boards. The OFRB adopted new adult film guidelines driven primarily by the changing legislative regime.

Public evenings continue to be very popular with the community. The OFRB initiated a program for the local film schools to come and participate in the classification of a mainstream film. There were 23 public evening screenings with approximately 393 participants.

The OFRB chair participated in “Bring your Kids to Work” day, speaking with 85 grade nine students and explaining how the OFRB classifies film.

The OFRB hosted several paralegal students from Humber College as part of their adjudication studies.

Objectives of the Chair

The OFRB Chair’s key objective is to provide information to the consumers of Ontario. It is important the board give individuals sufficient information to make informed entertainment choices for themselves and, more importantly, for their children.

Several enhancements have been made to the OFRB website as a result of new legislation. In addition, it has been expanded to include not only film classifications and content advisories, but also all elements observed by the panel during the classification process.

To promote increased awareness of Ontario's classification system, the OFRB spearheaded a film school competition that was announced January 24, 2006 at Ryerson University. This competition will result in students creating a one-minute public service announcement (PSA) film explaining our classification system and the importance of content advisories.

The OFRB will choose up to three winners, and the winning PSAs will be screened in Ontario movie theatres before the feature presentation. PSAs will alternate every one to three months for a period of two years. If this promotion is successful, the OFRB will offer the PSAs to all provinces and consider partnership opportunities to make this initiative a regular national competition. The board expects to announce the winners at Ryerson during the Toronto International Film Festival in September 2006. This valuable project will help showcase Ontario film students and benefit all Ontario moviegoers.

The OFRB adopted a brochure originally produced by the province of Nova Scotia outlining both film and videogame classifications. In 2006-07 the board will be promoting the poster and brochures in theatres, expanding to libraries and hopefully teaming up with the Ministry of Education and introducing this into Grades 5-8 in their media awareness studies.

Looking to the future, the OFRB will continue to further its excellent working relationship with the film industry and the other provincial boards, strive to improve its website, go forward with new ideas and initiatives to educate and serve the residents of Ontario.

The Board and its Operations

Our Mission

The OFRB receives its mandate from the Ontario government through the *Film Classification Act, 2005 (FCA)* and operates as an arms-length agency reporting to the Minister of Government Services.

Subject to a few specific exceptions, if a film including videos and DVDs is to be distributed or exhibited in Ontario, it must first be classified by the OFRB.

Under the authority of the *FCA*, the OFRB reviews and classifies mainstream film and reviews and approves adult sex films for public exhibition and distribution. Ontario's film classifications, *General, Parental Guidance, 14A, 18A* and *Restricted*, are set out in Regulation 452/05 under the *FCA*.

Who We Are

The OFRB is a community board, and its members represent a cross-section of the many diverse communities across Ontario. The OFRB's members vary in age, gender, vocation, cultural background and sexual orientation.

On the recommendation of the Minister of Government Services and the provincial Cabinet, members are appointed by the Lieutenant Governor through orders-in-council.

Members work a seven-hour day, usually four to five times per month, and are paid on a per diem basis.

Types of Panels

There are three types of screening panels, with a senior member providing oversight to each. Each type of panel serves a different purpose as follows:

Normal: This panel consists of one to three members. Although the members endeavour to agree on the classification, occasionally one may disagree with the classification, and that member may request a cumulative panel.

Cumulative: Four other board members screen the film. The results of both the Normal and Cumulative Panels are tallied, and the majority rules. Since a member initiates this process, there is no cost to the submitter.

Appeal: This panel is requested and paid for by a submitter who is dissatisfied with the OFRB's initial decision. It consists of three to five members who have not yet seen the film in question. This panel's decision as to classification or approval is final subject to the right of the director to require a reconsideration.

By the time a controversial film has gone through three panels, as many as 12 different board members have viewed the film.

How We Classify

The OFRB members take into account the general character and integrity of each film in its entirety and use the *FCA* and sets of guidelines to determine the film's classification. These guidelines, which are continually reviewed and updated, allow the board to be objective yet flexible. In this way, the board is not only able to maintain the integrity of community standards, but also to appreciate and accommodate the film's artistic merit, or social and documentary significance.

While viewing the film, each panel member makes notes on the elements that contribute to the classification. These elements include coarse language, nudity, violence, sexual activity, horror and psychological impact. Following the screening, panel members use these notes in their discussion and to determine their ultimate decision as to the classification of the film.

Each element is weighed on the basis of content and treatment and the cumulative effect of those factors on the audience. Members consider style, tone, duration, frequency and the amount of visual and/or verbal detail. How the elements relate to the narrative also contributes to the panel's decision.

Besides the classification, the OFRB may choose to include content advisories, such as *nudity*, *coarse language* or *brutal violence*. These warnings, along with the classification, must appear on all exhibition-related advertising to help the viewer make informed choices.

Why We Classify

A film classification board helps consumers make informed choices about the films they see. Throughout the developed world, movie viewers have asked for industry-independent information about age-suitability (the classification) and content (advisories such as *coarse language, violence, nudity*, etc.) of films. This information assists them in deciding whether a particular movie is appropriate for their children or for themselves.

Most developed countries, including the United States, Great Britain, Australia, New Zealand, South Africa, France, Germany, Spain, Portugal, Greece, Norway, Denmark and Sweden have film classification boards.

The OFRB's focus is classification. The board is a valued source of information about movies and videos that helps viewers make the right entertainment decisions for themselves and for their children.

Our Community

Community standards are at the forefront whenever the OFRB revises its guidelines. The board uses many avenues to gauge the needs of the community it serves.

The OFRB is structured specifically to address community standards issues. Its members consist of ordinary people, from across the province of Ontario, who screen films on a part-time basis. Members represent the diverse population of Ontario - varying ages, with diverse work histories, ethnic backgrounds and sexual orientations. There is a nearly equal male-female split in the OFRB, and as of the end of March 2006, screening panels have included both male and female members if possible.

The full board meets at least twice a year to discuss any changes in policy, procedure or guidelines. All changes are discussed, debated and voted on by the full board before any changes are made. The OFRB had two guest speakers speak at the bi-annual board meeting along with a group concerned about smoking and a representative from the Toronto Police Service who spoke on child pornography.

The board tests its perception of community standards in twice-monthly evening screenings where public groups view a movie with the official panel and compare their opinions about how the movie should be classified against the official panel's decision.

The board also hears directly from the media, public interest groups and members of the general public via letter, telephone, fax, e-mail and its website.

The board's responsibility is to understand and reflect the community standards of Ontario.

Refusal to Approve

Following the Glad Day decision in April 2004 (which held that the approval scheme of the former *Theatres Act* was unconstitutional), the OFRB's authority to refuse approval of films was narrowed to films that have as their main object the depiction of explicit sexual activity. In order to bring the film classification scheme in line with the decision, the new act was created. The *FCA* modernized the legislative scheme to better reflect technological, legal and marketplace changes.

The OFRB's authority to refuse approval is based on the standards of criminal obscenity. The board regularly reviews its Adult Sex Guidelines to ensure as much consistency as possible, taking into account its mandate as a provincial regulator, along with considering the rules governing the Canadian Border Services and the Criminal Code of Canada. The OFRB plays no role in determining or making findings of obscenity or child pornography. This is a function of the police and is a federal responsibility.

Financial & Operational Information 2005-2006

Financial Information 2005/2006

Revenue:	Film and Video Classification Fees *	\$3,308,178
	Total Revenue	\$3,308,178
Expenditures:	Per Diems.....	\$254,600
	Direct Operating Expenses	\$90,200
	Administrative & Overhead Expenses	\$389,376
	Total Expenditures **	\$734,176

* For classification of films including videos and DVDs distributors pay \$4.20 per minute, Mainstream films in languages other than English and French pay a flat fee of \$78.75 per item, and there is no fee for mainstream films wholly produced in Canada. There are also fees for classifying trailers, and for some films classified by documentation.

** Note: This excludes indirect costs related to activities such as inspection, enforcement, legal, policy, etc.

Classification Breakdown Mainstream Films Screened (all languages)

	2005/2006	2004/2005	2003/2004
General	25.25%	23.96%	21.82%
Parental Guidance	35.06%	32.16%	30.55%
14A	29.80%	32.04%	30.89%
18A	7.39%	8.20%	12.42%
Restricted	2.50%	3.63%	4.32%

Financial and Operational Information

	2005/2006	2004/2005	2003/2004
Financial Information			
• Revenue*	\$3,308,178	\$2,735,930	\$2,876,500
• Expenditures**	\$734,176	\$735,873	\$757,700
Operational Information			
Films Screened			
• Mainstream (English and French)	3305	2200	1908
• Mainstream (other languages)	252	166	177
• Adult Sex Films	2061	1817	2223
• Mainstream Trailers	457	527	492
Total Films Screened	6075	4710	4800
Minutes Screened			
• Mainstream (English and French)	547935	266448	199256
• Mainstream (other languages)	29334	19692	20463
• Adult Sex Films	238839	194810	232059
• Mainstream Trailers	899	1237	1224
Total Films Screened	817007	482187	453002
Classified without screening			
• Mainstream Films (Classified by documentation)	970	561	382
Appeals/ Non-Approval Decisions			
• Appeals – decision changed	7	15	16
• Appeals – decision upheld	3	2	11
• Non-Approval decisions	14	9	30
Screening Panels			
• Number of Panels	480	409	431
• Average Panel Minutes	1702	1178	745
Turnaround time			
• 35mm film (standard <=1-2 days)	1.2	1.0	1.2
• Video/ DVD (Mainstream) (standard <=10 days)	9.2	7.6	6.1
• Video/ DVD (Adult) (standard <=10 days)	10.2	7.5	6.7
Public Screenings Public Screenings			
• Number of screenings	23	28	24
• Number of participant	393	525	450

* For classification of films including videos and DVDs distributors pay \$4.20 per minute. Mainstream films in languages other than English and French pay a flat fee of \$78.75 per item, and there is no fee for mainstream films wholly produced in Canada. There are also fees for classifying trailers, and for some films classified by documentation.

** Note: This excludes indirect costs related to activities such as inspection, enforcement, legal, policy, etc.

Chair

Janet Robinson

Janet Robinson is a Registered Nurse, who worked for 24 years in a demanding obstetrical/gynaecological practice. She established a consulting company that provided home visits to new parents.

Janet worked several years as a part-time contract Occupational Health Nurse with the Toronto Star, Ontario Power Generation and the Royal York Hotel.

Janet is also active in her community where she lives with her husband. They have two grown children and two grandchildren. When her schedule permits, she loves to pursue her passion for reading and golf with friends and family.

Members of the Ontario Film Review Board

Member	Municipality	First Appointed (current position)	Current Term Expires
Aris Babikian	Toronto	December 7, 2005	December 7, 2008
Tina Bragagnolo	Ajax	May 28, 2003	May 28, 2009
Pat Brown	Brantford	July 15, 2005	July 15, 2008
Jamil Chahbar	London	June 13, 2003	May 12, 2006 (Resigned)
Tony Cosentino	London	July 5, 2004	July 5, 2009
Kuldip Deepak	Mississauga	August 25, 2004	August 25, 2006
Ken Dixon	London	June 25, 2003	June 25, 2006
Jason Doucet	Toronto	July 5, 2004	July 5, 2006
Janet Fine	Toronto	December 7, 2005	December 7, 2008
Angela Huynh-Chew	Fort Erie	May 28, 2003	September 29, 2005 (Resigned)

Member	Municipality	First Appointed (current position)	Current Term Expires
Lorelei Kidd	Toronto	April 24, 2003	April 24, 2008
Sheldon Laporte	Toronto	July 5, 2004	July 5, 2006
Peter Luchowski	Richmond Hill	May 28, 2003	May 28, 2006
Ron Maloughney	Burlington	June 22, 2005	June 22, 2008
Sue Rainville	Toronto	June 1, 2005	June 1, 2008
Janet Robinson	Toronto	October 13, 2004	June 15, 2008
Marlene Sklar	Thornhill	July 4, 2001	July 4, 2006
Shauna Stein	Toronto	November 22, 2002	November 22, 2006
John Thompson	Toronto	June 20, 2003	June 20, 2006
Trudie Villeneuve	Toronto	January 5, 2005	January 5, 2008