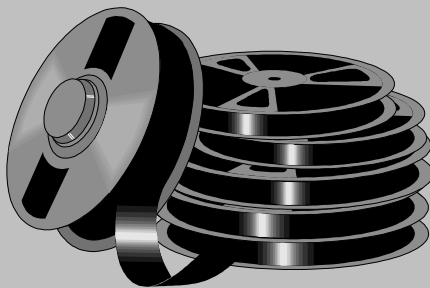


Ontario Film Review Board

Annual Report

2008/2009



www.ofrb.gov.on.ca

May 15, 2009

The Honourable Harinder S. Takhar
Minister of Small Business and Consumer Services
6th Floor, Mowat Block
900 Bay Street
Toronto, Ontario
M7A 1L2

Dear Minister Takhar:

I am pleased to present the Annual Report of the Ontario Film Review Board for the fiscal year ending March 31, 2009.

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.

Yours sincerely,



Janet Robinson, Chair

Ontario Film Review Board

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Report from the Chair

The fiscal year 2008-2009 was a busy year for the Ontario Film Review Board (OFRB). Our daily activities have continued under streamlined procedures and our public education program is continuing with a high approval rating from participants.

Daily Activities

In 2008-2009 the OFRB classified 4,786 films, screening a total of 439,994 minutes of film. In addition, we classified another 2,087 films by documentation.

As of March 31, 2009 the OFRB consisted of 19 members representing a cross section of Ontario's diverse population. At the Chair's discretion three-member panels for 35mm continue. Senior members work as single-person panels for adult film approval. Two-member panels screen mainstream DVDs and videos. There were 506 screening panels of which 270 were one-person panels. All members continue to be 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*, a document designed to be easily amended to reflect new policies and procedures. Adult films remain stable, with fewer non-approval decisions.

Public evenings continue to be very popular with the community and university film schools. We had 20 public screenings with approximately 337 participants.

Our outreach program included a seminar for students at Queen's University's Film Studies program and York University Extension Program

We have continued the public evening survey process to measure the effectiveness of this program. Please see page 10 for the results.

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

Our 2007-08 “Class Acts Wanted” public service announcement competition with Ontario film schools was completed. Charles Sousa, Parliamentary Assistant to the Minister of Government Services and Deputy Minister, Ron McKerlie, attended the awards presentation at the Carlu on July 24th. With great deliberation one winner was selected from 5 finalists. The winning PSA was shown in theatres from September, 2008 through December, 2008 and then the other 4 PSAs were added to the mix.

The Cineplex theatre organization has very kindly offered to alternate the PSAs on their pre-show reel. The finalists from 2006 competition had wonderful exposure of their films, with screenings on more than 690 screens in Ontario in the Cineplex and Empire theatre organizations. In addition Rogers Cable showed the PSAs on their Pay-Per-View Channels. What a wonderful opportunity to showcase Ontario’s future filmmakers and educate Ontarians at the same time.

With the success of our 1st and 2nd competitions, Alberta and British Columbia have initiated competitions with their film studies post secondary schools and are using our criteria and rules for their projects. This is truly complimentary to our Board and mentors who steered this competition from the beginning.

ShowCanada is an annual industry show organized by the Canadian Motion Picture Distributor Association. The Interprovincial Film Classification Council of Canada (IFCCC), of which the OFRB is a member, holds its annual meeting at ShowCanada. The provincial classification boards take this opportunity to meet and discuss common concerns and initiatives. The 2008 meeting was held April 28 thru May 1 2008 in Banff, Alberta.

We held two full board meetings with Pat Marshall Vice President Communications Cineplex attending the May meeting. The topic discussed was Coming of Age in the Digital and 3D world. We had representatives from “Tobacco Free Network” attend giving us their views on smoking in the movies and asking to have films

classified accordingly. Chris Ferguson Director of MSBCS gave us an update of the coming changes in ministries.

At the November meeting we had a general discussion on Board procedures and recommending a 14year old cut off for 18A movies. This was passed and the Chair was asked to meet with the Deputy to recommend a regulation change. In order to keep current, we will continue to have seminars/discussions at board meetings and will initiate any required changes to our classification guidelines at the board meeting.

Objectives of the Chair

My major objective as Chair of the OFRB is to provide information to the consumers of Ontario. It is important that we supply individuals with sufficient information to make informed entertainment choices for themselves and, more importantly, for their children.

Several revisions have been made to the OFRB website to ensure it continues to be current. It not only includes film classifications and content advisories, but also all detailed elements observed by the panel during the classification process.

The OFRB's brochure, "It's Your Choice" is distributed through Ontario's Early Years Centres and Service Ontario sites. The brochure, which is also available on the OFRB's website, is aimed at helping parents increase understanding of the film and video game classification system and where to find information on films and video games to help make informed viewing decisions.

Looking to the future, we will continue to further our excellent working relationship with the film industry and the other provincial boards, continue to improve our website, and move forward with new ideas and initiatives to educate and serve our clients, the residents of Ontario.

I am looking forward to the future with a commitment to undertake new challenges, promote education, and inspire innovation.

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 arm's-length agency reporting to the Ministry of Small Business and Consumer Services.

Subject to a few specific exceptions, if a film (feature/trailer), 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 Small Business and Consumer Services and the Provincial Cabinet, members are appointed for an initial two-year term by the Lieutenant Governor through orders-in-council. Members may be re-appointed for a further 3-year followed by a 5-year term for a maximum of 10 years on the board.

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: Two to 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. This type of panel is considered part of our in-house quality assurance program.

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 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 reconsideration.

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

Reconsideration:

The Director under the *Film Classification Act, 2005* may submit a film including a video game to the Board, or require a person who distributes, offers to distribute, exhibits or offers to exhibit a film or video game to submit it to the Board for the purpose of reconsidering the classification or approval decision, or to determine if a film is exempt. In such cases there is no additional cost to the submitter and the panel consists of a minimum of three members who have not seen the film in question. This panel's decision is final.

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 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 help 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. OFRB members are people from all over 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. We strive to have an equal male-female split.

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 board tests its perception of community standards in twice-monthly 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, from public interest groups and from 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

The OFRB's authority to refuse approval of a film, is for a film that has as its main object, the depiction of explicit sexual activity. 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 within its mandate as a provincial regulator, with the rules governing the Canadian Border Services and the Criminal Code of Canada. The OFRB plays no role in determining obscenity or child pornography. This is a function of the police and is a federal responsibility.

Financial & Operational Information 2008-2009

Financial Information - 2008/2009

Revenue:	Film and Video Classification Fees *.....	\$ 2,985,796
	Total Revenue.....	\$ 2,985,796
Expenditures:	Per Diems.....	\$ 499,242
	Direct Operating Expenses	\$ 84,970
	Administrative & Overhead Expenses.....	\$ 449,057
	Total Expenditures **	\$ 1,033,269

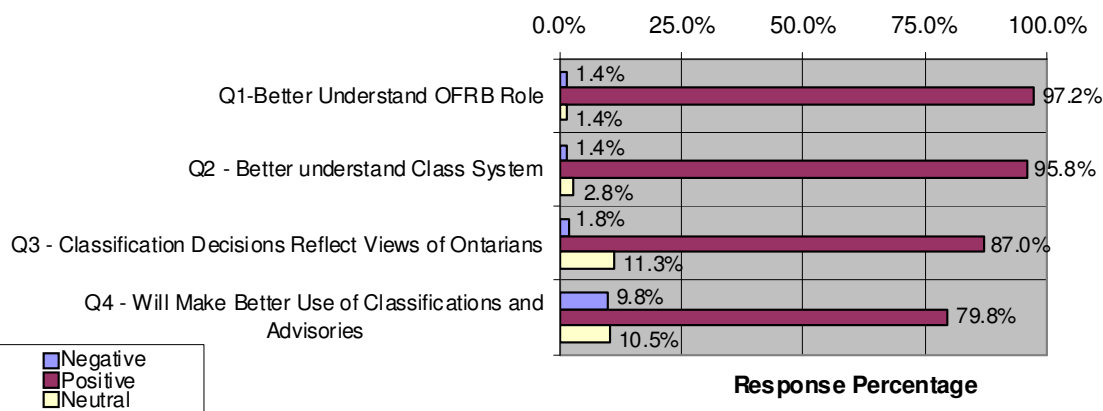
* For classification of films including videos and DVDs distributors pay \$4.20 per minute, Mainstream films in languages other than English and French pay a flat fee of \$78.75 per film, and there is no fee for mainstream films wholly produced in Canada. There are also fees for classifying trailers,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

	2008/2009	2007/2008	2006/2007	2005/2006
General	13%	19%	18%	25%
Parental Guidance	29%	28%	29%	35%
14A	40%	36%	40%	30%
18A	12%	10%	8%	7%
Restricted	6%	7%	5%	3%

Public Screening Survey Results - 2008-2009



Financial and Operational Information		
	2008/2009	2007/2008
Financial Information		
• Revenue*	\$2,985,796	\$3,219,572**
• Expenditures***	\$1,033,269	\$974,533
Operational Information		
Films Screened		
• Mainstream (English and French)	1,365	1,578
• Mainstream (other languages)	186	238
• Adult Sex Films	2,786	2,548
• Mainstream Trailers	449	419
Total Films Screened	4,786	4,783
Minutes Screened		
• Mainstream (English and French)	135,217	160,540
• Mainstream (other languages)	22,338	26,898
• Adult Sex Films	281,451	287,378
• Mainstream Trailers	988	868
Total Films Screened	439,994	475,684
Classified without screening		
• Mainstream Films (Classified by documentation)	2,087	2,720
Appeals/ Non-Approval/ Reconsideration Decisions		
• Appeals – decision changed	12	10
• Appeals – decision upheld	14	8
• Non-Approval decisions	9	6
• Reconsideration – decision changed	1	3
• Reconsideration – decision upheld	1	0
Screening Panels		
• Number of Panels	506	505
• Average Panel Minutes	870	942
Turnaround time		
• 35mm film (standard <=1-2 days)	1.5	1.6
• Video/ DVD (Mainstream) (standard <=10 days)	5.9	6.7
• Video/ DVD (Adult) (standard <=10 days)	8.6	8.8
Public Screenings		
• Number of screenings	20	21
• Number of participants	337	354
* 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 film, 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. ** Corrected from the 2007-2008 Annual Report *** 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 three grandchildren. When her schedule permits, she loves to pursue her passion for reading and golf with friends and family.

Acting Chair

Shauna Stein

Shauna Stein was appointed to act as Chair of the Ontario Film Review Board when the Chair is absent or unable to act.

Shauna was appointed as a Community member of the CPP/OAP Review Tribunal in March 2007 for a three-year term. She has taught for over ten years in both the public and private school systems. She is a certified yoga instructor, and has taught yoga to women with Multiple Sclerosis on a volunteer basis, through Toronto Parks and Recreation.

Shauna holds a Bachelor of Arts in sociology and an honours degree in sociology from York University as well as a Bachelor of Education/OTC from the University of Toronto.

Members of the Ontario Film Review Board

Member	Municipality	First Appointed (current position)	Current Term Expires
Duane Anderson	Toronto	October 25, 2006	October 25, 2008
Aris Babikian	Toronto	December 7, 2005	December 6, 2009
Susan Kaminesky Blair	Toronto	August 21, 2008	August 21, 2010
Tina Bragagnolo	Ajax	May 28, 2003	May 28, 2009
Pat Brown	Brantford	July 15, 2005	July 14, 2013
Tony Cosentino	London	July 5, 2004	July 5, 2009
Donald Duprey	Toronto	November 14, 2006	November 14, 2011
Lorraine Dupuis	Sudbury	April 11, 2006	April 10, 2009
Cathy Ferlisi	Concord	October 25, 2006	October 25, 2011
Joanne Jackson	Ajax	August 21, 2008	August 21, 2010
Janet Fine	Toronto	December 7, 2005	December 7, 2008
Lorelei Kidd	Toronto	April 24, 2003	April 24, 2008
Kristina Laukkanen	Toronto	October 25, 2006	October 25, 2011
Ron Maloughney	Burlington	June 22, 2005	June 22, 2008
Claudia Monte	Windsor	October 25, 2006	October 15, 2009
Aggrey Msosa	Ottawa	May 17, 2006	May 17, 2009
Sue Rainville	Toronto	May 31, 2005	May 31, 2013,
Janet Robinson	Toronto	October 13, 2004	June 1, 2013
Shauna Stein	Toronto	November 22, 2002	November 22, 2011
Annemarie Shrouder	Toronto	September 24, 2008	September 24, 2010
Trudie Villeneuve	Toronto	January 5, 2006	January 4, 2010
John Wilkie	Toronto	April 11, 2006	April 11, 2009
Peter Watts	Burlington	August 21, 2008	August 21, 2010