

# **Strategic Plan for the Film Industry of Trinidad and Tobago**

**Final Report**

**January 3, 2005**

Prepared for the Prime Minister's Standing Committee on Business  
Development (SCBD) by The Film Industry Team

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## ABBREVIATIONS

AFC	Australian Film Commission
AFCI	Association of Film Commissioners International
AFTRS	Australian Film Television and Radio School
BDC	Business Development Company
CARICOM	Caribbean Community
CAVCO	Canadian Audio-Visual Certification Office
CBC	Canadian Broadcasting Corporation
COHSOD	Council for Human and Social Development
COTT	Copyright Organization of Trinidad and Tobago
CPTC	Creative Production Training Centre
CPTC	Canadian Film or Video Production Tax Credit
CRTC	Canadian Radio-television Telecommunications Commission
CTF	Canadian Television Fund
DVD	Digital Video Disc
ECLAC	Economic Commission for Latin America and the Caribbean
EU	European Union
FAB	Film Advisory Board
FAVC	Fiji Audiovisual Commission
FIT	Film Industry Team
FFC	Film Facilitation Committee
FFC	Film Finance Corporation
GATT	General Agreement on Tariffs and Trade
GATS	General Agreement on Trade in Services
GDI	General Development Investment
GDP	Gross Domestic Product
JAMPRO	Jamaica Promotion Agency
LBSPG	Large Budget Screen Production Grant
MDA	Media Development Authority
MTI	Ministry of Trade and Industry
NFA	National Film Agency of Trinidad and Tobago
NFB	National Film Board
NLCB	National Lottery Control Board
NVOD	Near-Video-on-Demand
OFTTC	Ontario Film and Television Tax Credit
OMDC	Ontario Media Development Corporation
PBS	Public Broadcasting Service
PSIP	Public Sector Investment Program
QIC	Qualifying Investee Company
QNZPE	Qualifying New Zealand Production Expenditure
RIC	Regulated Industries Commission
RNM	Regional Negotiating Machinery
SCBD	Standing Committee on Business Development
STB	Singapore Tourism Board
TAC	Tourism Action Committee

TIDCO	Tourism and Industrial Development Company of Trinidad and Tobago
TTT	Trinidad and Tobago Television
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Program
UNESCO	United Nations Educational, Scientific, and Cultural Organization
UTT	University of Trinidad and Tobago
UWI	The University of the West Indies
VAT	Value Added Tax
VCIP	Venture Capital Incentive Program
WTO	World Trade Organization

# EXECUTIVE SUMMARY

## Introduction

Motion picture and television might be entertainment to the developed world but to Trinidad and Tobago and other developing nations they are a sector of the creative industries whose potential must be harnessed and used for national growth and development. If Trinidad and Tobago is to achieve its stated goal of developed nation status by 2020, the Government must reorient its thinking and use the power of this sector to assist in changing attitudes, altering thinking, developing the mind as well as contributing to employment and economic growth.

This industry is unlike any other. The development of the industry and the creating of its products do not only generate employment and foster economic activity but also assist in highlighting and preserving the nation's culture, act as a conduit for the transfer of morals and values and contribute to the evolution of our social and democratic processes. The products of this industry are a major influence on what citizens know, believe, think and feel.

In its effort to increase the contributions of the non-petroleum sector to the Gross National Product and to employment, the Government has identified the film industry as one that has the potential to make meaningful contributions to this initiative. The identification has been made so the challenge therefore is to devise the strategies necessary to make this development a reality.

The creative industries are contributing significantly to economic growth worldwide. In June 2004 the United Nations Conference on Trade and Development (UNCTAD) said, "Globally, the creative industries are estimated to account for more than 7% of the world's Gross Domestic Product and are forecasted to grow at a rate of 10% yearly.... In the United Kingdom, for example, creative industries already generate revenues of over one hundred and ten (110) billion pounds and employ over 1.3 million people."

Jamaica has already introduced measures aimed at claiming its share of these industries, which are expected to continue their rampant growth. In 2003 Jamaica was able to generate revenue to the sum of approximately ninety million TT dollars through on-location motion picture production alone. Trinidad and Tobago can claim a significant share of this thriving industry if it takes the necessary action now.

Hollywood and Bollywood are the two major film production capitals. To create an international motion picture production center located in Trinidad and Tobago, it would be necessary to:

- Stimulate the local motion picture production sector;
- Persuade investors to buy into international and local movie production;
- Convince local financial institutions to make capital available to the industry;
- Create a pool of qualified motion picture production and distribution personnel;
- Promote Trinidad and Tobago as a location for filming;
- Persuade local free-to-air television stations to commit to airing locally produced programs; and

- Develop a national consciousness, which will be supportive of the motion picture production industry.

The countries that have succeeded in developing vibrant film production industries have all put plans in place to develop their local industry and to make themselves attractive to the run-a-way film productions – international producers who are willing to take their productions out of Hollywood, Europe and the United Kingdom and into a foreign location.

In order for Trinidad and Tobago to become a significant player and develop a major motion picture production industry with the rich employment, economic, social and cultural rewards that it brings, the Film Industry Team makes the following recommendations:

### **National Film Agency (NFA)**

The National Film Agency of Trinidad and Tobago (NFA) shall be established with the responsibility for the development of the film production industry. The Film Desk at TIDCO shall cease to exist and shall form the nucleus of this new Agency. This should be done with some urgency. The importance of the National Film Agency demands that it be adequately funded and staffed and that it reports to the Prime Minister.

The major responsibility of the NFA shall be:

- To facilitate the development of the local film industry;
- To generate revenue and employment within the sector; and
- To promote of Trinidad and Tobago as a premier location for international motion picture productions.

### **Marketing and Promotion**

The NFA shall be responsible for marketing the film sector and its products. Marketing should be directed at the North American, European and Indian markets to attract international film producers to Trinidad and Tobago.

A Trinidad and Tobago presence should be established at international film conferences, trade fairs and festivals including Cannes, to stimulate destination awareness and provide an international forum for forging professional networks.

The NFA should:

- Seek membership and actively participate in international film-related associations;
- Facilitate familiarization tours to convince international producers of the value of filming on location in Trinidad and Tobago.

The appointment of an internationally recognized personality such as Ato Boldon, to be the film sector champion will stimulate international awareness of Trinidad and Tobago and its attractiveness as a film location.

An annual Trinidad and Tobago Film Festival should be established. Local and regional filmmakers should be honoured at this event. Support should also be given to other local film festivals in Trinidad and Tobago.

### **Fiscal and other incentives**

The NFA will be responsible for the administration of a series of fiscal and other incentives that are critical to the acceptance of Trinidad and Tobago as a favoured film location and to the development of a viable and successful film industry. One of the most urgent measures is to make operational the 150% tax rebate for expenditure that local companies make on film production.

A major incentive, for local and foreign productions, is a production expenditure incentive program. It is recommended that grants be made to a maximum of fifteen percent of the money spent in Trinidad and Tobago on projects that receive an eligibility certification from the NFA. Grants for foreign productions will range from 5% for an expenditure of between US\$200,000 – US\$500,000, to 15% for expenditure over US\$1,000,000. Nationals, permanent residents and CARICOM citizens as well as the international film producers will be able to access this rebate.

The local cinemas must also be encouraged to show local films. A fund should be established to assist local film producers in the promotion and marketing of their product to make them more attractive to the local cinemas.

### **Broadcasting and other incentives**

An incentive package should be put in place to encourage the broadcasters to meet specific local content targets. It is recommended that a minimum broadcast target of 50% local programming should be maintained by state owned and 40% by private sector television broadcasters.

License fees and/ or concessions for television stations should be increased to 5% from 2005 and 15% in 2010. Stations that meet the local broadcast targets will be exempted from these fees while those that partially meet the targets will have their fees reduced incrementally. In addition, once the targets are exceeded, additional fiscal incentives will be awarded. It is expected that local content targets would be achieved by the year 2010.

The concept of “local program” shall be extended to include programs from all the countries in the Caribbean, and to those programs that are produced as part of co- production agreements with Trinidad and Tobago. Programs from “preferred nations” that have cultural and historic ties with this country and programs and films shot in Trinidad and Tobago by foreign crews will receive a 50% rating.

Fees for Cable companies shall be 10% of gross revenue. This figure may be reduced incrementally once the company agrees to fund a community access television channel, carry all Trinidad and Tobago channels without charge and maintain an agreed amount of local channels/stations. Local stations would include those originating in CARICOM countries, Cuba, Martinique and Guadeloupe, Surinam, Bahamas, Dominican Republic, India, Pakistan and nations of continental Africa.

Fees for Direct TV companies shall be 10% of gross revenue. This figure may be reduced by the companies' participation in local film production activities and initiatives.

A Production Assistance and Script Development Program shall be administered by the NFA. These programs are a key strategy for the ongoing production of quality local programs. The objective of these programs is to create a body of work that is representative of Trinidad and Tobago and reflective of the culture, history and aspirations of its people. These are existing programs, which should be supported and expanded for both emerging and experienced producers, writers and directors.

The industry can benefit from this country signing co-production agreements with Canada, the United Kingdom and other countries as producers will be able to access funds and incentives from the countries involved.

### **Education and Training**

The Government should offer a minimum of four (4) national scholarships per year in the area of film and television production and animation as part of the existing national scholarship program. Provision should also be made to provide opportunity for practicing film production personnel to receive university education.

International fellowships should be offered to practicing film personnel for intense professional and on-the-job training for periods up to a year.

The NFA should administer a program for the placement of interns/ apprentices in the local film industry for periods from three to six months.

The Government should financially support the establishment of film schools and media programs at the University of Trinidad and Tobago (UTT) and the University of the West Indies (UWI), to assist in the creation of the skills base and to upgrade the competitiveness of the local film industry.

The Ministry of Education should introduce a secondary school motion picture production, film education and training program. The Ministry should first conduct pilot programs in a few selected schools. The assistance of professionals skilled in all aspects of motion picture production should be employed to provide training to both teachers and students. The Ministry of Education should seek to integrate media and film studies into the CXC and CAPE curricula.

Tobago must be included in all education and training programs.

### **Public Awareness**

A series of projects and activities should be undertaken to foster a partnership between the film industry and the wider community in order to combat public misgivings, exploitation and ignorance surrounding the industry and to make Trinidad and Tobago receptive to hosting motion picture production crews.

## **Conclusion**

Petroleum is a diminishing resource. Trinidad and Tobago must take the necessary action to develop the motion picture industry as part of its effort towards diversification. This would allow the non-petroleum sector to make a greater contribution to job creation and to the Gross National Product and allow the nation to reduce the rate at which it is exploiting its petroleum reserves.

## **1.0 NATURE AND OUTLOOK OF THE FILM INDUSTRY**

### **1.1 Definitions**

In this document film also refers to video and television productions. The film sector falls within the cultural industries. The components of the film industry are:

- Creation (including the work of screenwriters, film directors, art directors, actors, directors of photography, music composers, editors);
- Production (projects developed by producers who acquire the rights for a property, assemble the creative team, secure financing and arrange distribution);
- Distribution (both local, regional and international);
- Exhibition: theatrical (theatres, cinémathèques, home video outlets) and non-theatrical (schools, Government and other institutions);
- Broadcasting (television, direct television, cable, pay-per-view, specialty and conventional channels).

The products of the film industry include:

- Feature Films;
- Documentaries;
- Television dramas, sit-coms, entertainment programs;
- Animation;
- Commercials;
- Corporate Productions;
- Government Productions;
- Educational Programs;
- Music Videos;
- Fashion and Catalogue shoots.

### **1.2 A Global Industry**

A vibrant motion picture, television and digital media production industry can make a significant contribution to the economic as well as cultural development of the nation. It can provide meaningful employment and assist in nation building. The United Nations Conference on Trade and Development (UNCTAD) (June 2004) notes that “the creative industries” and the motion picture, television and digital media production industry is one of these, “are fast becoming powerful engines driving economic growth. In broad terms the quality and quantity of a country’s “human capital” set the parameters for success. However creativity is increasingly being recognized as a key strategic asset driving economic growth as well as determining successful integration into a rapidly changing global economy.”

Globally, UNCTAD has concluded: “the creative industries are estimated to account for more than 7% of the world’s gross domestic product (GDP) and are forecast to grow on average, by 10 per cent a year.” In the United Kingdom, for example, creative industries already generate revenues of over one hundred ten (110) billion pounds and employ over 1.3 million people. The

film industry globally generates billions of dollars in revenues annually. In the USA, US\$340 billion was generated by this industry in the '90's.

In Canada, the contribution of cultural industries to GDP in 1998 was estimated at \$40 billion. In the film and video sector in 2003 the total production activity was \$5 billion (CA), with box office revenues of \$957, home video retail sales and rental revenues \$2.7 billion (CA). The total distribution activity was \$2.5 billion (CA) in 1999-2000. There were 133,400 direct and indirect jobs in 2002-3 and during the same period motion picture and video production, distribution and postproduction had an annual growth of 8.5%, the second fastest growth of all industries.

The cultural industries play a central role in the functioning of modern democratic societies. Without the free flow of information, such societies cannot function. Moreover, the cultural industries play a fundamental role in the development and transmission of social values. This is not simply because of their significant influence which facts and which images of the world are encountered, but also because they provide concepts and categories - political, social, ethnic, geographical, psychological - which are used to render these facts and images intelligible. They therefore help to determine not only what is seen of the world but also how it is seen. The creative industries are therefore not industries like any other and do not simply produce goods to be sold on the market. They are in fact industries par excellence. They have a major influence on what citizens know, believe and feel and they play a crucial role in the transmission, development and even construction of cultural identities. The cultural industries have a profound effect in shaping the character, molding the belief and determining how children develop.

The products of the cultural industries cannot therefore simply be treated as traditional trade products. They are public goods rather than private goods. A public good is defined as a good available to everyone without its use by any given agent affecting its availability to others. A highway is a good example of a public good. A private good, on the other hand, is a good whose consumption by an individual diminishes the quantity of this good available for other individual. It is a good whose cost of production is directly linked to the number of its consumers. Film products contain aspects of private and public goods but are closer to public goods because the addition of another viewer or listener does not raise production costs. This is an important consideration with respect to international trade negotiations. While a country may agree in principle with the free flow of private goods and services it must be able to protect its public goods, including film products.

## **BOX 1: The global film and audiovisual industry**

### **FLOWS OF CULTURAL GOODS—FILMS AND OTHER AUDIOVISUAL PRODUCTS**

World trade in cultural goods—cinema, photography, radio and television, printed matter, literature, music and visual arts—quadrupled, from \$95 billion in 1980 to more than \$380 billion in 1998. About four-fifths of these flows originate in 13 countries. Hollywood reaches 2.6 billion people around the world, and Bollywood 3.6 billion.

In the film industry US productions regularly account for about 85% of film audiences worldwide. Of 98 countries around the world with comparable data, only 8 produced more films than they imported annually in the 1990s. China, India and the Philippines are among the largest producers in the number of films per year. But the evidence changes when revenue is considered. Of global production of more than 3,000 films a year Hollywood accounted for more than 35% of total industry revenues. Furthermore, in 1994–98, in 66 of 73 countries with data, the United States was the first or second major country of origin of imported films.

The international dominance of US films is just one aspect of the spread of Western consumer culture. New satellite communications technologies in the 1980s gave rise to a powerful new medium with global reach and to such global media networks as CNN. The number of television sets per thousand people worldwide more than doubled, from 113 in 1980 to 229 in 1995. It has grown to 243 since then. Consumption patterns are now global. Market research has identified a “global elite”, a global middle class that follows the same consumption style and prefers “global brands”. Most striking are “global teens”, who inhabit a “global space”, a single pop culture world, soaking up the same videos and music and providing a huge market for designer running shoes, t-shirts and jeans.

Source: United Nations Development Program (UNDP): Human Development Report 2004. pp. 86 - 87

### **Support for a local film industry and ‘on location’ film sector**

There are significant economic benefits to be derived from the establishment of an ‘on-location’ film sector in Trinidad and Tobago. These are outlined in the Trinidad and Tobago Master Plan Appendix I. These benefits are also applicable to the development of a local film industry with resulting significant economic returns to the country. It can also be argued that a major prerequisite of a successful ‘on location’ sector is the existence of a vibrant local film industry with adequate resources and skilled personnel. Countries that have established a successful ‘on location’ sector have also provided fiscal and other incentives for the local film industry as well as established a number of practices to facilitate international film productions. The growth of a local industry has additional benefits to the country’s social and cultural development; cultural products are not just a source of entertainment but a powerful personality-moulding instrument. Cultural products and services (including films, videos and TV programs) in addition to offering entertainment are ideological items, which embody social values and messages, and consequently influence the organization of entire social systems. Their cultural significance is much more important than their entertainment value. It is therefore critical that Trinidad and Tobago places emphasis on the development of the local film production industry. Countries with diverse ideologies such as the United States of America and Cuba have both used their film industries to promote social cohesion and patriotism.

### **1.3 The Location Film Sector**

A trend has developed within recent years in which international film and television production studios search for new locations to produce a specific film and/or television product. The search by international studios for new locations is motivated mainly by budgetary considerations. The choice of location would be influenced by considerations such as a country's geography and political stability, the availability of film-specific incentives and infrastructure, the quantity and quality of trained personnel and production facilities and the airline and tourism services among others. The film location sector is therefore highly competitive with countries vying to attract the revenues from international film producers.

#### **1.3.1 Benefits**

The benefits of location filming to a country are:

- Motion pictures customarily do not place any strain on the local environment and infrastructure. Production companies pay for required fire and police department services, do not put their children in local schools to overburden the education system, and will go to great lengths to ensure good working relationships with local citizens.
- Evidence is clear that films and television programs bring good will and a sense of celebrity to locations big and small – a factor which can draw tourists in record numbers.
- The rollover effect of money spent is also a major benefit to location filming. For example, hard dollars spent by a production company on a catering service creates a multiplier effect when a comparable demand is placed on food wholesalers and other ancillary services.

It has been demonstrated that film production has a major economic and social impact on a country's development. The Master Plan of 2001 provided details of the economic benefits, such as increased foreign exchange and employment, to be derived from location filming. Please see Appendix I for details.

## **2.0 INTERNATIONAL INCENTIVES AND INITIATIVES**

Many countries have recognized the critical importance of Government support for the development of their film industries. France's film industry has lived off heavy state support for more than 50 years. In Britain a recent infusion of state money has sparked a resurgence of the British film industry. Many governments have established institutions, provided funding, fiscal incentives and training and generally created a climate for the active involvement of the local, regional and international private sector. Many incentives and initiatives are provided internationally to encourage the development of a film industry. These include:

- Film Production Grants;
- Television Production Funds;
- Script Development Programs;
- Commissioned Series;
- Other Funding Agencies;
- National Film Institutions;
- National Television Institutions;
- Broadcasting Authority;
- Foreign Investment Restrictions;
- Tax Credits/ Incentives;
- Production Cash Flow Facilities;
- Duty Free Concessions;
- Depreciation Taxes;
- Tax on Cinema Tickets;
- Cinemas and Screens for Local Films;
- Archives;
- Fellowships;
- Marketing and Distribution Initiatives;
- Film Studios;
- Screen Quotas;
- Co-Production Agreements;
- Film Schools.

### **2.1 Europe**

The audiovisual sector has the potential to create hundreds of thousands of high-skill jobs in Europe. According to a study carried out for the European Commission in 1997, the industry's overall revenues in Europe would grow by 70% by the year 2005, growth that could entail the creation of up to 350,000 new high-skill jobs. The sector directly employed 950,000 persons in Europe in 1995 and this had grown to 1,030,000 by 1997.

Digital technology is already creating about important social, cultural and educational changes and will accelerate these changes in the future. It allows a wide range of new operators to participate in the production and distribution of audiovisual content and information worldwide. In the audiovisual sector major changes are already underway. It is possible that within a decade, analogue broadcasting will have been phased out in many member states and replaced entirely by digital broadcasting. The impact of digitization can be readily illustrated: for

example, whereas cable TV networks can usually only deliver some 30 to 40 channels using analogue transmission technology, digital cable networks can not only offer hundreds of TV channels but also interactive services, voice telephony and fast Internet access.

Satellite services will soon offer the same capacities as digital television and even mobile telephones can now offer Internet access and e-mail services. Set-top boxes which offer Internet access via the television at a cost of only a few hundred Euro are already on the market, and in future viewers will be able to arrange their own viewing schedules independently of actual broadcast times.

The Digital Video Disc (DVD) market is expanding rapidly, something that is of particular interest to Europe given DVD's capacity for multilingual versions of the same work. However, it is of particular significance that the development of new services for the provision of audiovisual content, such as pay-TV, pay-per-view, Near-Video-on-Demand (NVOD), is not occurring at the expense of existing means such as the cinema and the video market (both cassette and DVD). Rather than substituting for existing means of providing audiovisual content, it would seem that a complementary relationship exists.

## **2.2 Australia**

The Australian film industry has a reputation for innovation and quality, and for producing unique films with an Australian flavour that have global appeal. Australia provides world-class studio facilities and high-quality technical expertise. It also encourages private sector investment through tax incentives.

The Australian Film Commission (AFC) is the primary development agency for the film, television and interactive digital media industries in Australia, and a major supporter of screen culture. The AFC's main role is in project, practitioner and industry development. It provides:

- Funding for film and television development and post-production;
- Marketing advice and promotion, including coordinating an Australian presence at international marketplaces;
- Support for interactive media development;
- Professional development and production opportunities for Indigenous Australians;
- Policy and industry performance information;
- Administration of the co-production program;
- An archive of Australian films, contemporary radio and TV news coverage and music industry releases.

Its General Development Investment (GDI) fund assists experienced practitioners who are developing and financing projects, by providing ongoing support for their infrastructure and development slates. The AFC provides funding up to \$70,000 (A) per project. Its total annual allocation is \$1,455,000 (A):

- \$760,000 (A) features;
- \$230,000 (A) documentaries;
- \$465,000 (A) television projects.

The GDI program does not support short films, television light entertainment, community television, educational (except in interactive digital media programs), training, corporate communications, promotional or e-commerce projects. The Australian Film Commission also operates a New Scriptwriters Program and provides draft funding for new writers without screen credits

The Australian Government (including State and Federal agencies, the ABC and SBS) invested A\$81.4<sup>1</sup> million in the local film industry for Australian productions in 2002-03. Industry and private investors contributed A\$147.6 million, with another A\$41.4 million coming from foreign investors.

In 2002-03, a total of 80 feature films and television drama programs were made in Australia with a total production value of A\$737 million, of which A\$513 million was spent in Australia. Since the introduction of a refundable tax offset for large budget film production in 2001 foreign film production spending in Australia has increased by 48 per cent. It has also led to the production of films like “The Matrix Trilogy”, “Peter Pan”, “Star Wars Episodes II and III”, “Scooby Doo”, “The Great Raid”, “George of the Jungle 2”, “Inspector Gadget 2”, “Ghost Ship”, “Stealth”, the mini-series “Salem’s Lot” and the UK-Australian co-production “Ned Kelly”.

In Australia, the Film Finance Corporation (FFC) is the Government's principal agency for funding the production of film and television. It is a wholly owned government company. The FFC's objectives are to:

- Finance the production of a diverse range of Australian film and television programs;
- Maximize opportunities for audiences to view FFC-financed film and television programs;
- Increase the value of productions generated by co-investing with the market and maximizing recoupment;
- Provide a centralized source of market intelligence for the benefit of film and television industry practitioners.

Since its establishment the FFC has invested in 875 projects with a total production value of \$1.96 billion. The FFC only funds projects with high levels of creative and technical contribution by Australians, or projects certified under Australia's Official Co-Production Program. The FFC invested \$67 (A) million in 2002–03 for 53 new productions, worth \$148.6 (A) million. This comprised 11 feature films, six adult television dramas, five children's television dramas, and 31 documentaries. The Government currently funds the FFC on a triennial basis and has committed to annual base funding of A\$50 (A) million to 2006/07. In addition it has \$10.5 (A) million per year specifically for television drama. Supplementing its appropriation from Government are the revenues the FFC recoups from projects active in the marketplace. These funds are used each year to support the production of new film and television programs.

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<sup>1</sup> A\$1.00 = TT\$4.42

The total slate of projects backed by the FFC each year is financed by a combination of FFC funds and finance from private investors and other marketplace participants (e.g. distributors, broadcasters, sales agents and state government agencies). All Australian film and television producers/production companies can apply to the FFC for funding. To be successful they must meet the criteria set out in the FFC's Investment Guidelines, which are the major tool for communicating FFC policies. They are revised each year in consultation with the industry.

SPARK is a national script development program initiated by the Australian Film Commission (AFC) and Australian Film Television and Radio School (AFTRS) to broaden the quality, range and ambition of Australian feature projects and build the creative skills of talented film practitioners.

There are three tax concession schemes available for private investment in qualifying Australian film products:

- Division 10BA of the Income Tax Assessment Act allows taxpayers a 100 per cent concession for investment in qualifying Australian films in the year in which the expenditure is incurred;
- Division 10B of the Income Tax Assessment Act is a broader-based concession that allows resident and non-resident taxpayers to claim a 100 per cent deduction over two years relating to the first ownership of copyright in a production;
- Refundable film tax offset: The Australian Government provides a refundable tax offset for large budget film production worth 12.5 per cent of a film's qualifying Australian production expenditure; Production expenditure that qualifies is for goods and services provided in Australia, or the use of land or goods located in Australia while making the film. To be eligible, film productions must spend at least \$15 (A) million in qualifying Australian expenditure.

The Australian Government provides direct support to training and industry development/investment agencies (a total of A\$133.3 million in 2003–04). The Australian Film, Television and Radio School (AFTRS) is Australia's premiere film and television training institution—providing top-quality professional education for creative program makers in Australia's film, broadcasting, digital media and related industries. AFTRS graduates are in demand, with 95 per cent finding employment in the industry. Scholarships are provided for up to \$10,000. The total annual allocation for the provision of these scholarships is \$100,000. Fellowships are provided for up to \$20,000 to cover expenses, fees and limited per diems. Funding is in the form of a grant and is non-recoupable. The total annual allocation for fellowships is \$60,000.

Film Australia is another initiative funded by the Australian Government to commission and distribute National Interest Program productions—a five-year contract for 100 programs. Film Australia's mission is to create an audio-visual record of Australian life, by commissioning, distributing and managing programs that deal with matters of national interest to Australia, or illustrate and interpret aspects of Australian life.

## 2.3 Brazil

The Brazilian Government requires all movie theatres to show Brazilian films 63 days a year. Three Brazilian movies were among the top ten grossing films of 2003. Audiences for Brazilian films in 2004 accounted for 22% of Brazil's movie going public, up from 8% in 2002.

## 2.4 Canada

There are a number of institutions in Canada that provide support to its domestic film industry. These are briefly described in Table 1 below.

**Table 1: Institutional Matrix**

<b>Institution</b>	<b>Area of Activity</b>	<b>Budget</b>	<b>Notes</b>
<b>Canada</b>			
The National Film Board of Canada (1939)	National public producer and distributor Federal Government Agency Production and distribution of documentaries and animation	Ca\$73.6M (2002 - 2003)	400 permanent employees
Telefilm Canada (1967)	National public investor in the creation and distribution of television, film and new media products. Screen-Writers Assistance Program (SAP) Training Programs for writers, producers and directors Administers co-production agreements.	Ca\$185M (2002 - 2003)	Funded by Federal Government 200 employees
The Canada Council for the Arts (1957)	Provides financial assistance to media artists in the form of research/ creation grants, production grants and scriptwriting grants	Ca\$167M (2002 – 2003)	
The Canadian Broadcasting Corporation/ Société Radio-Canada (1936)	National public broadcaster	Ca\$1.5b (2002 – 2003)	
Canadian Radio-Television and Telecommunications Commission (CRTC) (1968)	Regulatory agency		
The Department of Canadian Heritage Ottawa	Co-productions		Cable companies contribute profits
Alliance Atlantis	Private sector broadcast company		

<b>Institution</b>	<b>Area of Activity</b>	<b>Budget</b>	<b>Notes</b>
<b>Toronto</b>			
Toronto Film and Television Office (1979)	Issues permits Facilitates film projects in Toronto Supports training, public education and awareness programs	CD\$180,000 (2003) Derived from parking meter fees	11 employees Marketing and Promotion: Trade magazines, trade shows
Ontario Media Development Corporation (OMDC)	Supports programs for production of drama and documentaries, and for film-makers to attend international film festivals Facilitates co-productions Locations Department		Funded by provincial government 55 employees

In addition to the support offered by the Federal Government, the Provincial and Municipal governments also provide incentives and support for the film industry. Through these Government-funded institutions, the film industry is provided with the means for creating high quality programming, which reflects the Canadian cultural identity to itself and the rest of the world. This has resulted in film production doubling during the last decade to an estimated Ca\$5.1 billion<sup>2</sup> in 2001/ 02. In addition to monetary gains, it has also assisted with employment of persons (creators, performers, producers etc) whose work is recognized around the world.

There has been a spectacular growth in the expenditure by foreign crews: a 5% increase in 2004 over 2003. The expenditure was derived mainly from features filmed on location in Toronto. From January to April 2004, 10-12 features were shot on location in Toronto.

Since it was established in 1939, the National Film Board (NFB) has been producing and distributing Canadian stories by Canadian creators. It strives to champion voices that are vital to Canada's cultural identity but often overlooked by conventional media. It promotes films that may have been rejected by the mainstream media. While the primary focus of NFB productions is domestic, it is also open to films that explore important international issues from a Canadian point of view.

NFB is committed to finding innovative, creative and accountable ways of involving children and youth in the development of ideas, production processes and launch strategies.

The Canadian Broadcasting Corporation (CBC), the national public broadcaster, was created in 1936 to provide national broadcasting services. It operates two national television networks, one English and the other French. Its programming is 100% Canadian content. The cost of operations for the period 2002-3 was \$1.5 billion (CA).

The Government of Canada and the private sector broadcasting industry including cable created a Canadian Television Fund (CTF) in 1996. Free-to-air broadcast and cable television companies are required to contribute a percentage of their profits for the development of the television

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<sup>2</sup> Ca\$1.00 = TT\$4.00

sector. In 2004, the Fund was \$245million (CA) (\$100 million from Government, \$45 million from Telefilm and 100 million (CA) from the television companies. The funds are accessible by Canadian producers. For projects to qualify, four conditions must be met:

- The creative team must be Canadian;
- Underlying rights must be owned and meaningfully developed by Canadians;
- The project must contain Canadian themes and subject matter; and
- The setting must be primarily in Canada.

In 1988, as part of its measures to support an indigenous Canadian distribution industry, the government established, the following policy on foreign investment in the area of film distribution:

Takeovers of Canadian-owned and controlled distribution businesses will not be allowed; Investments to establish new distribution businesses in Canada will only be allowed to importation and distribution activities related to proprietary products (importer owns world rights or is a major investor);

Indirect and direct takeovers of foreign distribution businesses operating in Canada will be allowed only if the investor undertakes to reinvest a portion of its Canadian earnings in accordance with national and cultural policies.

The Canadian Film or Video Production Tax Credit (CPTC) is designed to foster Canadian content productions and enables a Canadian production company to claim a tax credit of 25% of the salaries and wages incurred on an approved production (up to 12% of total production cost). It is co-administered by Canada Customs and Revenue Agency and Department of Canadian Heritage (Canadian Audio-Visual Certification Office-CAVCO).

The Ontario Media Development Corporation (OMDC), which is an agency of the Ontario Ministry of Culture, administers the Ontario Film and Television Tax Credit (OFTTC). The OFTTC is a refundable tax credit based upon eligible Ontario labour expenditures incurred by a qualifying production company, with respect to an eligible Ontario production. A qualifying Ontario company is a Canadian corporation, which is Canadian controlled, maintains a permanent establishment in Ontario, and files an Ontario corporate tax return.

The OFTTC is generally calculated as 20% of the eligible Ontario labour expenditures incurred by a qualifying production company with respect to an eligible Ontario production. Eligible labour expenditures are subject to a maximum of 48% of the net production costs. Eligible Ontario labour expenditures include salaries, wages and remuneration paid for the service of individuals who were resident in Ontario at the end of the calendar year prior to commencement of principal photography. An enhanced credit rate of 30% is available for first time productions. A bonus of 10% is available for regional productions.

Canada is signatory to international treaty audio-visual co-production agreements with over 50 countries. – The co-production agreements are administered by Telefilm Canada. Official co-productions are recognized as national productions in each participating country making them

eligible for all various public support programs in Canada and treated as Canadian content. In 2003, the total co-productions budget was \$727 million (CA).

## **2.5 Fiji**

The Government of Fiji established the Fiji Audiovisual Commission (FAVC) to promote and develop the country's audiovisual industry, administer its tax incentives and provide a free locations service. The FAVC is a one-stop shop for the industry, designed to minimize red tape and expedite decision-making for the industry.

Fiji has been a location for many film and television productions, including "Cast Away", "Blue Lagoon", "Eco-Challenge" and "Road Rules for MTV" and is a popular vacation destination for many Hollywood stars and luminaries.

In 2003 the Government of the Fiji, through its Audiovisual Commission, announced the introduction of a new tax rebate scheme to benefit film and television productions that use the islands as a location. The legislation provides for a 15 per cent tax rebate payable by the Government to film and television productions with qualifying Fiji expenditure between FJ\$50,000 to a limit of FJ\$25 million<sup>3</sup>. To qualify, at least 35 per cent of the budget must be spent in Fiji.

The introduction of the new tax rebate makes Fiji one of the most attractive tax incentive regimes in the world today for the audiovisual industry, which in Fiji's case includes film, TV, video, music, IT and e-commerce.

The new tax rebate is targeted primarily at fully funded small to medium film and television productions. Fiji already has in place tax incentives for filmmakers and other audiovisual operators who can raise production financing from Fiji taxpayers, with the latter eligible for up to 150 per cent tax deduction on their investment.

In 2003, Fiji established a branch office in Los Angeles to encourage producers to film in the country. The film commission office in Los Angeles is the first point of contact for industry personnel in Los Angeles and neighboring areas who wish to enquire about the audiovisual industry in Fiji.

## **2.6 Hungary**

In Hungary the law (Act II of 2004 on Motion Pictures) regulates the classification of films into three categories according to their origin -

- Hungarian films;
- Co-productions with Hungarian participation;
- Other Hungarian-participated films.

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<sup>3</sup> FJ\$1 = US\$0.4662

The first two categories are entitled to the same state support, while films falling into the third type can gain revenues due to the tax incentives (mainly service productions). The primal body for allocating the state support according to the law is the Hungarian Motion Picture Foundation which was founded by the government and a number of professional film organizations.

Incentives are provided to Hungarian sponsors involved in the financing of films to be produced in Hungary. According to the legislation, maximum 20% of the certified Hungarian production expenditures can be collected from Hungarian sponsors. The Hungarian sponsors expect their contribution to be covered exclusively by the tax incentives. They are not investors and will not participate in the production. The Hungarian sponsors can exercise 100% tax credit of their contributions, as well as the cost of the contribution will not increase the tax base, resulting in 16% profit (equivalent with the corporate income tax rate of 16% from 1 January 2004.) The Hungarian sponsors can apply tax allowance from the tax liability of the tax year of providing the contribution and the three subsequent tax years.

In 2002 the government passed a new film law. It expressed its commitment to the development of the Hungarian film industry when it declared that the state subsidy of the motion picture sector would rise to 10 billion HUF (40 million euros) by 2006.

## **2.7 Iceland**

The Government of Iceland has recently passed an act offering tax incentives for feature films and documentaries. This is in addition to the Icelandic Film Fund that provides grants to approved film projects. The objective of this Act is to enhance domestic culture and promote the history and nature of Iceland by supporting motion pictures and television programs produced in Iceland.

The law allows a 12% reimbursement of all film production costs incurred in Iceland. Reimbursements are offered for film and TV production costs incurred in Iceland over the period 2001-2006.

Producers can apply for reimbursements from the State Treasury of 12% of the costs incurred in the production of films and television programs in Iceland. When more than 80% of the total production cost of a motion picture or television program is incurred in Iceland, the reimbursement is calculated on the basis of the total production cost incurred within the European Economic Area. The reimbursement scheme does not cover production of commercials or music videos. Application for reimbursement of production costs must be submitted to the Ministry of Industry.

## **2.8 Ireland**

The Irish Film Board aims to ensure the continuity of production and availability of Irish films to home and international audiences. It provides loans and equity investment to independent Irish filmmakers to assist in the development and production of Irish films.

The Board acts in co-operation with other Irish semi-state agencies to improve the marketing, sales and distribution of Irish films and to promote training and development in all areas of filmmaking. Employment of Irish film workers and the use of ancillary Irish services are vital factors in the Board's consideration of applications.

The Irish Film Board is also responsible for promoting Ireland as a film location. The Location Services unit provides comprehensive information about all aspects of filming in Ireland, from tax incentives to locations, casting, crews, equipment and facilities. The Board operates under the Department of Arts, Sport and Tourism with an annual capital budget of €9.153 million<sup>4</sup> in 2003.

Ireland is currently one of the top six film locations in the world, employing 4,300 people. It is also a tremendous ambassador for the country, with films shot there providing invaluable publicity for Ireland as a tourist destination.

## **2.9 Jamaica**

The Film Commission is part of the Jamaica Promotion Agency (JAMPRO) and its emphasis is the promotion of Jamaica as a location for international film projects.

The Film Commission supports the local film industry in a number of ways including training, facilitation of the importation of equipment duty free and some marketing (see Report on visit to Jamaica, Appendix 3).

Jamaica established its Film Commission in 1982 and it has been instrumental in developing relationships with most of the major Hollywood studios. A number of international films have been made in Jamaica including “How Stella Got her Groove Back” for Twentieth Century Fox, “Legends of the Fall” for TriStar Pictures, “Cool Runnings” for Walt Disney Pictures and “Lord of the Flies” for Castle Rock Entertainment.

The Film Commission acts as a one-stop office that takes the producer from the pre-production through the production stage. The office assists with:

- Location scouting and location photographs;
- Identifying production crew;
- Sourcing production equipment;
- Visa and work permits;
- Alien registration (required for those who will be the country for six months or more);
- Waiver of duty/bond on equipment, wardrobe, expendables and personal effects;
- Specialized import permits for items such as, firearm (real or fake), explosives, animals, motor vehicles and fresh foods and meats.

In 2003, Jamaica's on-location film industry doubled its earnings, realizing J\$858 million (US\$14.3m) from a wide variety of film projects, music videos, and even a reality series shot on

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<sup>4</sup> €1.00 = TT\$7.81

location. This represents more than 100 per cent increase over the almost J\$400 million earned in 2002.

Many Jamaicans benefit when foreign film production companies take advantage of their wonderful natural scenery and shoot their motion pictures there. This includes hotels, restaurants, production companies, customs brokers and airlines.

Several major fashion magazines, including Glamour France, Glamour US, and Cosmopolitan have done photo shoots in Jamaica in the last year, while Puma did all the commercials for their most recent campaign in Jamaica, including TV and print commercials.

Investors wishing to invest in the country's film industry would be eligible for incentives under the Motion Picture Industry Encouragement Act. This act enables recognized producers to be entitled to relief from income tax for a period not exceeding nine years and benefit from investment allowance of 70% of expenditure on production facilities. Recognized Jamaican investors in the film industry would be exempt from the payment of import duty on equipment, machinery and materials for use in motion picture production.

Jamaica has two major film/ video/ television training institutions: CARIMAC at UWI and the Creative Production Training Centre (CPTC). Each year, CARIMAC trains hundreds of students in film and video production while CPTC runs an intensive video production program. JAMPRO works very closely with these two organizations and has organized a series of training workshops in cooperation with the local industry.

The Film Office in Jamaica supports the Doctor Byrd Awards and Film Festival and the Jamerican Film festival.

## **2.10 Mexico**

Through IMCINE, the Mexican Film Institute, the Mexican Government established a \$16 million (US) government fund earmarked for film production in 1996. This enabled it to financially assist the production of 15 films, compared with four in 1996. In addition twenty privately financed films were released in 2000 and twenty-eight in 2003.

Mexico passed a law in 2002 allowing it to do what Argentina and France do: tax movie tickets. The law was modest; while France taxes each moviegoer 11 percent, Mexico figure is one peso (10 US cents) on every 35-peso ticket, with the money going to film production. This tax is due to raise about \$15 million per year, however Hollywood distributors are also fighting it. In 1998 a law was passed requiring 10% of screens to show Mexican releases.

The Government finances a world-class film school that has resulted in Mexico having an internationally respected pool of film technicians.

## **2.11 New Zealand**

The New Zealand Film Commission was established in 1978. Since then around 150 feature films have been made in New Zealand with more than 60 of these made with New Zealand Film Commission finance. The Film Commission undertakes a variety of activities including the provision of loans and equity financing to New Zealand producers and directors and the sale and marketing of New Zealand films. The Film Commission supports Maori filmmaking and participates in industry initiatives, ranging from policy development for training, to preservation of New Zealand film culture in archives.

Film New Zealand – the country’s film facilitation office for both local and international filmmakers, supplies information about locations, facilities, crews, permits, immigration, transport and accommodation.

The New Zealand Government has introduced a Large Budget Screen Production Grant (LBSPG) scheme, which provides eligible applicants with grants totaling 12.5% of the Qualifying New Zealand Production Expenditure (QNZPE). Where the value of the QNZPE is between \$15 (NZ) million and \$50 (NZ) million, QNZPE must be at least 70 per cent of the film’s total production expenditure. Where the value of the QNZPE is \$50 (NZ) million or more it will qualify for the grant regardless of the percentage ratio of QNZPE to the screen production’s total production expenditure. For television series, individual episodes, which have completed principal photography within any 12 month period and with a minimum average spend of \$500,000 (NZ) per commercial hour, may be bundled to achieve the total of \$15 (NZ) million.

Applicants must either be a New Zealand resident company or a foreign corporation operating with a fixed establishment in New Zealand for the purposes of lodging an income tax return (both when it lodges the grant application and when the grant is paid). An applicant seeking the grant will not be eligible for any other New Zealand Government film finance or tax incentives in relation to screen production.

## **2.12 Singapore**

Singapore is using its tourist board to promote its “on location” film sector as well as providing film subsidies for international film companies that film in Singapore. In 2004, the Singapore Tourism Board (STB) announced a \$US 10 million scheme to encourage leading international filmmakers and broadcasters to shoot and produce quality movies and television programs in Singapore.

The 'Film in Singapore!' scheme aims to develop and promote Singapore as a unique and appealing destination for international film and production companies by creating a production-friendly environment that caters to their needs. The \$10 million funding for the scheme will be disbursed over a three-year period.

For approved projects that showcase Singapore's destination appeal, the STB and the Media Development Authority (MDA) will also provide information and one-stop facilitation on the

application of permits and licenses, the sourcing of venues and locations and the hiring and rental of resources.

The Film in Singapore Scheme will subsidize - up to a maximum of 50% - the expenses incurred by international film companies during their shoots in Singapore. Subsidies will be granted for the following expenses: hiring of professional services, such as local talent, production staff, post-production services and location specialists, rental of production equipment and facilities, and airfare and accommodation.

To qualify for the scheme, the film companies will be assessed on criteria such as how the movie and TV scripts showcase Singapore, as well as the track record of the directors, producers and actors. Approved projects must also incorporate scenes that showcase elements that are unique to Singapore, and must be backed by strong marketing, distribution and financing plans.

### **2.13 South Africa**

Like Trinidad and Tobago, Cape Town has spectacular scenic locations and film producers and advertising agencies are attracted by the all year sunshine and generally good weather. The film office provides a uniform tariff that enables the producer to film in a variety of municipal locations for one standard fee. The South African government is very supportive, recognizing that a flourishing film industry encourages tourism and economic development in the country.

### **2.14 Thailand**

In an effort to promote Thailand as the "Hollywood of Asia" the Board of Investment (BOI) has agreed to a new film related incentive package. The plan calls for including the industry in its corporate tax waiver program. The Revenue Department will propose tax incentives to foreign filmmakers to promote tourism and attract more foreign film production in Thailand. Pursuant to the new proposals, the taxable earnings of foreign actors will be given a ceiling.

Thailand waives import duty on equipment used for filmmaking. In order to qualify for the current waivers, documentary, feature film, commercial, and animation projects must be made at a studio with both indoors and outdoors facilities that include post-production.

## **3.0 FILM INCENTIVES, SUBSIDIES AND TRADE NEGOTIATIONS**

### **3.1 WTO/GATS**

The establishment of the World Trade Organization (WTO) in 1994 resulted in a General Agreement on Trade in Services (GATS). GATS has divided services into 12 sectors. Audiovisual services are sub sector D of the second sector “Communications”. It covers: motion picture and video tape production and distribution services, motion picture projection services, radio and television service, radio and television transmission services and sound recording. Only 19 members of the WTO have made commitments in the audiovisual sector, as the large majority wants to retain their domestic regulations and protect their national heritage and culture. In regional and bilateral free trade agreements Canada has negotiated a “cultural exemption”. The European Union has also argued for a cultural exemption, which enables it to develop its film and audiovisual industries by introducing such measures as broadcasting quotas, financial grants for the production and distribution of programs and co-production agreements.

### **3.2. Free Enterprise**

Canada and South Africa, which have free enterprise economies, see no contradiction in having local content regulations. It is noteworthy that in the Australia-United States Free Trade Agreement, Australia is allowed to maintain existing local content requirement in relation to free-to-air commercial TV (55%), subscription TV, radio broadcasting, taxation concessions and the co-production arrangements with other countries. This approach ensures that Australia maintains sufficient freedom to introduce new or additional local content requirements in relation to possible digital multi channeling on free-to-air commercial TV, subscription TV, and interactive audio and/or video services.

### **3.3 The Caribbean’s Regional Negotiating Machinery**

The Regional Negotiating Machinery (RNM) considered the impact of free trade rules on culture for a meeting of the Council for Human and Social Development (COHSOD) in 2004. It recognized that an open door policy on trade in cultural products has implications for local cultural space and the preservation of Caribbean cultural traditions. It noted neither the General Agreement on Tariffs and Trade (GATT) nor the WTO prohibits government from using subsidies as instruments of policy and recognized that countries could invoke a ‘cultural exemption’ in undertaking their commitments as under GATS countries can choose the sectors that they agree to liberalize. Countries can therefore retain the right to pursue a number of policies designed to regulate and develop the film and audiovisual sector in the form of licenses, domestic content quotas, tax breaks and provision of funds and subsidies to domestic film industries, among other measures by listing them as limitations in their GATS commitments.

### **3.4 The Caribbean and the Promotion of Culture**

It is important to ensure that in negotiating any international rules, the Caribbean retains the right to take actions that are designed to promote cultural enterprise in the region. Currently, it can do so in services negotiations by excluding sectors that relate to culture from GATS commitments or by including limitations on market access or national treatment and exemptions from the most-favoured nation principle. So for instance, Barbados, which has taken the lead in the Caribbean by setting certain ‘Caribbean content’ requirements for both radio and television broadcasting, should always retain the right to implement this policy in spite of any trade commitments it may undertake.

### **3.5 CARICOM**

CARICOM should be careful not to adopt a rigid “all or nothing” approach to culture and trade. The assumption that WTO rules and trade agreements cannot take into account the special qualities and characteristics of the cultural sector is not accurate since:

- GATT Article IV provides special exception for cinematograph films to GATT national treatment rules;
- WTO Members retain flexibility in making partial or full commitments under the GATS should they so desire;
- GATT and GATS make provision for general exceptions to measures necessary to protect public morals, and GATT specifically provides an exception for protection of artistic, historic and archaeological treasures;
- The GATS does not currently contain disciplines on subsidies in services. This means that CARICOM governments are not restricted from offering incentives, subsidies and other forms of government support to cultural sectors that they have an interest in promoting;
- GATS (Preamble and Article VI) also allows countries to regulate their cultural sectors in a way that promotes their social and policy objectives.

Member states should identify sectors in Caribbean economies that have a cultural component/interface and approach development of cultural industries with a holistic perspective in mind, fully recognizing that increased market access overseas can lead to the further development of the cultural industries.

### **3.6 International Conventions and Cultural Diversity**

The United Nations Educational, Scientific, and Cultural Organization (UNESCO) has produced a draft convention on “The protection of the diversity of cultural contents and artistic expression”. The Convention gives recognition “to the distinctive nature of cultural goods and services as vehicles of identity, values and meaning”. One of the characteristics of cultural goods is that “they express or convey some form of symbolic meaning, which endows them with a cultural value or significance distinct from whatever commercial value they may possess”. This wording, once approved in the final document, has major significance for the protection and support of such cultural goods as films and videos in an age of globalization and free trade.

## **4.0 THE STATUS OF THE FILM INDUSTRY IN TRINIDAD AND TOBAGO**

It is of critical importance that Trinidad and Tobago develops a vibrant local film and television industry to provide a greater quantity of quality film and audiovisual content that is of relevance and importance to its citizens even though it is initially more expensive than buying canned imported material. A legislative and economic framework must be put in place to allow the local film and audiovisual industries to develop their potential for growth and job creation. The country must maximize the competitive nature of its industry in order to ensure that deregulation and digitization do not simply result in an even greater flood of imported material. Preserving a country's cultural diversity means, amongst other things, promoting the production and circulation of quality film and audiovisual content, which reflects national cultural and linguistic identities.

That local television audiences show a clear preference for programs, which reflect their own cultures and concerns, was articulated by a former Australian Broadcasting Authority regulator Brian Johns, who observed that, "It was TV that proved that Australians wanted Australian material. As Australians audiences watched local content on TV, the demand for it also grew in other mediums." We can see evidence of this in our own experience with the phenomenal success of local television channel Gayelle. The challenge is therefore to provide the necessary support for the ongoing production, display and distribution of quality local programs.

In 1999, it was estimated that there were 35 video-production companies in Trinidad and Tobago and three television stations. The video production houses offer a range of film and video services - including television program creation, video production, location and talent scouting, provision of film crews and other management services, as well as animation, and editing and post-production special effects. The main companies are listed in Appendix 2.

The thirty-five production companies employ a core staff of approximately 200 fulltime employees and support a number of fulltime-part-time and freelance staff. This number is increased substantially with the employment of actors, make-up artists and other creative and performing personnel while the various productions are being filmed. A good example of this is Earth Television that has a small core staff but during the production of the series "Westwood Park" employed over 175 persons. This illustrates the potential of the local industry to employ thousands of persons once the 35 production companies are involved in ongoing local productions.

From 2003, there have been three additional television stations established in Trinidad and Tobago, Synergy, Gayelle and IETV, primarily using dedicated channels on the Cable Company of Trinidad and Tobago's cable network. These stations broadcast almost 100% local programming, thus increasing the demand for local productions. Trico Industries Ltd, the Tobago cable company, also broadcasts a local channel, which focuses mainly on Tobago issues.

Trinidad and Tobago also has a Direct Television (Direct TV) service that is foreign owned and provides majority foreign programming. It is estimated that the television stations employ over 500 persons and hundreds more free-lancers during production.

## 4.1 Institutional Support

In 1999 the Government of Trinidad and Tobago established a Film Desk as a unit within the Tourism and Industrial Development Company of Trinidad and Tobago (TIDCO). The Desk assists foreign crews filming in Trinidad and Tobago. This support and service is provided from the initial contact to the close of production. The Film Desk currently provides the following services. It:

- Acts as liaison with different Ministries and coordinates the permits to film (including obtaining work permits and visas) e.g. Ministry of Agriculture, Ministry of National Security, Ministry of Works & Transportation, Trinidad & Tobago Police Service, Ministry of Local Government, Customs & Excise, Immigration, Fire Services, Ministry of Health;
- Works in collaboration with The Customs and Excise Office for the allowance of temporary importation of film/radio/ television equipment into Trinidad & Tobago without posting a Bond, paying duties or Value Added Tax;
- Provides a well-organized administrative structure to handle all incoming film crews' even at late notices especially during high peak periods of Carnival and Christmas. Special projects such as “Wild on *E!*”, Travel Channel, BET, National Geographic, BBC and music videos by Jay Z were all facilitated by the Film Desk. In the last five years “Secret of the Shells” “Mystic Masseur” and “Calypso Dreams” were productions completed;
- Facilitates media accreditation and support of the Copyright Organization of Trinidad & Tobago - COTT and the protection of Intellectual Property Rights;
- Provides the services of liaison with industry stakeholders with requests for reduced rates for accommodation, transport and other support service providers;
- Provides information on services available by certified and approved Tour Guide Operators and Tour Guides;
- Prepares promotional material and markets and promotes Trinidad and Tobago as a film location at international trade fairs;
- Provides support for film festivals;
- Administers Funds.

## **4.2 Trinidad and Tobago's On Location Film Sector Performance**

### **4.2.1 History**

Over a period of almost fifty years a number of international feature films have been shot on location in Trinidad and Tobago:

- “Heavens Knows Mr. Allison” Robert Mitchum, Deborah Kerr (1957);
- “Fire Down Below” Robert Mitchum, Rita Haywood (1957);
- “Swiss Family Robinson” John Mills, Dorothy Mc Guire (1960);
- “Gold of the Amazon Women” (1979);
- “The Last Island”(1991);
- “The Phoenix and the Magic Carpet” Peter Ustinov (1995);
- “Angel in a Cage” (1998);
- “The Mystic Masseur” (2001);
- “Calypso Dreams” (2002).

### **4.2.2 On Location**

At present, Trinidad and Tobago is not seen as a prime location for location filming, unless the film was specially set in the country. An example of this was “The Mystic Masseur” by V.S. Naipaul. Although the movie was set in Trinidad and Tobago, economic consecrations almost caused this production to be filmed in India. On account of the fierce competition for overseas projects, many countries have actively promoted their countries as locations for film projects. Internationally South Africa and Canada are just two of the many countries that have been far more pro-active in attracting major international feature films. In the Caribbean region the film location sector is well established in Jamaica, Bahamas, Puerto Rico, Cuba and, on the periphery but relevant in the context of Trinidad and Tobago, Venezuela.

The sector generates at least \$50 million US per annum from the production of feature films, television commercials, documentaries, and music videos shot on location. In the Bahamas an average of \$6-10 million US is generated per annum from the film location sector. Jamaica has been very successful in promoting its country as a film location. Even a small country like St. Vincent and the Grenadines was able to attract the filming of “*The Pirates of the Caribbean*”.

### **4.2.3 Economic Impact for Trinidad and Tobago**

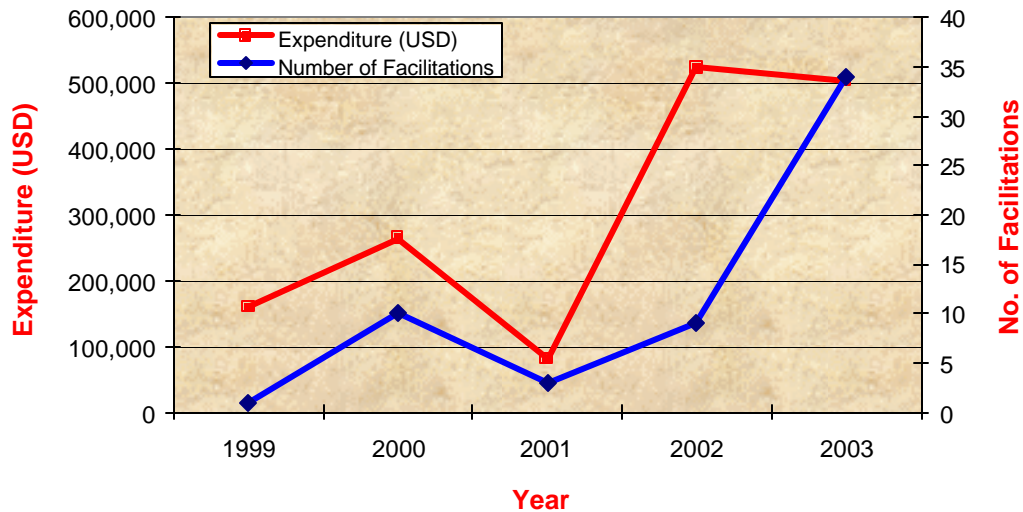
Within a relatively short period, the facilitation of foreign film crews has contributed significantly to the economy of Trinidad and Tobago. The fact that the Film Industry has contributed approximately 1.5 million USD over the period 1999 to 2003 is a clear indication of the potential of this sector. Over this five-year period, Trinidad and Tobago has facilitated fifty-seven (57) film projects. Of these projects, approximately US\$926,288.00 (60%) was spent in Trinidad, while US\$606,492 (40%) was spent in Tobago.

**Table 2: Expenditure on On-Location Film Sector**

Expenditure (USD)				
Year	Trinidad	Tobago	Grand Total	Facilitations
1999	160,000	-	160,000	1
2000	239,576	24,392	263,968	10
2001	71,000	10,000	81,000	3
2002	178,632	344,740	523,372	9
2003	277,080	227,360	504,440	34
<b>Total</b>	<b>926,288</b>	<b>606,492</b>	<b>1,532,780</b>	<b>57</b>

The figure below illustrates the trend in sector performance over the fiscal period 1999 – 2003.

**Figure 1: Film Sector Performance 1999 – 2003**

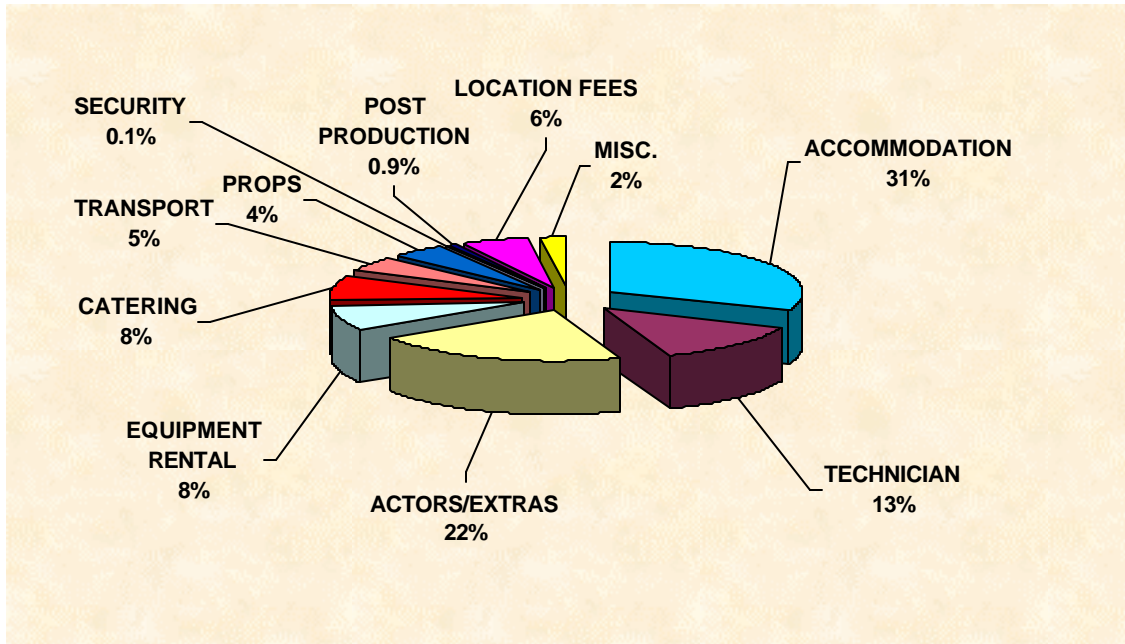


Analyzed in relation to the expenditure on local goods and services, sector performance exhibits significant variability. Performance in the industry however seems to indicate that there is a trend towards the capture of an increasing number of film projects. The increasing trend may very well be attributed to the development of specific strategies designed to promote Trinidad and Tobago as a location for film. The anticipated increase in expenditure will no doubt generate income to locals involved in the industry.

#### 4.2.4 Distribution of Expenditure

For 2003, film crews have spent an estimated 504,440 USD in Trinidad and Tobago. Of this amount, 277,080 USD (55%) was spent in Trinidad, while 227,360 USD (45%) was spent in Tobago. These incomes represent significant earnings for 'skilled' locals, craftsmen as well as businesses that provide the input of goods and services where necessary, to facilitate the successful completion of the projects. The figure below indicates the distribution of film crew expenditure during the course of projects in Trinidad and Tobago.

**Figure 2: Film Crew Expenditure, 2003**



The major categories of Film crew expenditure during fiscal year 2003 for Trinidad and Tobago were as follows: Accommodations (151,925 USD), Technicians (65,303 USD), Actors/Extras (105,163), Equipment Rental (37,840 USD), Catering (39,643 USD), Transport (24,142 USD), Props (21,633 USD) and Location Fees (14,325 USD).

#### 4.2.5 The Carnival Season

For the fiscal year 2003, international film crews spent almost 140,000 USD during the Carnival. This is significant because it represents approximately 28% of the total expenditure by international film crew for the entire year. Moreover, this figure further represents the successful facilitation of seven (7) foreign film projects for the Carnival period. The table below gives a listing of the foreign film productions during this period.

**Table 3: Film Projects During the Carnival Period (2003)**

<b>Names</b>	<b>Grand Total (USD)</b>
Planet Food Caribbean Pilot Production - Food/Carnival	6,800
Scooter Films - Carnival	13,000
Rubicon TV as TVNorge - Carnival	16,769
CarnivalPower.com - Carnival	3,400
E TV! - Wild on E! - Carnival	9,010
BBC 1 Xtra (Radio) - Carnival	76,806
Radio Canada - Carnival	14,200
<b>Total</b>	<b>139,985</b>

The data indicates the interest by international film crews to visit Trinidad and Tobago to cover the Carnival activities. It must be noted that more than a quarter of total annual expenditure (28%) from on-location film crews occurred during the Carnival period.

#### **4.2.6 The Distribution of Film Projects**

The Table below gives an indication of the distribution of film projects facilitated by TIDCO's Film Desk during the period 1999 – 2003.

**Table 4: Distribution of Film Projects (1999 – 2003)**

<b>Type</b>	<b>Grand Total</b>
Carnival	7
Commercials	6
Cooking Shows	4
Corporate Videos	2
Documentary	20
Documentary Film	2
Educational Documentaries	2
Feature Film	3
Music Video	2
New Feature Television	1
Sports	7
Still Photography	1
Television Series	4
Grand Total	61

A cost-benefit analysis over the period 1999 – 2003 indicates that the most cost effective projects for facilitation thus far have been *Commercials* (585,711 USD, 6 projects), *Feature Movies* (320,000 USD, 3 projects) and *Carnival projects* (139,985 USD, 7 projects). Expenditure resulting from these three types of Film projects when aggregated account for almost 68% of the total expenditure by regional/international film crews on location in Trinidad and Tobago.

### **4.3 The Master Plan for the Film Industry**

“A Master Plan for the Strategic Development of the Trinidad and Tobago Film Industry” was formulated by the Film Desk at TIDCO and represents a comprehensive attempt to provide the basic requirements for the development of the industry. The following is a list of recommendations from the above-mentioned document which were agreed by Cabinet according to Decision No 1601 dated November 7<sup>th</sup> 2001:

- A Trinidad and Tobago Film Commission be established, under the aegis of Government, to be responsible for the administration and development of the film production industry;
- A “permitting system” be developed for the grant and administration of film permits to all incoming production companies;
- A work permit exemption order for classes of persons in the film industry be established;
- The waiver of visas for incoming film crews be allowed (the Tourism and Industrial Development Company of Trinidad and Tobago Limited (TIDCO) had advised that in the majority of cases, requests for the waiver of visas are already processed at Piarco International Airport);
- Government grant a subsidy of up to 25% of every \$3 Million actually incurred in film production in Trinidad and Tobago, the subsidy to be capped for each film production;
- A Fund be established in the sum of \$10-Mn. In the first instance, to subsidize the cost of film production in Trinidad and Tobago, the quantum of the Fund to be reviewed annually to determine the level of the subsidy required;
- A proportion of the Fund resources be set aside to assist in the development of professionally written scripts and for research projects;
- Equipment belonging to foreign crews be exempt from the payment of Value Added Tax (VAT) and Customs Duty, provided that such equipment is re-exported on completion of the film production;
- Facilitation mechanisms, for example, a location library, a logo, an airline and hotel network, be developed at the national level to enhance the efficiency of the operation of the film industry;

- A research study be undertaken on the availability/ accessibility of electricity and water for large-scale film production;
- Co-production agreements be pursued with other countries;
- TIDCO incorporate into its marketing and promotional activities:
  - The establishment of a Trinidad and Tobago presence at international film, trade fairs and festivals;
  - The invitation of international film industry personnel to visit Trinidad and Tobago;
  - The establishment of an annual Trinidad and Tobago Film Festival that would add value and recognition to the local film industry;
  - The appointment of a “sector champion” to stimulate awareness of Trinidad and Tobago as a film location;
  - The advertisement of Trinidad and Tobago within international film publications.
- Available film programs and scholarships be identified;
- Two (2) scholarships be granted per year in film and video production;
- Exchange arrangements with foreign film institutions be promoted;
- The curriculum of the Creative Arts Centre, University of the West Indies be expanded to include training in film and video;
- The dissemination of information to the public through in-school programs be managed through TIDCO;
- That TIDCO be given the lead role in the development of the film industry of Trinidad and Tobago;
- That the Attorney General and Minister of Legal Affairs cause to be prepared any necessary legislation to give effect to the decisions recorded above.

No money was voted to implement the above recommendations for the period 2001 to 2003.

### **4.3.1 Allocation of Funding for Film: (Public Sector Investment Program (PSIP) 294)**

In 2003-2004 the Film Desk received a budget of \$1.625 million and has since incorporated a number of the recommendations from the Master Plan into its annual work program. The Film Desk was able to undertake some of the film development projects recommended in the Cabinet decision:

- A Production Fund: The Film Desk established a Script Development and Production Assistance Fund valued at \$350,000.00. An independent committee of local and regional experts evaluated proposals and twelve production grants were awarded from over thirty proposals;
- Importation of film equipment: The Film Desk obtains waivers of import duties and VAT for the temporary importation and exportation of film equipment;
- Duty free concessions: The Film Desk has assisted the importation of film production equipment duty free for approved local film production companies;
- Film Festivals: Financial support was granted to the Decibel, Anima and Kairi Film Festivals;
- Attendance of international trade fairs: The Film Desk attended the Los Angeles Locations Expo, the Broadcast Production Trade Fair, UK and also traveled to Canada to meet with film industry and government officials;
- Web site: the Film desk launched a film website for the country in December 2003 – <http://www.filmtnt.com/>. The website shows various film locations in the country, provides potential filmmakers with the necessary guidelines for filming in Trinidad and Tobago and provides a listing of local filming personnel.

### **4.3.2 Film Incentives and Initiatives in Trinidad and Tobago**

#### **4.3.2.1 Tax Incentives**

The Ministry of Finance has introduced a tax incentive for investors in approved cultural products. Under the Corporation Tax Act deductions can be granted for the sponsorship/production of local art and culture. Initially a company that incurs expenditure in respect of an artistic work could claim as a tax deduction an allowance of 150% of such expenses up to a maximum of \$450,000. Local entertainment or local culture for radio or television shall be granted as a deduction, an allowance of 150% of the expenditure incurred in making such productions up to a maximum of \$450,000.

In 2004, the limit was increased to one million dollars. The Finance Act No 5, 2004 amended the original corporation act by deleting the words “four hundred and fifty thousand dollars” wherever they occur and substituting in each place the words “one million dollars”; and substituting the following section: the Minister with responsibility for education shall issue a certificate, in respect of a production for educational purposes referred to therein, to the effect that the production is for educational purposes and the Minister with responsibility for culture shall issue a certificate in respect of a production to promote or reflect local entertainment or culture referred to therein, in the manner prescribed to the effect that the production is to

promote or reflect local entertainment or culture, and a deduction shall not be allowed by the Board in the absence of such certificate.”

The tax incentives can be summarized as:

- Art & Culture – 150% of the expenses incurred up to a maximum of \$1,000,000;
- Audio, Visual and Video Productions - 150% of the actual expenses incurred in sponsoring audio, visual or video productions for the purpose of local education or local entertainment or reflecting local culture for radio or television. This allowance shall be limited to \$1,000,000. (Income Year 2003 - \$450,000);
- Production Companies Allowance – 150% of expenses incurred by companies producing its own audio, visual or video productions for the purpose of local education or local entertainment or reflecting local culture for radio or television. This allowance shall be equivalent to 150% of the actual expenditure incurred limited to \$1,000,000. (For income year 2003 the allowance was limited to \$450,000).

This incentive has also been extended to the petroleum companies in the Budget Statement 2004/2005.

To date, the Culture Division, Ministry of Community Development, Culture and Gender Affairs has not yet issued any certificates in respect of a production to promote or reflect local entertainment, culture or education. These tax incentives are therefore not operational.

#### **4.3.2.2 Tourism Tax Relief**

The Tourism Development Act No. 9 of 2000 offers a number of tax concessions. Under the Act, filmmaking is an approved “tourism project”. The following benefits are available for local and foreign production companies registered in Trinidad and Tobago:

- Tax exemption for a maximum of 7 years for gains and profits of the project;
- A carry-over from a tax exemption period, if any, of any loss arising out of the operation of the project;
- Tax exemption in respect of interest received on an approved loan used for an approved tourism project;
- A permit to import items duty free.

To access these benefits, the project must:

- Be registered;
- Be subject to annual inspection;
- Provide relevant economic data when required;
- Engage the human resources of the country;
- Show linkages to the agricultural, construction and furniture industries and other manufactured goods and services of Trinidad and Tobago;
- Have a minimum capital expenditure, for local companies, of \$3,100,000.00 TT and for foreign companies, of \$6,200,000.00 TT.

#### **4.3.2.3 Sport and Culture Funds**

The Culture Division, Ministry of Community Development, Culture and Gender Affairs administers a Sports and Culture Fund. It was established by Act No 31 of 1988 to enable grants and loans to be made to individuals, groups and organizations in order to facilitate the provision of sporting and cultural activities. While under the Act, “culture” is defined as including activities related to the visual arts, the reality is that while the Fund has benefited many sporting and cultural initiatives, it has not so far benefited any film projects.

The National Lottery Control Board (NLCB) generated over nine hundred million dollars in revenue in 2003. It has created a Sports and Culture Fund and in 2003 distributed \$2.4 million in grants. One of the successful applicants received funding for a documentary on the history of the East Indians in Trinidad. The NLCB is committed to tripling its revenue in the next two years and should therefore substantially increase its allocation to the Sports and Culture Fund.

#### **4.3.2.4 Work Permit Exemptions**

There is an allowance under the Immigration Act for a person who is neither a citizen nor a resident to be employed in Trinidad and Tobago for a maximum of 30 days, per 12-month period without a work permit. However, for location shoots of a longer duration, other provisions must be made. By section 10(14) of the Act, work permit exemption orders can be made, e.g. Legal Notice No. 142 of 1986 which made an exemption for journalists for the duration of the event to be covered. The exemption process involves writing to the Minister of National Security outlining the details of the project and seeking the exemption. The process usually takes approximately 3-6 weeks. The Film desk facilitates such requests.

#### **4.3.2.5 Importation of Equipment**

The relevant legislation is the Customs Act. Import duty concessions are granted under section 1 of the Third Schedule to the Customs Tariff of the Act, which provides for “machinery, equipment and materials for the production of motion pictures”. The regulatory body is the Ministry of Trade and Industry, but the application is processed by TIDCO. Under section 40 of the Act the Comptroller can grant permission to any person for temporary importation without the payment of import duty, if he is satisfied that the equipment is needed for temporary use only. There are two requirements that the person must normally fulfill: that the goods will be exported// removed from the country after its purpose has been accomplished and that the person seeking permission will deposit a refundable equivalent of the amount of duty required for the goods, or provide security for it. However, TIDCO has been able to facilitate the temporary importation of film production equipment with the assistance of the Customs Division without the need for such a bond.

#### **4.3.2.6 Venture Capital Incentive Program (VCIP)**

Venture capital or risk capital has been identified as a major element for the development of the non-traditional sectors of Trinidad and Tobago. VCIP provides an alternative way of diversifying the economy through the provision of an alternative financing mechanism. A company must be incorporated to get financing from VCIP.

VCIP is not the financier but the regulator of the industry. It only facilitates the movement of capital. The Venture Capital Act, 1994 and associated legislation identifies incentives for venture capital companies and their investors. This includes such fiscal incentives as:

- A tax credit, currently 30%, is offered to investors of a registered venture capital company.
- Dividends paid by a venture capital company are exempt from taxation.
- Profits and capital gains accruing to a venture capital company are exempt from corporation tax.

These fiscal incentives are designed to encourage risk taking and investment. Amendments to the Venture Capital Act of 1994 have been proposed, to allow for an increase in the amount of capital raised by a Venture Capital Company from \$20 million to \$100 million. The size of Qualifying Investee Company eligible to receive a venture capital investment has increased from \$3 million to \$50 million.

There have been very few applications by anyone in the film industry. Venture Capital Companies are reluctant to invest in any one-off projects such as one film but prefer to invest in production houses. In the film industry however, a project may consist of a single film.

#### **4.3.2.7 Business Development Company (BDC)**

The Business Development Company makes two financing programs available. These are:

Loan Guarantee Program - The BDC provides assistance in preparing the necessary documents but the applicant must still go through the financial institutions with the BDC guaranteeing up to 75% of the cost of projects to a maximum of TT\$250,000. The company is lobbying to have this figure increased to TT\$1 million.

Leasing Financing – This facility is mainly for the purchasing of equipment. The limit is up to TT\$1 million for a period of 4 months to 4 years, after which the client has the option of purchasing the equipment. The leasing financing is up to 100% of the equipment cost. The full amount is tax deductible and there is a lending rate of 1% below the prime rate.

For a project to be considered it must impact the majority of the sector e.g. training. BDC will source funding agencies to finance projects.

BDC has signed on a music support program with the United Nations Development Program (UNDP) to begin archiving the calypso genre and for the training and development of youths in rapso music.

The BDC offers training and consultancy and out-sources these services when necessary.

## **5.0 THE BROADCASTING SECTOR IN TRINIDAD AND TOBAGO**

The broadcasting sector traditionally plays a significant role in the development of a successful local film industry. Internationally most producers receive a significant part of their budget from license fees from their national broadcasters. This is not the situation in Trinidad and Tobago where the local broadcasters pay very little for local programs. A national broadcasting policy thus offers the opportunity for the Government to introduce a range of guidelines, regulations and incentives to encourage the local broadcasters to broadcast a greater percentage of local programs and pay license fees that more closely approximate international rates.

The Government of Trinidad and Tobago has published a National Policy on Broadcast and the Broadcasting Industry. This policy document states: “The Government intends to continuously review this Policy and make the necessary adjustments and modifications to it so as to keep the industry in step with developments both at home and abroad.” The dynamic nature of the industry makes a continuous review of the policy vitally essential. However, there are concerns about the frequency of the review, the mechanism for this continuous review and the composition of the review team. It is proposed that initially reviews be conducted annually and that they provide opportunity for contributions from all interest groups. For the policy review to be effective, it is important that the process is transparent.

### **5.1 Introduction to Broadcasting Policy Document**

In formulating its broadcasting policy, Trinidad and Tobago ought to be conscious that it is part of a Caribbean Community and its policy should be in the best interest of itself and the Community. The European Union’s (EU) approach to broadcasting can serve as a model for CARICOM countries to follow. The strong measures taken by the EU ensures that European Union nations broadcast a major proportion of European Union produced material (51%) and show a majority of their own films in their cinemas (60%).

“Television Without Frontiers”, the EU Directive, requires that EU member-states “ensure wherever practicable and by appropriate means that broadcasters reserve for European works the majority proportion of their transmission time. The directive required each country to implement quotas for European-made audio-visual programming. France implemented the most aggressive quota system to fend off what has been termed “American cultural imperialism”. French law also requires that television channels invest 15% of their annual turnover in the production of “original French works”.

While mandatory quotas might not be an option, Trinidad and Tobago and CARICOM should align itself with the stance taken by the European Union. It must put mechanisms in place to reduce the negative effects of the American cultural invasion by reducing the amount of that material displayed in the region and increasing the percentage of its own.

CARICOM nations must seek to extricate themselves from the American cultural domination. There is concern that this cultural invasion by the US programs could be followed by the influx of “problems gripping American society”, such as the proliferation of handguns and gang

warfare. Trinidad is witnessing an upsurge in the mirroring of this adverse American behavior due to a large extent to this American cultural invasion.

Cultural products are not just a source of entertainment but a powerful personality-molding instrument. Cultural products and services – films, TV programs, books, music, etc. – do offer entertainment, but more importantly, they are ideological items, which embody social values and messages, and consequently influence the organization and development of entire social systems. For this reason, borderless information and the “entertainment media” are increasingly being viewed not as positive forces for integration, but as divisive mechanisms, which threaten national and cultural sovereignty.

A vibrant local motion picture, television and digital media production industry can make significant contribution to the economic as well as the cultural development of the nation. It can provide meaningful employment and assist in crime reduction. Trinidad and Tobago cannot afford to bypass the opportunity to claim its share of this industry rich in economic, employment and creative opportunity. Since broadcasting and the motion picture and video production industries are major sectors of this industry, the “National Policy on Broadcast and the Broadcasting Industry” will determine whether Trinidad and Tobago is able to take full advantage of the opportunities offered by this industry.

## **5.2 Local Programming**

Financial incentives and initiatives to encourage local broadcasting targets make good economic, social, moral and cultural sense. Cultural products inform, entertain and contribute to building collective identity, national cohesion and social identity, while influencing and preserving cultural practices. Their consumption thus generates a number of important externalities (Dayton-Johnson 2000, Tawas 2002).

Local content consumption forms the base for the development of a vibrant motion picture and television production industry. It fosters the production of material which places emphasis on indigenous social and moral values, counters the harmful effects of foreign products with contrary values, generates jobs, elevates and broadens the skills base, creates a product for local consumption and sale on the international market. In addition, a valuable by-product of the development of this industry and its export potential is the elevation of the country’s international image making it a much more attractive as a tourism destination.

The local broadcast industry utilizes a natural resource owned by the people of Trinidad and Tobago and should be carefully managed in order to serve the widest cross section of the population. Local broadcasting incentives would be the trigger mechanism for the development of the industries downstream of broadcasting since the motion picture and television production industry is similar to the construction industry where activity in the industry positively affects a host of other industries.

The goal can be achieved by embracing a series of strategies including financial assistance through direct funding and/ or subsidy schemes, tax and other fiscal incentives, co-production treaties, education and training and intervention in distribution mechanisms.

Internationally, the popularity of local television content is well documented. The Australian Film Commission has stated that local content initiatives have led to an increase in the demand for local product and served to strengthen the film and video production industry. Likewise Canadian support for local content has had success in increasing the viewing of Canadian programming.

In Trinidad and Tobago, the regulatory authority should be guided by international models. In both South Africa and Canada, the local content requirement is one of the conditions for a television license. The South African Television Content Regulation, 2002 amended 2004 states, “A commercial television broadcasting licensee must ensure that after eighteen months of the gazetting of these regulations in the case of an existing holder or such longer period as the Authority may determine, a minimum weekly average of 35% of its programming, measured over the period of a year, consists of South African television content during the South African television performance period.”

While mandatory local quota legislation may not be an attractive option in Trinidad and Tobago, the Government should set the overall local content targets for the commercial and public sector broadcasters and provide the necessary incentives and disincentives so that these targets would be achieved.

Targets should be also be set in each genre viz children, women, drama, current affairs, documentary and educational programs. It is proposed that a state owned television broadcasting licensee should maintain a minimum local content of 50% of its programming measured over a year. For the private sector licensee the target should be a minimum of 40% of its programming measured over a year.

An incentive package must be put in place to encourage the broadcasters to meet the above targets.

### **5.3 Voluntary Quotas**

The National Policy proposes, “It will enter into dialogue with the Broadcasting Industry to decide on a voluntarily imposed quota for local content on the television and radio stations of the country. The Government proposes to provide very significant exposure and development for local culture through the development of a Public Broadcasting Service.”

Local cultural products must be displayed on all broadcast stations and not just a single service. A range of incentives and initiatives must facilitate the voluntary local broadcasting targets. Fledgling industries such as motion picture and television production in a nascent state require the protection and subsidies from the Government to ensure their development. Structures and facilities must be introduced to support the development, marketing, distribution, promotion, infrastructure and awareness of local films and television programs.

Due to the importance of the creative industry, the Public Broadcasting Service as proposed in the policy document must be only one aspect of a holistic approach by the Government in its

support of the development of the local cultural industries. Local content in the entire sector must be elevated and the government must harness its power in the pursuit of its developmental goals. Attention must also be given to educating, training and developing personnel.

#### **5.4 The Market Place**

Competition cannot be seen “as key to the development of the sector and to the provision of choice for the consumer.” At present the competition is unfairly stacked in favor of the foreign producers. An incentives regime will help to level the playing field and allow local producers to compete more favorably with producers from the United States and other countries that now hold an unfair advantage.

American dominance in the film industry, both for television and the theatre, is based on the economics that flow from the US scale of production and the fact that costs can be recouped in the US domestic market before American programs are exported. After realizing profit in their home markets, these producers are then allowed to export their products to foreign markets at very low prices. Even if technically the practice may not qualify legally as dumping, the result is in fact dumping. The local producer is expected to be able to compete successfully with this unfair competition. It is understandable that many countries find themselves in a difficult situation when their producers, who are already confronted with a very small domestic market, must also compete with under cost foreign film and audiovisual programs. It is this unfair practice that is truly against the tenets of free enterprise.

#### **5.5 The Broadcast Spectrum**

The broadcast spectrum is a national resource and the exploitation of this resource ought to be used in the best interest of the nation. The procedure for granting licenses in Trinidad and Tobago should be made as transparent as possible in the best interest of the nation and include the involvement of relevant interest groups.

#### **5.6 Monopolies, Cable Television and Direct-to-Home Satellite Television**

The Government “views as unacceptable the existence of monopolies in this or any other area of the broadcasting sector.” The reality is that the cable companies in both islands are monopolies. In Trinidad the cable company is foreign owned which results in the repatriation of profits. The Government must question whether the ownership of such a vital agency by a foreign entity is in the best interest of the nation. It is important to note the critical and sensitive nature of the impact that a cable company has on the development of the country’s social and cultural norms. The Government must ensure that the ownership of the broadcast industry does not fall into the same hands as the ownership of the cable industry.

At present the cable companies in the main, access signals, which would normally be unavailable to the consumers and feed them through cable. This is a very lucrative passive operation especially if the signals are pirated. There should be forceful legislation against copyright violation. Trinidad and Tobago is a signatory to international intellectual and copyright laws and therefore should not allow an institution to violate these laws.

## **5.7 Legislation**

There is an urgent need for the review and amendment of some of the laws relevant to this sector. They include:

- The Cinematographic Act;
- The Censorship Act;
- Obscenity laws;
- Film Ordinance 1936;
- Dancehall Act;
- Copyright laws.

## **5.8 Administrative Arrangements**

There is need for examination of relevant administrative procedures including:

- The composition of the Censorship Board;
- The motion picture and television program rating system.

The potential of the national television and film industry is too valuable to the economic, social and cultural development of the nation for its development to be left solely to market forces. The necessary regulatory and institutional framework should be put in place, as well as a comprehensive incentive package, to support the development of the local broadcast, television and film production industry. A statutory body should be charged with the responsibility for regulating, controlling and directing the industry.

## **6.0 ANALYSIS OF THE TRINIDAD AND TOBAGO FILM INDUSTRY**

### **6.1 Strengths**

- Concentrated variety of contrasting locations within close proximity;
- Diversified and unique landscape, fauna and flora. Diversity and cross-fertilization of cultures reflected in national festivals and multi-cultural sites;
- Locations easily accessible;
- A highly artistic and creative society;
- A growing number of professionals and highly skilled persons with film and video experience;
- Competitive foreign exchange rate and lower cost of production;
- Excellent range of on the ground services (hospitality, transport, catering). Located outside of the active hurricane belt;
- A stable political environment;
- A liberalized economic environment;
- Frequency of travel from North America and Europe;
- State of the art video production and editing facilities;
- Growth: Trinidad & Tobago being one of the fastest growing developing nations and financial business hub of the Caribbean;
- Cost of Business: With the exchange rate favoring the US dollar/Euro & Sterling Trinidad & Tobago offers a very competitive cost of business;
- Abundant skilled labor: At every level of production skilled people can be found, from carpenters and costume makers, set designers, production managers, directors of photography and assistant directors;
- Cost of Living and Quality of Life: Due to key economic factors, the cost of living is among the lowest regionally, making it cost effective to support cast and crews for any period;
- Strong Economic Base and Diverse Economy: Trinidad & Tobago's economy is based in the energy sector, but is also diversified enough into business and retail to support any number of interest and requirements of financial needs;
- Existence of the Film Desk, which offers a series of incentives (work permits, visa waivers, facilitation with importation of equipment, production program).

### **6.2. Weaknesses**

- Relatively unknown internationally as a viable location for film;
- Similarity of locations on other islands and mainland America;
- More experienced location rivals in Jamaica and Puerto Rico;
- Lack of awareness among impacting agencies of the potential benefits of the sector;
- Inadequate infrastructure – carnet system, customs regulations, work permit bureaucracy;
- A shortage of a range of important skills such as cinematography and location sound expertise and director/producers;
- Lack of formal training opportunities;
- Lack of motion picture equipment;
- No industry specific incentives;

- No broadcasting incentives to show local films;
- No industry standards;
- No established Film Commission;
- No film processing labs;
- Limited Government support for the film industry.

### **6.3. Opportunities**

- Growing international awareness as a result of tourism marketing program;
- Increasing demand for dynamic new world locations by the international film industry;
- The development of vibrant local film, television and video production sectors with export possibilities.

### **6.4. Threats**

- Competition from neighbouring film locations, i.e. The Bahamas and Jamaica;
- Rapid rate of technological change within the international film and television industry;
- Lack of private sector support for funding of local film product (this impacts on local skills base);
- Cultural invasion by US programs, which could be followed by the influx of what was called “problems gripping American society”, such as the proliferation of handguns and American gang warfare. Trinidad is witnessing an upsurge in the mirroring of this adverse American anti-social behavior due to a large extent to this American cultural invasion. In the Caribbean the effects of US cultural imperialism is reflected in the speech, dress, taste, aspirations and general life style of its people. CARICOM nations must seek to extricate themselves from the cultural slavery into which America has imprisoned them. Firm collective measures are needed to achieve freedom from this cultural slavery.

## **7.0 RECOMMENDATIONS FOR THE DEVELOPMENT OF THE TRINIDAD AND TOBAGO FILM INDUSTRY**

### **7.1 Introduction**

A developing nation can harness the film and television sector and channel the power into positive nation-building activities. Initiatives such as Vision 20/20 can benefit immensely from the effective utilization of the sector. The film industry is a powerful asset to a developing nation. Trinidad and Tobago will find it extremely difficult to achieve its 20/20 Vision without harnessing the potential of this industry.

Trinidad and Tobago like any other developing nation must establish and maintain its own cultural identity with its value and its unique way of seeing the world. Foreign programs dominate the nation's airways. The content of these programs subtly infiltrate the mind with values, which are foreign to this society. Local programs, which promote values and the way of life that, are uniquely that of Trinidad and Tobago are given little airtime.

The negative effect of the foreign domination of our airways can be seen reflected in the values, appearance and behavior of our youth. The American gun culture is now a dreaded part of our daily life.

The film industry is of national importance on four levels, social, cultural, political and economic:

- Social: communicating ideas, information and ideology;
- Cultural: preserving and promoting cultural traditions;
- Political: providing the forum for debate and discussion as well as information to the public;
- Economic: the industry generates both revenue and employment: \$172.5 billion in 1997 worldwide.

A vibrant local film industry will:

- Promote local values, attitudes, way of life;
- Provide employment;
- Contribute to the Gross Domestic Product;
- Create products for international sale;
- Generate foreign exchange;
- Advertise Trinidad and Tobago as a tourist destination;
- Instill pride for our local culture.

The "Master Plan for the Strategic Development of the Trinidad and Tobago Film Industry" was agreed to by Cabinet (Decision No 1601) dated November 7<sup>th</sup> 2001. It contains a number of recommendations aimed at improving the status of the local industry. Unfortunately, the majority of the recommendations have not been implemented.

There are a number of strategies, which are vital to the development of this sector. These include:

- The establishment of a National Film Agency;
- A comprehensive program of facilitation policies;
- Marketing and promotion activities;
- A supportive fiscal and incentives policy for practitioners and broadcasters;
- Specialized education and training;
- Public awareness and related measures.

Initially the Government would be required to grant concessions and provide financial support, which would create the climate in which the industry could flourish. It is recommended that the funding to support the development of the industry should be sourced from license fees paid by television stations and cable companies, the profits of the National Lotteries Control Board and the energy sector. Please see budget in Appendix 6.

## **7.2 The Establishment of a National Film Agency (NFA)**

The administrative and regulatory facilitation structures at the existing Film Desk at TIDCO are inadequate and insufficient to handle the requirements of a developing film industry. The Film Unit should therefore be transformed and expanded to become the National Film Agency as an autonomous institution. Since Trinidad and Tobago is making a late entry into this industry, a well-funded and adequately staffed Agency must take an aggressive and innovative approach in order to make the nation competitive in the international arena. The primary function of the NFA will be to encourage and promote film and television-related activity by making it as simple and efficient as possible for local and international film and television production companies to operate in Trinidad and Tobago. The National Film Agency shall report to the Office of the Prime Minister. Funding for this agency will be obtained from the following sources:

- Government subventions and/ or the issuing of Government bonds;
- Proceeds from the National Lotteries Control Board;
- A percentage of the license fees from broadcasters;
- The sale of Government film archives; as well as
- International institutions such as PROINVEST.

### **7.2.1 Functions and Operations of the National Film Agency**

The National Film Agency will:

- Facilitate the development of the local film industry and the generation of revenue and employment within the sector;
- Promote Trinidad and Tobago as a premier location for international productions;
- Be a one-stop shop that facilitates the operations of approved film/television productions. The Agency will also offer a telephone hotline service for international crews on location in Trinidad and Tobago from the initial contact to the close of production. In providing its services, the Film Agency will work with and involve the local production community, particularly in the areas of information and referral services wherever possible;

- Administer the permitting system;
- Facilitate/administer incentives;
- Administer the script development and production assistance programs;
- Assist local producers in accessing funding for the production and distribution of their products;
- Develop a network with the accommodation, transportation and security services to support the film industry;
- Provide liaison links with the government, production companies and the community;
- Manage a national public awareness campaign by such initiatives as newsletters, radio, print and other media;
- Facilitate duty free concessions, visa waivers and work permit exemptions;
- Facilitate the importation of equipment for short periods while filming is being done, in the absence of the Carnet Agreement;
- Be responsible for the overall marketing and promotion of the Trinidad and Tobago film industry within the international market place. It will also be responsible for providing access to channels for distribution of the film products and international funding;
- Issue eligibility certificates to all approved local film productions that wish to benefit from the incentive programs and other support offered by the Film Agency;
- Promote the development of a film culture in Trinidad and Tobago;
- Liaise with Government Ministries and other agencies on the creation and implementation of policies for the development of the industry;
- Take any action necessary for the development of a vibrant film industry.

### **7.2.2 Staffing of the National Film Agency:**

The National Film Agency would require the following staff: a Director, two Assistant Directors, a Financial Manager, an Administrative Assistant, two Marketing Officers, a Information Technology Specialist, a Librarian, an Accounts Clerk, a Research Assistant and administrative staff. Legal consultant services would be contracted as necessary. In addition, an officer should be appointed within the Tobago House of Assembly (THA) with primary responsibility for film issues to act as a liaison with the NFA.

**Director**

Responsible for Economic Development of the Film & Entertainment Sector  
 Supervises Senior Office Staff  
 Oversees Strategic Planning; Business and Workforce Development;  
 Acts as Liaison for Government and Community  
 Creates Strategic Industry Growth Plans  
 Responsible for Co-production Agreements

<i>Department for Location Sector Development</i>	<i>Finance Department</i>	<i>Department for Local Sector Development</i>	<i>Administration</i>
<p align="center"><b>Assistant Director (Film Commissioner)</b></p> <ul style="list-style-type: none"> <li>▪ Issue Film Permits;</li> <li>▪ Verify Production Insurance and other production data;</li> <li>▪ Interface with Government Agencies and Ministries;</li> <li>▪ Coordinate Police and Fire support for productions;</li> <li>▪ Coordinate Production Logistics;</li> <li>▪ Provide information to companies seeking to film in Trinidad and Tobago, including Location Photos; Production Guides; Crew and Vendor Information; Other Information as required;</li> <li>▪ Provide field support to production companies on location;</li> <li>▪ Responsible for the Film Processing and Transfer Network, Hotel and Airline network;</li> <li>▪ Responsible for employment guidelines, international networks;</li> <li>▪ Monitoring on-location sector performance.</li> </ul>	<p align="center"><b>Financial Manager</b></p> <ul style="list-style-type: none"> <li>▪ Disbursement of funds for both on-location and local sector</li> <li>▪ Administer production grants and tax incentives for both location and local sector</li> <li>▪ Acts as liaison with funding agencies locally and internationally including VCIP, BDC, Sports and Culture Fund)</li> <li>▪ Prepares Budgets and Financial Data</li> </ul>	<p align="center"><b>Assistant Director</b></p> <ul style="list-style-type: none"> <li>▪ Production Support</li> <li>▪ Facilitate script development and production assistance program;</li> <li>▪ Identify sources of funding locally and internationally</li> <li>▪ Responsible for insurance network;</li> <li>▪ Responsible for production guidelines, and film sector standards</li> <li>▪ Monitoring local sector performance</li> </ul>	<p align="center"><b>Administrative Assistant</b></p> <ul style="list-style-type: none"> <li>▪ Maintain Director's calendar, make appointments, open and answer mail, make travel arrangements, etc</li> <li>▪ Answer telephones, emails, faxes and forward when appropriate to other staff</li> <li>▪ Maintain and update contacts/ databases</li> <li>▪ Maintain all Office files, including News Clips; Correspondence; Municipal Interlocals; Legal; Film Advisory Board etc.</li> <li>▪ Order and maintain office supplies</li> </ul>
<p align="center"><b>Marketing Officer</b></p> <ul style="list-style-type: none"> <li>▪ Familiarization Tours and Trade Shows;</li> <li>▪ Public Relations;</li> <li>▪ Film Festivals.</li> </ul>	<p align="center"><b>Accounts Clerk</b></p>	<p align="center"><b>Marketing Officer</b></p> <ul style="list-style-type: none"> <li>▪ Trade Shows</li> <li>▪ marketing products of local industry;</li> <li>▪ Assistance with distribution;</li> <li>▪ Public Relations;</li> <li>▪ Film Festivals.</li> </ul>	<p align="center"><b>IT Specialist</b></p> <ul style="list-style-type: none"> <li>▪ Website development</li> <li>▪ Multimedia marketing products</li> </ul>

		<b>Film Development Officer</b> <ul style="list-style-type: none"> <li>▪ General assistance to Department</li> </ul>	<b>Librarian</b> <ul style="list-style-type: none"> <li>▪ Archives</li> <li>▪ Locations Library management</li> </ul>
			<b>Research Assistant</b> <ul style="list-style-type: none"> <li>▪ Performs Industry Surveys and Research</li> </ul>

It is recommended that a Consultant with international experience in managing a Film Agency should be hired for a period of three years to work alongside the Director. This position requires a person with many years experience in film finance, incentives and distribution. The incumbent will be responsible for working with the local film producers helping them to access financing for their projects. He/ she will also be experienced in distribution and will assist the local producers identify markets for their products. Standing committees, reporting to the Director, shall be created as the need arises.

### **7.2.3 A Film Advisory Board (FAB)**

A Film Advisory Board shall be established as the Board of Directors of the National Film Agency. The main function of the FAB will be to provide the necessary guidance and support to the National Film Agency. The composition of the board should include representatives of film, legal, financial and marketing and should be drawn from the public and private sectors. The Director of the NFA will also sit on the Board.

### **7.2.4 A Film Facilitation Committee (FFC)**

The FFC shall be established to bring together the State, private sector and other communities in one body to assist the work of the film sector and the activities of the Film Agency. It will be comprised of representatives from Customs, Immigration, Police, National Security, Airports Authority, the Tobago House of Assembly and the film and video industry. The 2 Assistant Directors of the National Film Agency will also sit on this committee. This committee would only meet as the demand arises.

## **7.3 Facilitation Measures**

The National Film Agency shall be responsible for administrating a series of facilitation measures that will assist local and international filmmakers who wish to film in Trinidad and Tobago. It will issue permits to international productions and assist with work permit and visas applications.

### **7.3.1 A Permitting System**

A system shall be developed to allow productions easy access to facilities and locations without overburdening the system with regulatory overkill. A certification system for local productions and a permitting system for international productions shall be established. Joint ventures between foreign and local companies will be certified as a local production. The system will allow for the following:

- The review of all film and television production requests
- The granting of film permits in accordance with the National Film Agency’s stated policy on filming in Trinidad and Tobago.
- The granting of film permits to all overseas production companies for on-location filming activity.
- Publish employment guidelines for the hiring of locals on international shoots;
- Encourage “internships” for locals on international productions;
- Certify local and international productions to ensure that they are bona fide.

It is recommended that the following groups be exempted from requiring film permits:

- Local film and video production companies;
- Non-commercial productions on behalf of international organizations, charities or Government productions;
- Educational, research and student productions, when proof is obtained that the production is for the sole purpose of educational requirements for the course of study/research that is being pursued;
- Broadcast news, when it is for the purpose of a news report.

The permitting system will ensure that international production companies filming in Trinidad and Tobago meet all statutory requirements. The permits will be issued free of charge in order to act as an incentive to attract international film productions.

### **7.3.2 Film Sector Standards – (wages, insurance, classifications)**

Standards shall be established for the film location sector. Trinidad and Tobago does not have an active association to protect free-lance crew engaged on international productions. This leaves nationals open to exploitation and/or other types of injurious circumstances when working on international productions. Therefore the National Film Agency shall:

- Establish industry standards in consultation with industry partners/stakeholders;
- Publish a standards document and circulate to all incoming crews;
- Publish a Filmmaker’s Code of Practice (See Appendix 5). This will provide incoming crews with documentation outlining industry norms and filming practices as they relate to T&T.

The employment guideline document created by the National Film Agency, shall determine the number of local production personnel who must be employed in a production for it to be considered a Trinidad and Tobago production. This would be based on a points system similar to what is used in the Canadian film industry.

### **7.3.3 Work Permits**

All foreigners working in Trinidad and Tobago for periods longer than one month require a work permit. An exemption order shall be made which will allow approved classes of persons normally involved in the production of motion picture production, to work in Trinidad and

Tobago for periods longer than thirty days. The length of such extensions shall coincide with the time required for the completion of the on location activity.

This exemption would be advantageous since ease of entry and the prompt processing of documents are important to making Trinidad and Tobago a preferred film/ video location. The Government should speedily implement the free movement of labour within the CARICOM region.

#### **7.3.4 Carnet**

Carnet legislation should be introduced to allow for the movement of film crews, equipment, props, costumes without the need for bond, across borders of those countries signed to the system. The NFA shall make recommendations as necessary to the Chamber of Industry and Commerce on the management of the Carnet as it relates to the film industry.

#### **7.3.5 Firearms and Explosives**

The process for the importation of items prohibited under section 45 of the Firearms Act Chapter 16:01 but required for international motion picture productions shall be simplified through special arrangements between the National Film Agency and the Ministry of National Security. Legislative amendments should be made as necessary.

#### **7.3.6 Film Processing and Transfer Network**

There are no film processing labs in Trinidad and Tobago, therefore all film shot here must be processed in Venezuela or the United States. This process can be both unwieldy and difficult given the heat and light sensitivity of film and bureaucracy involved in the transportation process. The National Film Agency shall develop a film processing and transfer network with Venezuela and the United States and work with the Customs and Excise Department to facilitate exit and entry of this material.

#### **7.3.7 Airline and Hotel Network**

The creation of a network among the hotel and airline associations and the NFA is an imperative for the development of the local film industry. The National Film Agency should negotiate with those companies where the Government has a stake in order to receive an annual consignment of airplane seats and hotel rooms to allow it to promote the development of the film industry. There is need for direct flights between Trinidad and Tobago and major "film city" of the United States such as Los Angeles and Canada.

#### **7.3.8 Archives**

The National Film Agency shall establish archives containing all key films and video shot on location in Trinidad and Tobago as well as locally made films.

## **7.4 Fiscal and other Incentives**

The Government has introduced a 150% tax rebate for local companies on film production expenditure. However, there is need for mechanisms to be introduced to make this rebate operational.

A number of fiscal and other incentives are also needed to attract international filmmakers to choose Trinidad and Tobago as a film location and also to assist local filmmakers. The National Film Agency shall be responsible for administering these incentives.

All motion pictures and television programs which benefit from any of the government incentives must credit the National Film Agency, the Ministry or the Tobago House of Assembly, or any other supporting agency and the Government of Trinidad and Tobago.

### **7.4.1 Tax holidays**

Local film companies must have a minimum capital expenditure of TT\$3,100,000.00 in order to benefit from the tax exemption of the Tourism Development Act. Local film companies should be exempted from this minimum capital expenditure. Instead their application should be assessed based upon an analysis of the project and the company's past performance.

### **7.4.2 Import Duties**

Raw DVDs, broadcast tape stock excluding VHS and DVDs that are mastered in Trinidad and Tobago but duplicated in external markets should not be charged import duties, vat and other taxes. Film and tape stock used in a film production should also be exempt from all import duties, vat and other taxes. This incentive would only be applicable once the production has received Government support or is a production certified by the National Film Agency.

### **7.4.3 Production Expenditure Incentives**

Many countries have introduced production expenditures rebates as an incentive to encourage international production to film in their countries. Trinidad and Tobago will certainly benefit by providing such incentives. The job creation, skills transfer, tax collected, multiplier effect of money spent and the elevation of the country's image as a tourist destination are some of the tangible results of the filming activity. There is little doubt that this incentive would quickly capture the attention of the international production community. For a production to become eligible for this grant the National Film Agency or some other suitable Government agency would have to substantiate the fact that the funds were actually spent in Trinidad and Tobago. Such a grant would immediately elevate Trinidad and Tobago to a more prominent position on the list of prospective film locations, as it would cause significant reduction in a film production budget. The larger the production budget, the more critical such a grant would be to the financing studio. Hollywood, with its average cost for a major theatrical motion picture now exceeding forty-three million US dollars, would welcome such a cost-saving initiative.

It would be necessary for the production to meet other criteria than just the expenditure of money. When Canada employs such a rebate, for example, it requires the employment of Canadian citizens in critical positions in the crew and cast of the motion picture. While Trinidad and Tobago does not have sufficient skilled film personnel to immediately introduce such a requirement it can use it as an opportunity to increase its skills base by demanding internships,

training, employment of a significant percentage of local citizens in all areas of the film production.

It is recommended that grants be provided of up to fifteen percent of the money spent in Trinidad and Tobago on film productions that have received an eligibility certification by the National Film Agency. The minimum amounts of expenditure for grants to be provided are outlined as follows:

For local productions:

- TT\$200,000 – \$500,000 5%;
- TT\$500,000 – \$1,000,000 10%;
- Over TT\$1,000,000 15%.

For foreign productions

- US\$200,000 – \$500,000 5%;
- US\$500,000 – \$1,000,000 10%;
- Over US\$1,000,000 15%.

Productions with expenditure that is significantly above the highest category can negotiate additional financing. Special arrangements will also be made for joint-venture productions. Nationals, permanent residents or CARICOM citizens will be able to access this rebate once they spend the equivalent in Trinidad and Tobago dollars of the amounts specified for the international productions on certified local programs. The grant will only be made available to those agencies that adhere to the guidelines outlined by the NFA.

All motion pictures and television programs which benefit from any of the government incentives must credit the National Film Agency, the Ministry or the Tobago House of Assembly, or any other supporting agency and the Government of Trinidad and Tobago.

#### **7.4.4 Production Assistance and Script Development Program**

Support for local producers, writers and directors is a key strategy that must be employed for local programs to become more readily available. A Production Assistance and a Script Development Program is a program, which is vital to the process. Persons can also apply to the program for funds for marketing and advertising of their products. The objective of these programs is to create a body of work that is representative of Trinidad and Tobago and reflects the culture, history and aspirations of its people. The NFA will establish targets in each genre viz children, women, drama, current affairs, documentary and educational programs. There are existing programs, which should be supported and expanded for both emerging and experienced producers, writers and directors. Nationals and/ or permanent residents of Trinidad and Tobago should be the beneficiaries of these programs. Funding for this program will be sourced from Government subventions, the license fees from broadcasters, proceeds from the National Lotteries Control Board, as well as successful applicants will be required to deposit a percentage of net revenues derived from their project to ensure sustainability of the fund.

#### **7.4.5 A Venture Capital Company to invest in Arts, Culture and Entertainment**

It is recommended that the State establish a seed fund to make financing available specifically for the creative industries and establishing a venture capital company could be a viable investment provided that the returns can be projected. This company would be charged with the responsibility of raising capital for the aforementioned industries (projects and infrastructure) and can be a state or private company. By having a broad based fund to invest in arts, culture and entertainment, a greater volume of quality deal flow is anticipated. Other recommendations are to:

- Enable the size of shareholding in the Qualifying Investee Company (QIC) by the VCC to be unlimited and be negotiated between the companies;
- Remove the restriction placed on the number of employees allowed in an investee company;
- Allow venture capital companies to utilize other equity instruments, such as preference shares in addition to common stock when making an investment in a QIC;
- Relax some of the restrictions on the categories of business and instead have a tiered system for the issue of tax credits;

#### **7.4.6 Cinema and Screening Incentives**

Local film producers often have little money for advertising and promotion and no major film stars. A fund should be established to provide financial support for producers to advertise and promote their local films. These funds shall be obtained from both private and public sources. Consideration should also be given to establishing a cinema fund to ensure that local films are screened at local cinemas for a minimum period of time. The fund will compensate local cinemas for any loss of income during the period.

### **7.5 Broadcasting Incentives**

#### **7.5.1 Public Broadcasting Service and the Independent Film Sector**

In the National Policy on Broadcasting and the Broadcasting Industry, the Government signaled its intention to create the Public Broadcasting Service (PBS). “The development of local programming shall be a major part of the mandate of the Public Broadcasting Service.” This mandate must be executed since a vibrant local industry is essential to the development of the film industry.

The policy of the PBS must be that a maximum of forty percent (40%) of this programming shall be produced in-house with a minimum of sixty percent (60%) being acquired from local producers. The PBS will therefore be dependent on the local independent producers for most of its programming. This will give the industry the needed boost. To ensure that its programming is sufficiently varied to meet the needs of its audiences, the NBS shall commission the production of programs. It shall also purchase suitable programs produced by independent producers.

In addition, the Government should make use of all its allotted time on television to facilitate the airing of local programs.

### 7.5.2 Local Broadcasting License Fee Structure

The stakeholders in the film industry are strongly recommending that there be legislation for a minimum of 50% local content. It should be noted that the Film Industry Team did support quotas in its initial deliberations. The team's views were elaborated in its response to the National Policy on Broadcast and the Broadcasting Industry, which is attached at Appendix 4. The team has no objections to mandatory local content legislation for a limited or extended period, it has since revised its recommendations proposing the following as a model to use incentives and disincentives to achieve the desired results. All percentages and amounts referred to hereafter form part of the suggested model and may be altered as necessary.

The Telecommunications Authority of Trinidad and Tobago (TATT) must be charged with the responsibility for regulating content issues as well as the technical aspects of telecommunications. As such the dual nature of its functions and responsibilities must be reflected in its composition. FIT recommends that the Canadian Radio-television and Telecommunications Commission be used as the model for establishing the mandate, composition and structure of the Telecommunications Authority of Trinidad and Tobago (TATT).

The license fees and/ or concessions<sup>5</sup> from broadcasters is intended to be the main source of revenue for the Telecommunications Authority of Trinidad and Tobago (TATT). The Authority should establish the percentage of gross revenue that a station must pay as its fee. TATT should use this figure to calculate its anticipated income. However, the actual mechanism for collecting revenues should be based on the following recommendation. An incentive package must be put in place to encourage the broadcasters to meet specific targets. It is recommended that the fees for television stations be increased to 5% from 2005 and 15% in 2010. Stations that meet the local broadcast targets will be exempt from fees while those that partially meet the targets will have their fees reduced incrementally. In addition, once the targets are exceeded, additional fiscal incentives will be awarded.

The full fee will be due if the station's local content is less than twenty percent (20%) measured annually.

It is recommended that a minimum broadcast target of 50% local programming should be maintained by state owned and 40% by private sector broadcasters. It is expected that local content targets would be achieved by the year 2010.

It is recommended that effective January 1, 2005 the television stations' fee be raised to 5% of gross revenue with stations having the option to reduce their liability to zero depending on the percentage of local programs aired in accordance with the following schedule:

- |                                      |                            |
|--------------------------------------|----------------------------|
| ▪ Less than 20%                      | fee of 5% of gross revenue |
| ▪ Greater than 20% but less than 25% | 2% of gross revenue        |
| ▪ Greater than 25% but less than 30% | 1.5% of gross revenue      |
| ▪ Greater than 30% but less than 40% | 1% of gross revenue        |
| ▪ Greater than 40%                   | 0% of gross revenue        |

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<sup>5</sup> Hereafter referred to as fees.

- Greater than 45% but less than 50%, a tax credit of 5% of tax payable.
- Greater than 50%, a tax credit of 10% of tax payable.

It is recommended that effective January 1 2010, the maximum chargeable fee should be increased to 15% for stations which maintain a local content level less than 30%. Fees payable will be calculated in accordance with the following schedule:

- |  |     |
|--|-----|
| ▪ Less than 30%  | 15% |
| ▪ Greater than 30% but less that 35%                                     | 5%  |
| ▪ Greater than 35% but less that 40%                                     | 2%  |
| ▪ Greater than 40% but less that 45%                                     | 0%  |
| ▪ Greater than 45% but less than 50%, a tax credit of 5% of tax payable. |     |
| ▪ Greater than 50%, a tax credit of 10% of tax payable.                  |     |

Local content percentages shall be measured daily between 6:00 a.m. and 11:00 p.m. and must also be maintained during the 6.00 p.m. and 10 p.m. period. Programs will receive the following local content credit:

- |  |       |
|--|-------|
| ▪ First run specials, documentaries, soap operas, dramas, movies, sitcoms and other programs | 150%  |
| ▪ Local news   | 100%  |
| ▪ Live and live to tape delayed broadcasts   | 100%  |
| ▪ Repeats of local programs  | 100%. |
| ▪ International sports with significant Caribbean involvement                                | 50%   |

It is recommended that for the purpose of measuring local content, programs produced:

- By CARICOM countries, Cuba, Puerto Rico, Dominican Republic, the US Virgin Islands, the Dutch, French and British Caribbean territories will count 100%;
- By “preferred nations” India, Pakistan, Brazil, Venezuela, Colombia, Central America, Africa, Mexico, and programs and films shot in Trinidad and Tobago by foreign crews will count 50%;
- In conjunction with countries which have signed co-production agreements with Trinidad and Tobago will count 100%.

Programs of national interest but produced in other regions such as the Commonwealth and the Caribbean Diaspora may also be eligible for local content rating. Such programs shall be submitted to the National Film Agency for evaluation and certification.

At the end of the fiscal year, a calculation should be made to establish the difference between the anticipated revenues to be collected by TATT based on the pre-determined percentage and the amount actually collected based on the above outline. If the former exceeds the latter, the Government would be required to meet the difference. If the reverse holds, then TATT should retain 50% of the excess and the other 50% should be allocated to the NFA for use in its Production Assistance and Script Development Fund and/ or for the provision of scholarships

and training for industry personnel. This recommendation shall be implemented in conjunction and consultation with the Telecommunications Authority of Trinidad and Tobago (TATT)

### **7.5.3 Regulating the Broadcast Industry**

The Telecommunications Authority of Trinidad and Tobago (TATT) is mandated to provide regulations for broadcast television, cable and direct TV. The regulations should address such issues as pornography, children's programming, race relations, and political broadcasting as well as advertising of alcohol and tobacco. The composition of the Authority should include representatives from the broadcasting and film sectors and others competent to address the programming issues.

### **7.5.4 Cable Incentives**

Cable companies applying for broadcast licenses or wishing to renew their licenses should be informed that the fee would be 10% of gross revenue. For the local cable companies this figure can be reduced incrementally once the company agrees to fund a community access television channel, carry all Trinidad and Tobago channels free of charge and carry an agreed percentage of local channels as outlined below:

The fee payable will be calculated on gross revenue as follows:

- Less than 10% channels being local and no funded community channel 10%;
- Less than 10% channels local and a community channel 8%;
- More than 10% channels local and no funded community channel 5%;
- More than 10% channels local and a funded community channel 3%.

Local stations would be stations originating in CARICOM countries, Cuba, Suriname, Bahamas, Dominican Republic, India, Pakistan and nations of continental Africa.

To be given credit the community channel must be on the air from at least 4:00 p.m. to 11:00 p.m. Monday to Friday and 1:00 p.m. to 10:00 p.m. Saturday and Sunday with content during these times being not less than 75% local.

To fund a community channel, the cable companies must provide the necessary infrastructure in terms of production and post-production equipment, studios and staffing. Training must also be provided.

The cable companies would be provided with an additional incentive of a dollar for dollar reduction on the taxes on corporate profits for investment in the production and acquisition of local programming. This incentive would also be granted to Direct TV companies and free-to-air broadcast stations.

### **7.5.5 Direct TV Incentives**

Direct TV companies applying for broadcast licenses or wishing to renew their licenses should be informed that the fee would also be 10% of gross revenue. This fee can be reduced incrementally by carrying local channels and/ or depositing into the Production Assistance and Script Development Fund.

The fee payable will be calculated on gross revenue as follows:

- No deposits into the Production Assistance and Script Development Fund 10%;
- 2% of gross revenues deposited into the Production Assistance and Script Development Fund 5%;

Further reductions can be obtained once local stations can be accessed and broadcasted by Direct TV.

### **7.5.5 Cable and Direct TV Guidelines**

All Cable/ Direct TV companies should:

- Adhere to the international copyright and intellectual property laws;
- Annually provide proof to the Authority that they have legal rights to all the signals they provide;
- Make production facilities, staff and a channel available for the production and broadcast of regular community programs (not applicable to Direct TV);
- Be monitored by the Regulatory Industries Commission (RIC).

Fifty percent (50%) of the surplus of license fees collected by TATT (as outlined in 7.5.2) should be deposited into the Production Assistance and Script Development Funds to be administered by the NFA. Adherence to the Code of Practice as agreed by TATT should be one of the conditions for the issuing of broadcast licenses.

### **7.6 Co-Production Agreements**

A co-production agreement is one signed by two countries to develop a number of film and/or television projects together. Among other things the countries agree to the number of productions, the financial participation, the creative, artistic and technical contribution and the rules governing the agreement. The programs produced will enjoy national status in the two countries involved. Trinidad and Tobago entering into co-production agreements will increase the number of film projects coming to the country and provide technical and other types of support for Trinidad and Tobago. A co-production agreement with Canada will greatly benefit the Trinidad and Tobago Film Industry. Canadian Heritage is one of the main organizations engaged in the signing of co-production agreements between Canada and other countries. For this country to enter into co-production agreements the Ministries of Foreign Affairs, Trade and Industry and Finance must support the initiative.

## **7.7 Education and Training**

If Trinidad and Tobago is to become a major producer of motion picture and television programs:

- The nation must become sensitized to the needs of the industry;
- Young people must view this as an attractive and worthwhile career;
- The process must be put in place to identify and develop talent in this field;
- The youth must be made an important focus of the development process;
- The educational institutions must become an active partner in the process.

The sensitization process will begin at the high school but in time it will move down to involve the elementary schools.

Naparima College in-house Blue Circle Radio Network was responsible for developing some of the country's outstanding radio personalities that included Sir Trevor McDonald, Bobby Thomas and Ashton Chambers. During its existence the Fatima Audiovisual Club produced a number of persons who made television production their career. Unfortunately both those initiatives are no longer active.

The Ministry of Education should foster the development of Video Production Clubs in the secondary schools. The Clubs would be organized to introduce the students to both the technical and creative aspects of television production. The students would be taught to produce their own programs and also made aware of issues pertaining to copyright and intellectual property rights. The National Broadcast Service would not only broadcast the programs but also provide the opportunity for some of the more talented students to find employment there during the holiday periods.

This initiative would create a knowledge and awareness of film and television production and performance and elevate the society's knowledge of the needs and of the industry. This in turn will make Trinidad and Tobago better able to successfully compete with the international motion picture producing powerhouses.

This project could be initiated as a pilot project in a few selected schools in Trinidad and Tobago. International donors may be persuaded to donate the equipment required for the pilot program. Local experts in the field should hire a cadre of video specialists to run workshops in the schools for students and teachers. The Ministry of Education should also seek to integrate media studies and film studies into the CXC and CAPE curriculum.

### **7.7.1 Internship/Apprenticeship Program**

The National Film Agency will administer a program for the placement of interns/ apprentices in the film industry in collaboration with the National Training Agency. Applications will be directed to the National Film Agency and successful applicants will be placed with production houses and television companies willing to participate in the project. The period of internship will be from three to six months in the fields of script writing, production, postproduction and animation. The NFA will pay the wages of the interns while the participating institution will receive a subvention of 50% of the amount paid to the interns. This would act as an incentive to

encourage institutional participation in the program as well as to offset the direct costs incurred by the institution in executing the training program. A monitoring committee should be formed to ensure standardization of the training provided.

International film productions shall be required to utilize interns as a condition of its permit to film in Trinidad and Tobago.

An awareness campaign should be launched to make the private sector more aware of the On-the-Job Training Program currently being offered by the Ministry of Science, Technology and Tertiary Education, and the private sector should take full advantage of this opportunity. It is imperative that the Ministry recognizes the film industry as a priority industry where training is needed. The private sector should be consulted in any review of the present On-the-Job Training Program.

### **7.7.2 Scholarships and Fellowships**

The Government should include a minimum of four (4) national scholarships per year into the existing national scholarship program in the area of motion picture and television production and animation. In addition, scholarships should be provided to persons currently working in the industry. The criteria for the award of these scholarships would not be limited to A' levels, but would also give consideration to the level of work experience attained. The successful applicants would however have to meet minimum matriculation requirements. The scholarships shall be tenable at local or foreign institutions. International fellowships should be offered to practicing film personnel for intense professional and on-the-job training for periods up to a year.

### **7.7.3 Film School/ Training Programs**

The Government should financially support the establishment of programs at the University of Trinidad and Tobago and the University of the West Indies, which are necessary for the development of the film industry. Degree and associate degree programs should be offered in the following areas:

- Journalism (Broadcasting and online journalism);
- Image Arts;
- Animation;
- Film Studies;
- Film Production;
- New Media;
- Photographic Studies;
- Television Arts.

Intensive local courses should be organized to improve the knowledge, skill and competence of the sector in order to facilitate the availability of trained personnel in the immediate to short term. Tobago must be included in all education and training programs.

## **7.8 Marketing and Promotion of the Trinidad and Tobago Film Sector**

The National Film Agency shall promote the Trinidad and Tobago locations and film productions to the international film/ media industry. A comprehensive intensive program is required that will develop the marketing support tools to place Trinidad and Tobago on the international stage as a film location and to promote the many films produced by the country.

### **7.8.1 International marketing agents/ agencies**

The National Film Agency should retain the services of international marketing agents/ agencies in the US, Canada and Europe. These marketing organizations are important not only for timely market intelligence, but also for their international networks with a wider geographical range. These agencies will therefore represent Trinidad and Tobago within the international film and television marketplace.

TIDCO's tourism marketing representatives could be expanded to include film once the competencies are available. A film office in Los Angeles should also be established.

Bollywood is now producing more movies annually than does Hollywood. An important focus of the National Film Agency must be to woo the Bollywood producers to Trinidad and Tobago. Marketing should therefore be directed at both the North American and Indian markets.

### **7.8.2 International film conferences /trade fairs and festivals**

Support for local film festivals and distribution of local films at international festivals and trade shows are also integral aspects of the work of the National Film Agency. A Trinidad and Tobago presence shall be established at international film conferences /trade fairs and festivals. These would include Locations Expo, Cannes Film Festival and the Association of Film Commissioners International (AFCI) Cineposium. This presence is important not only for creating and stimulating destination awareness, but also for providing an international forum for forging professional networks. A methodology for the international distribution of locally made films will be established through these networks.

A Trinidad and Tobago Film Booth at trade fairs and exhibitions will portray a positive image of Trinidad and Tobago on the international stage. This would reinforce the positioning and branding of the destination. The NFA shall conceptualize and create a booth that will reflect the diversity of the Trinidad and Tobago product.

### **7.8.3 Annual Trinidad and Tobago Film Festivals**

It is important that an annual Trinidad and Tobago Film Festival be established for its recognition and value to the local industry, as well as for stimulating immediate international awareness of the industry. The event can also be the occasion to host an awards function to honour local, regional and international persons who have contributed in some significant way to the Caribbean film industry. In addition, support for the Anima Caribe film festival, which showcases local, regional and international animation, and other film festivals should be continued.

#### **7.8.4 Logo, Locations Library and Production Guide**

It is important to create a brand image to give personality to the Trinidad and Tobago product. As a matter of urgency the National Film Agency shall create a logo and a production guide listing available services and industry personnel. The National Film Agency shall establish a Trinidad and Tobago Locations Library. This will be an up-to-date system for the storage, retrieval and reproduction of images reflecting the diversity that is Trinidad and Tobago. The library will contain catalogued information on properties, sites, and people, complete with location assessment i.e. site geography, natural lighting, and accessibility of transport, along with other background information.

#### **7.8.5 International film-related associations**

The National Film Agency shall seek membership and actively participate within international film-related associations. Trinidad and Tobago is a member of the Association of Film Commissioners International (AFCI) and Film Florida. The National Film Agency should lobby for representation on their boards. It is also important for the NFA to have on-going contact and communication with key international associations (e.g. Association of Film Commissions) and production centres, both for benchmarking and networking.

#### **7.8.6 Networks**

The NFA should forge networks with international equipment rental and freight companies to facilitate the procurement of equipment especially when needed at short notice.

#### **7.8.7 Familiarization tours**

Familiarization tours for producers, directors, and location scouts as well as other film personnel are important strategies to assist in convincing international producers to use Trinidad and Tobago as the location for their productions. The National Film Agency shall facilitate and host short visits to Trinidad and Tobago to make it easier to sensitize the target audience to the Trinidad and Tobago product offering as well as to become more familiar with the local cinema product through attendance at local film festivals and screenings.

#### **7.8.8 Film sector champion**

A film sector champion is needed to stimulate awareness of the locations and film and video productions of Trinidad and Tobago. This could be an international figure or a Trinidad and Tobago personality who has achieved international recognition. It is recommended that Ato Boldon be formally approached to be the film sector champion in Los Angeles, and another suitable person be identified for the UK and India.

#### **7.8.9 Advertising**

The NFA shall engage in trade advertising in specialist international film publications, to draw attention to the attributes of the Trinidad and Tobago film industry.

#### **7.8.10 Promotional Items**

Promotional/ merchandising items (including brochures and CD Roms) will allow for repeated use of the logo, which would reinforce the promotion strategy of the destination.

## **7.9 Public Awareness**

There is need to foster a partnership between the film industry and the wider community in order to combat public misgivings, exploitation and ignorance surrounding the industry. Communities can play a major role in the film industry and reap substantial income from the revenues generated from their locations, restaurants, guesthouses, tour guide facilities, and other support services.

It is essential to sensitize communities and the public at large to the benefits to be derived from the sector, the importance of delivering value for money, providing information about industry norms and of engaging in fair and honest practices.

### **7.9.1 Association of Producers, Film Makers and Film Industry Personnel of Trinidad & Tobago**

There should be one strong vibrant and active Film and Video Makers Association of Trinidad and Tobago. This sector's work will be greatly enhanced if the local production personnel were organized. The organization would be committed to a set of standards and able to represent the industry at national and international levels. Representation should be inclusive of all sectors of the industry including the production companies, independent producers and other support services. Members of this organization should be selected to represent the industry on various Government and non-Government committees and functions. The National Film Agency should support the establishment and operations of this organization.

### **7.9.2 Tourism Action Committees**

(TACs)– There are presently eleven of these organizations located in various districts and they could play a significant role in sensitizing their communities to the benefits that could be derived from the film sector. The TACs could play an important role in facilitating film crews on location in their respective areas.

### **7.9.3 In Schools Program**

Using the concept of training the trainers, this program presently seeks to sensitize local teachers to the importance of the tourism industry. This program could be used as a channel to disseminate literature/information on the local film location industry to participating teachers. A teachers' manual on location film production should be developed in conjunction with the Ministry of Education.

### **7.9.4 A Comprehensive Media Campaign**

The Ministry of Information, in conjunction with the National Film Agency should launch a comprehensive media advertising campaign outlining the benefits of the film sector.

### **7.9.5 The Development of Community Workshops And The Transfer Of Technology, Expertise And Information To Communities**

These workshops should offer training in services related to or required by the film location sector. The workshops should focus on career opportunities contoured within realistic limitations that could become sources of employment e.g. hospitality, catering, wardrobe, set construction and design. Local drama groups could be trained to be available as extras in

productions. Brochures and collateral material should be produced to be disseminated to the communities at these workshops.

#### **7.9.6 The Employment of Communities In Industry- Related Services**

Residents who receive training in the various services should make their skills available to incoming crews. Film industry legislation should demand that foreign film producers hire at least a predetermined quota of locals on their sets.

#### **7.9.7 The Establishment of Community Film Locations Libraries/ Booths within the Visitor Information Centres**

These units could be managed by the TACs and act as galleries for the viewing of footage of local sites that could be accessed by visiting film desks. The master footage would be housed in a national film location library. Additionally, these centres could act as workstations for guides facilitating visiting film crews. These centres should be organized throughout Trinidad and Tobago.

## **CONCLUSION**

Government's effort to develop the non-petroleum sector is necessary and timely, as it would move this country's economy from dependence on a diminishing resource to one that is renewable. The film production industry is ideally suited to play an important role in this initiative. The potential of the international creative industries and Trinidad and Tobago's rich heritage of creative talent, technical expertise and history of industrialization provides the basis for the successful development of the local film industry.

Trinidad and Tobago is making a late entry as an active film-producing nation but it can achieve its objectives if it implements the strategic development plan. The plan has therefore identified a number of initiatives and strategies that will accelerate the development of a local film sector. A vibrant film production sector will create employment, generate revenue, produce and market culturally relevant products, provide training opportunities, and showcase Trinidad and Tobago as a venue for visitors and investors.

Both local and international producers will find opportunity here. Local producers and production companies will be able to take advantage of this supportive environment to expand their businesses, upgrade their equipment, increase staff, develop new projects and increase the number of films made here. International producers will find Trinidad and Tobago an attractive film location and make positive contributions to skills transfer and foreign currency generation. Past experience has assured us that the products of a Trinidad and Tobago's film industry will quickly gain international recognition. Within a few years a locally produced film should emulate the achievements of countries like Mexico, Cuba and Puerto Rico and be nominated at the Academy Awards.

Trinidad and Tobago has created calypso and chutney music, the steel band and a unique form of Carnival that has received international acceptance. Its multi racial, multi talented people have demonstrated their inventiveness and creativity. Once the necessary infrastructure and programs, as outlined in the strategic plan, are instituted and implemented, Trinidad and Tobago will be able to create a vibrant film industry that will see it become the Hollywood of the Caribbean.

## **APPENDIX 1 Excerpt from Master Plan on economic benefits from Location Film Sector**

### **FOREIGN EXCHANGE**

The international film production industry as with any other export sector can generate significant foreign exchange to the benefit of the national economy and towards the development of Trinidad and Tobago within the international market place. The in-country supply of goods and services to a foreign production, similar to what occurs in the tourism industry, increases the supply of foreign currency. The foreign exchange earning capacity of the sector is currently limited primarily by the will and ability of Trinidad and Tobago:

- To market itself and thereby attract its share of international film productions; and,
- To maximize the expenditure of each production in the country through enlarging the provision of professional industry services.

In the USA, a number of states have benefited economically from increased film production activity. Palm Beach County, Florida offers a cost-effective option to Hollywood with its excellent locations and hospitality. As a result, the county's production revenue for 2000 was \$116 million US up from the previous year's \$92 million US – representing a 26 percent increase. In Louisiana, tourism officials have projected that the 2000 television documentary film series entitled "Jazz", shot on location in New Orleans, could be instrumental in boosting tourism arrivals by 1 million visitors over the next 5 years, bringing in approximately \$250 million US. A similar documentary series on Trinidad and Tobago's Calypso and Carnival, accompanied by a strategic marketing effort, could surely boost tourism for Trinidad and Tobago.

A relatively short-term project such as a film can take anything upwards of eight weeks depending on the size of the feature. The time spent in producing a film can be beneficial to the economy of the location in which the crew resides. The film location sector in Jamaica generated \$2,000,000.00 (US) in '98 with future potential estimated to be \$50,000,000.00 (US). This is an example of the revenue available to the Trinidad and Tobago economy which boasts excellent locations and hospitality at a much lower cost than Palm Beach and Jamaica.

### **EMPLOYMENT**

It has been estimated that up to 100 people can be employed on the average film project which impacts favorably on the economy of this country. Due to the needs of visiting productions there are far-reaching human resource demands that must be met in order for a project to be completed. A number of these job opportunities exist within the construction and design sectors as well as in the general technical and production areas.

The construction and design sectors include masons, carpenters, architects, electricians, cultural workers, set designers, dressmakers and many other trades. There may be particular needs by visiting film projects for unique set designs and construction or infrastructure work to be put in place prior to actually commencing a film.

The development of local skills will become important because it would not be economically feasible for a company to travel with all of the people required. Therefore upon availability of

quality personnel, employment opportunities will ensue. The issue of quality output is essential to the building of a reputation for this country and it is therefore mandatory that it is capable of satisfying all realistic expectations.

Hiring local personnel can further satisfy crew requirements. The same can also be applied to any casting needs for extras in a film or movie production. It is unlikely that a company would entertain travelling with extra cast and crew if they can be sought on site.

A huge attraction for the film industry is the relatively low cost of personnel in Trinidad and Tobago compared to other popular international locations. This attraction will increase as the local industry is developed and the quality of the industry workforce improves. Availability of local skilled professionals in film production will continue to increase the attractiveness of Trinidad and Tobago as a location for international film productions, which in turn will improve the development of skilled personnel.

In the early stage of development in the feature film sector, freelance professionals including technicians, tradesmen, caterers and other professions, will provide the majority of services. This trend will also be the case for small, higher frequency productions such as documentaries, videos and television specials. For example in a recent music video production, the wife of a local studio sound engineer catered for the production while the husband worked as a freelance audio technician. However as more local professionals have the opportunity to work on foreign productions they will in time occupy such positions as assistant directors, 2nd unit camera persons and production managers. Those employed, as actors will have more substantive parts. As the sector develops it is expected that local people will assume more senior positions such as producers, directors, directors of photography, art directors and lead actors on both local and international productions. The emergence of such a skilled body of local personnel is a key component for the development of the indigenous film industry. These local professionals will have the expertise to work on regional and international productions while the marketing and distribution of high quality local films to international markets will generate substantial sums of money to the local economy.

### **LINKAGE INDUSTRIES**

Increased economic activity as a direct result of film production occurs in many linkage industries. Some examples are transportation (both international and local), accommodation (guesthouse, hotel and resorts), location site rentals (villas, beaches, parks), catering (meals for production personnel), equipment rentals (cameras, lighting, sound), set design and construction (including materials) and entertainment (by crew, cast and other employed labor). It is envisaged that a service industry could be established in order to supply all equipment necessary for any scale of production and that this industry could create new spheres of employment.

In terms of the hospitality sector there are substantial gains to be made from tax revenues a fact which has been observed in Wyoming (USA). This was the location used for the filming of "Close Encounters of the Third Kind". The motel tax revenue rose from \$47,000.00 in '88 to an estimated \$75,000.00 by '93 as a result of the tourism promotion generated from the film's production on location in Wyoming.

There are transportation needs both in respect of personnel and equipment i.e. personnel getting to and from destinations, as well as the movement of the equipment needed for filming on site. This immediately provides employment opportunities for drivers and also earnings for the local transportation companies. Reliability and efficiency is of utmost importance in this sector. The necessary transportation must be carried out in a safe and timely fashion.

As larger productions begin using locations in Trinidad and Tobago, and economic activity increases, the industry will define itself along more specialized lines. New and existing companies will expand their specialty services for the industry and feature film production, for example talent procurement, film production, equipment rentals, set design and construction, costume making and electrical services.

### **ROLL-OVER EFFECT**

While countries worldwide appreciate the benefits of attracting foreign film production to their location, the agencies involved in trying to attract this activity rarely agree on how to account for the economic benefit their location derives. The figures reported by these agencies are often “inflated”, as “credit” is taken for the full budget of a film, instead of the fraction actually spent on location.

Often, a multiplier is factored in, anywhere from 2.5 to 7.5 times the hard dollars spent by the production unit. This contribution is to account for rollover that production funding ostensibly brings. Thus, a large demand on a caterer for production meals will create a comparable demand on a food wholesaler, and perhaps on a grower as well. In this way, the original dollar spent on food will roll over several times. Significant research is currently being conducted in order to develop a local model based on actual expenditure on location in Trinidad and Tobago.

### **BENEFITS/ COSTS**

The money expended on location varies depending on the type of production, the number and complexity of scenes being shot on location, the time spent on location and the production’s propensity to procure services locally. In Trinidad and Tobago, for example over \$100,000.00 US was spent in filming on location for a recent music video, which was produced over a total of 3 days. An educational documentary spent just over \$12,000 US over 8 nights, using four different locations; and on the lowest end of the scale, a single producer over the course of one month spent over \$12,000 US on a single documentary on Carnival.

Large budget motion pictures or cable films may spend between a half a million US dollars to one million US dollars a week in a location such as Trinidad and Tobago. There have been a number of productions that have taken place in Trinidad and Tobago that have demonstrated the large sums of money that can be created by a viable film industry. On one of the last major film productions filmed in Trinidad, called “Shells”, 64 permanent staff members were used over an on-location production period of 3 months. Also 15 people, carpenters and other skilled tradesmen, were hired on a weekly/short-term basis. On a previous project by the same producer, 78 people were employed for its entire duration, and approximately 20 short-term employees.

Through tracking of these and similar projects done over the past year, it is possible to make projections of the impact of a single feature film produced completely or partly on location in Trinidad and Tobago. The 2001 feature film "The Mystic Masseur", which was filmed in Trinidad and Tobago over a period of six weeks, is the most recent example of the economic and other related benefits that this country can obtain from a vibrant film sector. Over 100 persons were employed and the production had a significant impact on many other levels of the economy from hospitality and restaurant industries to retailers and other business and crafts people. It is estimated that over \$1 million was spent in Trinidad and Tobago during the production period. As a result of such a prestigious production, Trinidad and Tobago will also be mentioned in a number of international publications thus enhancing this country's profile as a prime location for tourism and investment, as well as for future film productions.

For an international comparison, in Washington State, U.S.A. for example, it is estimated that location use in a single feature film production can create an economic impact of \$1 million to \$6 million into a community and approximately 300 - 1000 freelance cast and crew jobs. Television movies generate an average of \$750,000 in revenue. For example, with an annual budget of \$216,000 US, the Washington State Film Office realizes a 100 to 1 return on the state's dollar.

The 1997 US Census Bureau for Florida showed that 2,226 persons were employed directly in film and video production with a payroll of \$115,464,000 while 2,579 were employed in allied services with a payroll of \$67,456,000. There were 409 establishments directly involved in film and video productions, 293 in allied services.

**Revenue generated from Location Filming in Florida as reported by Local Film Offices**

<b>Area</b>	<b>1998 Revenue \$</b>	<b>1999 Revenue \$</b>
Vlousia County	2,900,000	2,500,000
Collier County, Naples	N/A	N/A
Duval County, Jacksonville	64,000,000	65,000,000
Broward County, Ft. Lauderdale	13,300,000	12,700,000
Sarasota	540,000	625,000
Okaloosa and Walton Counties, Ft. Walton Beach	4,100,000	9,300,000
Manatee County, Bradenton	N/A	N/A
Hillsborough County, Tampa	46,200,000	48,700,000
Polk County, Bartow	20,000,000	20,000,000
Marion County, Ocala	500,000	N/A
St. Lucie County, Port St. Lucie	150,000	1,500,000
Highlands County, Sebring	Unknown	Unknown
Pinellas County, St. Petersburg/Clearwater	N/A	N/A
Santa Rosa county, Milton	N/A	N/A
Dade County, Miami	185,000,000	212,000,000
Leon County, Tallahassee	not tracked	not tracked
Monroe County, Keys	N/A	N/A
Metro Orlando	373,527,518	374,758,074
Pasco County, New Port Ritchie	Unknown	Unknown

The Trinidad and Tobago film and video industry is still very small in comparison with other countries. In 1996 Keith Nurse and Leslie-Ann Edwards estimated that revenues for the local film and video industry were \$28 million TT and the foreign exchange earnings would be \$2.8 million. However, from the preceding foreign case studies it is apparent that if Trinidad and Tobago were to be successful in establishing itself as a premier international location for film production, the potential benefit/cost ratio is enormous.

**CONCLUSION**

The local film sector has the potential to be a significant force in the local economy. This however will not be possible without the committed assistance of the Government of Trinidad and Tobago and this has so far been the difference between Trinidad and Tobago's success at developing a proper film sector and the efforts observed in other Caribbean Countries such as Jamaica and the Bahamas. In Jamaica, the Government has committed itself to the nurturing and fostering of the national film industry. The unwavering support of the Government for these ventures has also led to the continuous improvement of their infrastructure. In Trinidad and

Tobago, the Government must take similar measures in order to establish this country as a premier location for local and international film production.

## **APPENDIX 2: List of production companies and production support services in Trinidad and Tobago**

### **Production Companies**

#### **1. Advance Dynamics**

6 French Street  
Woodbrook  
Port of Spain  
1 868 625-0212 (T)  
1 868 625 4774 (F)  
1 868 683 6248 (Barry) 1 868 685 2385 (Camille)  
[adynamic@tstt.net.tt](mailto:adynamic@tstt.net.tt)  
[bmccomie@tstt.net.tt](mailto:bmccomie@tstt.net.tt)  
cparsons@trinidad.net  
<http://www.advancedynamics.com>  
Contact: Barry Mc Comie & Camille Parsons

#### **2. Banyan Productions**

3 Adam Smith Square  
Woodbrook  
1 868 623 9756 (T)  
1 868 627 6808 (F)  
1 868 681 0175 (M)  
1 868 628 4604 (H)  
[banyan@pancaribbean.com](mailto:banyan@pancaribbean.com)  
website: [www.pancaribbean.com/banyan](http://www.pancaribbean.com/banyan)  
Contact: Christopher Laird

#### **3. Gayelle The Channel**

161 Western Main Road  
St. James  
1-868-628-6340 (T)  
1-868-622-4601 (F)  
[laird@gayelletv.com](mailto:laird@gayelletv.com)  
Website: [www.gayelletv.com](http://www.gayelletv.com)  
Contact: Christopher Laird

#### **4. CCN Six Point Productions**

Express House  
35 Independence Square  
Port of Spain  
1-868-627-8806 Ext. 4590 (T)  
1-868-623-0785 (F)  
[jsolomon@trinidadexpress.com](mailto:jsolomon@trinidadexpress.com)  
Contact Jackie Solomon

#### **5. Earth TV Ltd.**

27 Stanmore Avenue  
Port of Spain  
1 868 623 9669 / 627-9729 (T)  
1 868 627-7202 (F)  
1 868 683-9385  
1-868-680-6965 Danielle  
[danie@trinidad.net](mailto:danie@trinidad.net)  
Website: [www.westwoodpark-etv.com](http://www.westwoodpark-etv.com)  
Contact: Danielle Dieffenthaler

#### **6. JCD & Associates Limited Television Production & Marketing Services**

28 Sunset Drive  
Bayshore  
1 868 637 3691 (T)  
1-868-632-5668 studio  
1-868-633-4337 (F)  
[jcd@wow.net](mailto:jcd@wow.net)  
Website: [www.jcdassociates.com](http://www.jcdassociates.com)  
Contact: Judy Chong Dennison, Anthony Dennison, Dion Boucaud

#### **7. Pearl & Dean (Caribbean) Ltd**

3 Alfredo Street  
Woodbrook  
1 868 623 1906 (T)  
1 868 623 4781 (F)  
1 868 620 -7721 (M)  
[pdcarib@trinidad.net](mailto:pdcarib@trinidad.net)  
Contact: Alex de Verteuil

**8. Stefan Jones Productions Ltd**

19 Stanmore Avenue  
Port of Spain  
1 868 625 7762 (T)  
1 868 627 7629 (F)  
1-868-769-7587 (M)  
stefanjprodltd@hotmail.com  
Contact: Stefan Jones

**9. Video Associates – A Film and  
Television Production Company**

76 Tragarete Road  
Port of Spain  
1 868 622 3541 (T)  
1 868 622 3097 (F)  
vafilms@tsst.net.tt  
Website: www.vafilmstnt.com  
Contact: Anthony Maharaj

**10. Visual Art & Production Limited**

1 Taylor Street  
Woodbrook  
1 868 628 2629 / 6521 (T)  
1 868 627 8530 (H)  
timmymora@hotmail.com  
Website: www.visualart-tt.com  
Contact: Timmy Mora

**11. Media 21**

62 Maraval Road,  
Newtown  
1-868-622-6774  
1-868-628-8637  
1-868-628-7353 (F)  
1-868-680-6760 (M)  
E-mail: media21@wow.net  
Contact: Tim Nafziger

## Production Support Services

### 1. All Sport Promotions

9 Long Circular Road  
St. James  
1 868 628 9964/ 3760/ 5644 (T)  
1 868 622 2756 (F)  
[production2020@tstt.net.t](mailto:production2020@tstt.net.t)  
Contact: Anthony Harford

### 2. Animaecaribe

Full Circle Studios  
2 Abercromby Street  
St. Joseph  
1-868-696-2288 (T)  
1-868-662-7767 (H)  
1-868-760-0266 (M)  
[cabrahams@animaecaribe.com](mailto:cabrahams@animaecaribe.com)  
Website: [www.animaecaribe.com](http://www.animaecaribe.com)  
Contact: Mrs. Camille Selvon-Abraham

### 3. Asha Lovelace

21 Knightsbridge Road  
Cascade  
1 868 621 3202 (H)  
1 868 683 6237 (M)  
[ashalv@yahoo.com](mailto:ashalv@yahoo.com)  
Contact – Asha Lovelace

### 4. Bruce Paddington

1 Stephens Road  
Maraval  
1 868 628 8539 (T)  
1 868 628 8539 (F)  
1 868 620 9141 (M)  
[paddington@opus.co.tt](mailto:paddington@opus.co.tt)  
Contact: Bruce Paddington

### 5. Black Ice Studios

71 Saddle Road  
Maraval  
1 868 622 1388 (T)  
1 868 622 1388 (F)  
1 868 684 6946 (M)  
[blackice@tstt.net.tt](mailto:blackice@tstt.net.tt)  
[sptompson@ureach.com](mailto:sptompson@ureach.com)  
Contact: Stacey Thompson, Nigel Thompson

### 6. Creation Station

P.O. Box 1620  
92A Wrightson Road  
Port of Spain  
1-868-633-7089 (T)  
1 868 750-4359 (M)  
[creation@tstt.net.tt](mailto:creation@tstt.net.tt)  
Contact: Tessa & Colin Hughes, Mark Thorne

### 7. Cherise D'Abadie

80 Appleblossom Avenue  
Petit Valley  
1 868 633-4822 (T)  
1 868 681-7947 (M)  
[cherise@wow.net](mailto:cherise@wow.net)  
Contact: Cherise D'Abadie

### 8. Cliff & Liz Seedansingh

6 Bergerac Road  
Maraval  
1 868 622 5934 (T)  
1-868-684-4453 (M)  
[cliffseedansingh@hotmail.com](mailto:cliffseedansingh@hotmail.com)  
Contacts: Cliff & Liz Seedansingh

**9. Digital Max Studios**

19 Stanmore Avenue  
Newtown  
Port of Spain  
1-868-625-9959 (T)  
1-868-627-9062 (F)  
1-868-734-0095 (M)  
[shast@tstt.net.tt](mailto:shast@tstt.net.tt)  
Contact: Ronald Ali

**10. Digital Video Studios**

20 Bengal Street  
St. James  
1 868 628 7731/ 622 1780 (T)  
1 868 685 4750 (M)  
1 868 622 1780 (F)  
[ddow@trinidad.net](mailto:ddow@trinidad.net)  
Contact: Jacqueline Dow

**11. Francis Escayg**

40 Warren Street  
Woodbrook (Mike Mendez)  
1 868 622 2757 (T)  
1 868 624-4469 (F)  
[fssky@hotmail.com](mailto:fssky@hotmail.com)  
Contact: Francis Escayg

**12. Flim Works**

101 Long Circular Road,  
St. James  
1 868 633 9163 (W)  
1 868 683 0559 (M)  
[dcherrie@hotmail.com](mailto:dcherrie@hotmail.com)  
Contacts: Deborah Maillard

**13. FosProductions Ltd**

1 Taylor Street  
Woodbrook  
1-868-622-6521 (T)  
1 868 622-4024 (F)  
1-868-637-1755 (H)  
1-868-681-1389 (M)  
[fosproductions@visualart-tt.com](mailto:fosproductions@visualart-tt.com)  
Contact: Robin Foster

**14. Georgia Popplewell**

Tangerine Ltd.  
2B Alexandra Street  
St. Clair  
1 868 622 5544 (T)  
1-868-622-3060 (F)  
1-868-681-6103 (M)  
[georgia@tangerinepublishing.com](mailto:georgia@tangerinepublishing.com)  
Website: [www.tangerinepublishing.com](http://www.tangerinepublishing.com)  
Contact: Georgia Popplewell

**15. Harambe Video Productions**

# 27 Jerningham Avenue  
Belmont  
1 868 684 6480/ 752-1412 (M)  
1 868 675 5613 (H)  
[nadella@tstt.net.tt](mailto:nadella@tstt.net.tt)  
Contacts: Nadella Benjamin or Jason Riley

**16. Heritage Communications Ltd**

34 Parima Road  
Valsayn Park, South.  
1 868 645-8104 (T)  
1 868 645-8104 (F)  
1-868-680-8563 (M)  
[hanstrvl@hotmail.com](mailto:hanstrvl@hotmail.com)  
[hanoo@opus.co.tt](mailto:hanoo@opus.co.tt)  
Contacts: Hans Hanoomansingh, or Peter Hanoomansingh

**17. Janine Mendes- Franco**

The New Cheeze  
P.O. Box 5184  
Tragarete Road,  
Port of Spain  
1 868 633 9142 (T)  
1 868 633 9142 (F)  
1 868 681 7948 (M)  
[j9@newcheeze.com](mailto:j9@newcheeze.com)  
Website: [www.newcheeze.com](http://www.newcheeze.com)  
Contact: Janine Mendes-Franco

**18. Kirk Perreira**

Little Fire Pictures  
Bissessar Complex  
Spring Village,  
Valsayn South  
1-868 674 1692 (T)  
1-868-674-3228 (F)  
1 868 750 7092 (M)  
[the\\_cortez@hotmail.com](mailto:the_cortez@hotmail.com)  
Contact: Kirk Perreira

**19. Mariel Brown**

Savant  
P.O. Bag 153  
St. James Post Office  
Western Main Road  
St. James  
1 868 627 9230 (H)  
1 868 796 4118 (M)  
[mariel@wow.net](mailto:mariel@wow.net)  
Contact: Mariel Brown

**20. Masque Productions**

#4 Beaumont House  
Lady Chancellor  
Port of Spain  
1 868 622 2373 (T)  
1 868 627 4480 (Fax)  
[annabelleove@yahoo.com](mailto:annabelleove@yahoo.com)  
Contacts: Horace Ove, Annabelle Alcazar  
Ove

**21. Omari Jackson**

2 Moore Avenue  
St. Anns  
1-868-621-2794 (H)  
1-868-683-5799 (M)  
[omarij@hotmail.com](mailto:omarij@hotmail.com)  
Contact: Omari Jackson

**22. Peter C. Lewis**

Synergy Entertainment Network Ltd.  
39 Gordon Street  
Port of Spain  
1-868-623-0143 (T)  
1-868-624-1316 (F)  
1-868-797-9159 (M)  
[peterc@synergytv.com](mailto:peterc@synergytv.com)  
Website: [www.synergytv.com](http://www.synergytv.com)  
Contact: Peter C. Lewis

**23. Question Mark Entertainment**

49 Rosalino Street,  
Woodbrook  
1-868-622-1202 (T)  
1-868-628-4266 (F)  
[qmeld@tstt.net.tt](mailto:qmeld@tstt.net.tt)  
Contacts: Mark Baptiste & Carolyn Pasea

**24. Riddums Productions**

199 Belmont Circular Road  
Belmont  
1-868-621-0539 (T)  
1-868-621-1078 (F)  
1-868-625-8069 (H)  
1-868-678-4303 (M)  
[loc@virtualriddums.com](mailto:loc@virtualriddums.com)  
Website: [www.virtualriddums.com](http://www.virtualriddums.com)  
Contacts: Lorraine O'Connor or Rosemary  
Hezekiah

**25. Ringbellion MultiMedia Works**

5 Gulf View Drive  
Glencoe  
1 868 637 7059 (T)  
1-868-797-0949 cell  
[rubadiri@yahoo.com](mailto:rubadiri@yahoo.com)  
Website: [www.passionfruit.itrini.com](http://www.passionfruit.itrini.com)  
Contact: Rubadiri Victor

**26. Robert Yao Ramesar**

23 Sheriff Street  
Tunapuna  
1 868 675 1389 / 662-4317 (T)  
1-868-675-1389 (F)  
[yaovizion@hotmail.com](mailto:yaovizion@hotmail.com)  
Website: [www: caribbeing.netfirms.com](http://www.caribbeing.netfirms.com)  
Contact: Yao Ramesar

**27. SASI Productions**

P.O. Box 301  
Port of Spain  
1 868 628-5510 / 622 6969 (T)  
1 868 622 7288 (F)  
1-868-681-5456 (M)  
[sasiproductions@cablenett.net](mailto:sasiproductions@cablenett.net)  
Website: <http://www.sasiproductions.com>  
Contact: Simone Camps

**28. Skene Howie/Caribbean Crews**

P.O. Box 163  
Scarborough  
Tobago  
Pentland Trace  
Plymouth  
1 868 680 3003 (M)  
1-868-639-4353 (F)  
[skene@tstt.net.tt](mailto:skene@tstt.net.tt)  
Contact: Skene Howie

**29. Smith & Smith Productions**

2A Alexandra Street  
St. Clair  
Port of Spain  
1 868 622 1535 (T)  
1 868 622 7805 (F)  
1 868 625 2986 (H)  
1 868 678 4254 (M)  
[alijoy2@hotmail.com](mailto:alijoy2@hotmail.com)  
[smithx2p@wow.net](mailto:smithx2p@wow.net)  
Website: [www.smith2productions.com](http://www.smith2productions.com)  
Contact: Alison Smith

**30. Star Sound Studio/Cave**

142 Belmont Circular Road  
Belmont  
1-868 623 2283 (T)  
1-868 627 9944 (F)  
1-868-791-3035 (M)  
[stars@wow.net](mailto:stars@wow.net)  
[www.cavecaribbean.com](http://www.cavecaribbean.com)  
Contact: Mark Fojo

**31. Studio Film Club**

Contact: Ché Lovelace  
[studiofilm@wow.net](mailto:studiofilm@wow.net)

**32. Tony Hall**

1 868 639 7643 (H)  
1 868 681-7475 (M)  
[lordstreet@yahoo.com](mailto:lordstreet@yahoo.com)  
Contact: Tony Hall

**33. Osprey World Media Entertainment  
Inc**

Osprey Media Investment Group  
Power 2 Pass Productions  
60-65 Independence Square  
Port of Spain  
[omig@moomia.com](mailto:omig@moomia.com)  
1-868-750-1244 / 793-3486 (M)  
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## **APPENDIX 3: Report on visit to Jamaica.**

**Subject:** The Development of the Jamaican film and television industry.

**Dates:** August - 1 September 2004.

### **Background:**

Bruce Paddington interviewed a number of key persons in the Jamaican film, and television industry. They were asked to describe the existing environment and to provide recommendations for the development of the industry.

### **Mary Wells**

Independent producer

### **Existing situation:**

Jampro-

- facilitates foreign productions
- Enables companies to bring in equipment free of custom duties
- Charges a permit fee to assist productions
- Markets Jamaica as a location at international meetings of film commissioners and at other film events
- Assisted local director Chris Browne with visit to Cannes to obtain funding
- Does little to assist local producers (main work goes to local production managers Natalie Thompson, Maxine Walters and Sarah Manley who provide local facilities and organize locations for overseas production)
- CHASE Fund (Culture, Health, Arts, Sports and Education) set up with lottery fund to assist local projects by individuals and NGOs. Film projects adjudicated once a year and money must be spent in a year. Film proposals have been successful and a local producer was awarded US \$25,000 out of a US\$400,000 budget for her proposed film – the money to be used to transfer video to 35mm. The producer has to raise the rest of the money.

### **Recommendations:**

- Jampro should establish their own fund and source international funds/deals to assist local filmmakers.
- They should hire a professional film development officer/producer to source funding and assist in distribution.
- TV stations have to do more to support local programming. They have invested heavily in equipment and facilities but not in local programming or in sourcing local/regional funds. Most local programming copies foreign productions i.e. TVJ brought in an Irish producer to create a Jamaican version of a British talent show. However, there is some interesting programming produced by some of the cable channels – reggae entertainment emphasis and some programs by the state owned Creative Production and Training Centre (CPTC).

## **Claude Robinson**

Lecturer at the University of the West Indies, Mona, School of Business

### **Existing situation:**

The current Caribbean model for getting programs on the air is via commercial sponsorship or foundation advertising (which is a softer method of approach from the first mentioned). Local newscasts bring in 70% of a station's revenue and this is so because businesses want not only goodwill when spending their advertising money, but an increase in their customer base which it is perceived, news brings. The model of grant giving such as what supports NPR, does not exist in the Caribbean.

It is necessary to develop a new model: find out what businesses will sponsor and product rather than approach with a product for sponsorship, show ways in which their product can be multiplied i.e. via the internet, CD Rom, interaction versions.

There is no local comparison to the newly established cultural and art fund in TT as the Minister of Finance has expressed concerns that the loopholes in such a fund will be exploited and not have the well meaning effect in the right areas. That is to say, he thinks that businesses will make claims of supporting culture and art that are bogus thus leaving the government to incur even a greater loss of revenue that it already has to deal with.

In many cases when sponsorship is secured, content is so tied to product that the program is limited in its ability to travel, that is, to be broadcast to an audience other than the original intended, in a place where that product is not in the market place. Grace as a sponsor to culinary programs is an example of this in Jamaica.

Another method of gaining sponsorship for locally produced programming is by making the content consumer driven. For example, the recent Rising Stars series incorporated the public's use of a Digicel cell phone only for voting for a most liked performer.

### **Recommendations:**

- The government needs to sort out the issues around giving businesses an incentive for helping fund productions. Part of the problem it seems, is that this is viewed separately from education, media and cultural development.
- CPTC is capable to do more and should be encouraged. Government needs to: (1) ensure that resources are allocated that would allow for the production of fresh content everyday (2) build new relationships to ensure distribution (3) that broadcasting their programming is mandatory. CPTC should be developed as a national station though this has been previously opposed as a newsroom in such a state supported environment maybe expected to tow a government/party agenda.
- Production levels can only be increased by some kind of alignment with the big cable providers in the industry such as a Time Warner. This would extend the market to the Diaspora, which is what is needed to make local programming more cost effective. The production of programs that are tied to culture, entertainment, tourism education and distance learning is therefore necessary.

- The CHASE fund derived from part of lotto revenue is the only currently existing support for too many things (Culture, Health, Arts, Sports and Education). Getting cable operators to pay into a production fund is theoretically present, but the regulation and collection mechanisms are not functional.
- Other things that can be done are: (1) to hire a film & video distributor/ marketer (2) train people in scriptwriting for the medium so that good already existing material can be transformed (3) encourage made for television movies as do Ghana, Nigeria and even Haiti do now.

## **Yvette Rowe**

Television lecturer at the Caribbean Mass Communications Centre, (CARIMAC) University of the West Indies, Mona.

### **Recommendations:**

- Promote local producers by giving exemptions at customs for film equipment
- Establish co-productions extra regionally
- Market to the Diaspora
- Jampro should be more focused on selling products rather than environment
- Stipulate that foreign productions use local crews to a greater extent than they do now
- Jampro to re-focus on looking for partners for co-production agreements and creating professional networks across the region and internationally.

## **Franklyn St Juste**

Television lecturer at CARIMAC

### **Existing situation**

- Lack of funding for productions
- No markets (US\$100 for a locally produced half hour and US\$50 in St Lucia when it cost US\$1000 to buy airtime on TVJ – not counting the production costs)
- Writing and good sound on productions are the region's main problem areas
- Lack of stories with depth and variety not just based music and stereotypical island images i.e. Third World Cop, Children and Babylon and Dancehall Queen
- Film Industry set up as a short-term earner of foreign exchange and it still principally operates like that though local skills are being used, this is not enough to help it to grow.

### **Recommendations:**

- Establish/mandate (by legislation) cinemas to show local productions (that may help to counteract the effects of cable on the badly affected cinema circuit regionally)
- A fund needs to be established that will assist in the production of not necessarily feature length film and video, but shorts with dramatic content. The region has to build a track record in production and this maybe a better place to start than with feature length productions.
- Government can also assist the local industry by buying into local production but not by more than 25%

- More training is needed for all filmmakers at all levels. Priority should be given to directing, scriptwriting, cinematography and production management

## **Marcia Forbes**

PhD candidate, UWI, Mona, Communications

### **Existing environment:**

The approach by the younger generation of producers of content for television is somewhat different from the older generation. First of all they are on cable and though advertising is illegal they are selling their content but through event sponsorship and product placement. The partnerships with corporate entities are therefore consumer driven rather than advertising.

### **Recommendations:**

Jampro should

- Showcase Jamaican as a place for good products overall
- Find markets
- Assist in establishing a distribution system
- Invest in training that would help in bring the technical quality of local productions up to international standards
- Assist in locating seed money for projects

## **Del Crooks**

Film Commissioner

### **The existing environment:**

Jampro is supported by the Ministry of Development (that monitors their policy, marketing and promotion functions) and by the Ministry of Tourism (that covers their Entertainment Advisory Board involvements).

Their budget in 1998 was JA\$32 M and for 2004 it is JA\$7 M. They are operating with a staff of two and half persons (a secretary is shared with another office at their location) down from 5.

For the period April 2003 – March 2004 Jampro had a target of attracting \$400 M worth of goods and services coming into the country for productions. At the end of the period, that figure was \$895 M. 1400 people had found employment during that time also. This information is captured through licence application form that productions are required to fill out.

Jampro advertises the country and its industry services in the following international publications selectively:

Hollywood Reporter

Production Update and Locations Magazine

Kemps

AFCI – Association of Film Commissioners International

Attractions such as a strong dollar, crew base, work permit exemptions are mentioned in these ads. This part year they have invested in a comprehensive website (filmjamaica.com) but still do

directing mailing of their brochure which is accompanied by a cover letter to regions in the US and the UK.

Foreign productions are tax exempt either by a waiver of duty that they get on things they bring in and are left here or a waiver of bond for those things that are re-exported (such as equipment) and a GCT rebate on items purchased locally that attract that tax. In the case of that latter, they have to file for the rebate and that a refund can take up to a year though it is generally less. For getting the waiver of bond, Jampro has stipulated that a local customs broker be employed and fees for services provided be calculated according to a sliding scale based on the budget of the production. Jampro actively does the following:

- (1) Encourage the rental of equipment locally (rental houses and equipment lists are available on their website or are hyper-linked to places they can be found). There is a tendency for magazine crews to rent local crews, but for movie shoots to bring in their crews to preserve continuity.
- (2) Stipulate that a local production manager/coordinator be employed for larger production units

Local crews are also encouraged to pay for a one-time permit – US\$ 200 (to be moved to a sliding scale) which would cover any assistance with the production. In some cases fees are waived or exchanged in production. Part of the reason for having local productions apply for a permit is so that they can be tracked and thus a more accurate picture of the industry be had. There is also a waiver of duty on film stock and interns are assigned to the productions.

Local producers are not happy with the situation because they see location shooting as fickle and temperamental and that the foreign location shoots are afforded better treatment and facilities than they are. They want Jampro to be a source of film funding; to interest companies in partnering with local productions (possibly through the NIBJ) not just for goodwill but as an investment opportunity. They want Jampro to assist in private companies being investors who get up front benefits from investing with them rather than at the end of a production (which is not as attractive for the investor).

Jampro assisted in the identification of markets for local producers by coordinating a group to go to MIPCOM (October) and MIDEM (March) which is in France. It is thought that some among the eight production companies represented, had follow-up business (nothing was officially reported) and that a delegation maybe again going on their own this time. The group was armed with a DVD (show-reel) and brochure featuring products from all eight production houses.

Jampro has also put on a workshop with Little X a music video producer, co-sponsored/partnered with the producers of the industry's Dr Bird Awards and assisted CPTC with the staging of a conference.

Generally they would:

- (1) assist a 'recognized motion picture producer' with equipment importation, which, as long as it relates to a production, will be duty free (this also extends to a utility vehicle but not a car). Productions covered by this are: feature films, television productions, documentary and docudrama productions. This duty free concession does not apply to commercial and corporate video productions. For location shoots this applies as it

pertains to feature film, documentary, still picture shoots, television series, music video and commercial shoots. Local beneficiaries so far have been RETV, Cinecom, Media Mix, Frame by Frame and Phase Three.

- (2) Have assisted with the implementation of a nine year tax break (which allows local producers to pay no taxes on profits derived from their businesses)
- (3) Make three or four board room presentations a year to film companies looking for a location that Jamaica can possibly fit (these come referred or found by an agent who looks out for these meetings and opportunities).
- (4) Twice a year, host producers in the island to showcase the location  
Competition with other locations even within the region is stiff. Atlantis the hotel in the Bahamas gave up US\$ 1.5M worth of rooms in order to secure a film production with a budget of US\$ 12M comes to the island (Beyond the Sunset). The spin-offs of this is looking good internationally and attracting tourists.

A Production Fund by way of co-production treaties is in train with Canada and the UK. This is taking some time but a totally local one in the interim is not a consideration. In the meantime Jampro is also working with the Tourist Board's NY office to try to facilitate new projects.

## **Lenny Little-White**

Managing Director, Media Mix

### **Existing environment:**

The Motion Picture Encouragement Act (1948) was set up to attract and encourage the Hollywood film industry to come to Jamaica as a location for their productions. It was not set up to encourage indigenous filmmaking though the production of the internationally successful *The Harder They Come* (1973/74) proved that it was possible.

Still and in spite of this, little has been done to really aid the industry in its quest to move forward. Lobbying for amendments to the Act has been stalemated mainly because musicians (a group numbering thousands who are not well organized) want to gain access to the same benefits as local film and video producers have proposed through an amendment of the 1948 Act.

### **Recommendations:**

- Local producers are seeking major amendments to the Act to enable the industry attract funding: Investors should be allowed to access a tax break for supporting a production at the time of their investment rather than not at all or at the end of the production (through a return on their private investment).
- The adoption of the Canadian system that allows tax write offs for companies that support of the local production. This system works on the principle of the production accumulating points that tells the approached financier that this is an investment that will allow for a tax break.
- Lessons learnt from MIPCOM:

- (1) The overseas markets are not so interested in local sitcoms as they are in specifically regional productions, such as on our athletes, religious minorities and difference, race and culture.
- (2) That the five-minute format (as a series) is easier to sell because of the style of programming in many regions (maybe besides the US). Taking time to investigate this and other kinds of market peculiarities that would help shape local productions is something that is not done and therefore makes the local product hard to sell. Shorter productions save on voice over costs that have to be covered in foreign language markets. Also, local producers have to be aware that a B track for dubbing is a necessity depending on the market they are going after.
- (3) An agent in the foreign market place or with access to them, representing the local producers is a necessity.
- (4) Training is also needed as the pool of possible experienced crew and resources is diminishing.

Natalie Thompson  
 Managing director, Cinecom

**Recommendations:**

- Making locally produced programming easier to circulate within the Caribbean region
- Co-production treaties (with Canada)
- Funding maybe through the NIBJ that would allow for investors to be the last in and first out in terms of when they put in their monies and when they get a return on the investment. First money in such as case should come from co-production agreements that are then supplemented by those investors.
- The small film as a way we sell ourselves should be developed as a medium
- More training is needed for all people already working in and for those entering the industry.
- More going to market to sell the product or script or treatment is needed  
 Getting cable time on other stations is not feasible
- Produce things in formats specific audiences want to see
- Get a marketing person to sell the material abroad

**Hopeton Dunn**

Chairman and manager CPTV

**The existing environment:**

CPTV's local content channel runs on 25 (out of 47) cable channels over the 14 parishes of Jamaica. It runs on a four-hour loop. They have a wealth of archival material and re-purposing content is a method being explored for reuse of footage and material. They work with other governmental agencies and independent producers to supply content for themselves or for other stations. CTV Live is aired once a week. There is a good possibility that the station will expand its capacity to providing services for the film industry.

**Recommendations:**

- Stronger scripts needed, and this brings up the need for more training in practical areas such as sound, script writing, directing and lighting.
- Co-production agreements as the way to secure funding – i.e. partnering with South Africa where advanced facilities and skills are available.

Pitfall: no collaborative efforts with Cuba that is rich in all kinds of resources. Areas for improvement: writing film proposals, making alliances and persuading investors  
Motion picture development act needs updating

## **APPENDIX 4: Response of the Film Industry Team to the National Policy on Broadcasting and the Broadcasting Industry**

### **The Broadcasting Sector in Trinidad and Tobago**

The broadcasting sector traditionally plays a significant role in the development of a successful local film industry. Internationally most producers receive a significant part of their budget from license fees from their national broadcasters. This is not the situation in Trinidad and Tobago where the local broadcasters pay very little for local programmes. A national broadcasting policy thus offers the opportunity for the Government to introduce a range of guidelines, regulations and incentives to encourage the local broadcasters to show broadcast a greater percentage of local programmes and pay license fees that meet international rates.

The Government of Trinidad and Tobago has approved a National Policy on Broadcast and the Broadcasting Industry. In its policy document it stated: “The Government intends to continuously review this Policy and make the necessary adjustments and modifications to it so as to keep the industry in step with developments both at home and abroad.” The dynamic nature of the industry makes a continuous review of the policy vitally essential. However, there are concerns about the frequency of the review, the mechanism for this continuous review and the composition of the review team. It is proposed that initially reviews be conducted annually and that they provide opportunity for contributions from all interest groups. For the policy review to be effective, it is important that the process is transparent.

In this discussion the term “broadcasting Industry” is used to include television broadcasting and motion picture, film, television and digital entertainment media production; “creative industries” are identified as the recording industry, music and theatre production, the motion picture industry, music publishing, book, journal and newspaper publishing, the computer software industry, photography, commercial art, and the radio and television and cable broadcasting industries while “local” refers to CARICOM countries.

### **Introduction**

In formulating its broadcasting policy, Trinidad and Tobago ought to be conscious that it is part of a Caribbean Community and its policy should be in the best interest of itself and the Community. Trinidad and Tobago and CARICOM would be well served if a pattern were taken from the European Union (EU) which has taken strong measures to ensure that European Union nations broadcast a major proportion of European Union produced material (51%) and show a majority of their own films in their cinemas (60%).

“Television Without Frontiers”, the EU Directive, requires that EU member-states “ensure wherever practicable and by appropriate means that broadcasters reserve for European works the majority proportion of their transmission time, excluding the time appointed for news, sports events, games, advertising and teletext services”. The directive included all EU countries, requiring each country to implement quotas for European-made audio-visual programming. Of

all the EU member-states, France implemented the most aggressive quota system to fend off what has been termed “American cultural imperialism”. France is so committed to creating and promoting indigenous cultural products that French law requires that television channels invest 15% of their turnover in the production of “original French works”.

CARICOM nations must seek to extricate themselves from the cultural slavery into which America has imprisoned them. Firm collective measures are needed to achieve freedom from this cultural slavery. The concern was expressed that this cultural invasion by the US programs could be followed by the influx of what was called “problems gripping American society”, such as the proliferation of handguns American gang warfare. Trinidad is witnessing an upsurge in the mirroring of this adverse American behavior due to a large extent to this American cultural invasion.

Cultural products are not just a source of entertainment but a powerful personality-molding instrument. Cultural products and services – films, TV programs, books, music, etc. – in addition to offering entertainment, are ideological items, which embody social values and messages, and consequently influence the organization of entire social systems. For this reason, borderless information and the entertainment media are increasingly being viewed not as positive forces for integration, but as divisive mechanisms, which threaten national and cultural sovereignty.

Trinidad and Tobago and CARICOM should align themselves with the stance taken by the European Union to put mechanisms in place to reduce the harmful effects of the American cultural invasion by reducing the amount of that material displayed in the EU and increasing the percentage of its own.

French President Jacques Chirac strongly supports restrictions within the entertainment industry because as he puts it, he does not want to see “European culture sterilized or obliterated by American Culture for economic reasons that have nothing to do with real culture.”

Europeans and especially the French say, “A legitimate desire to preserve national and regional identities should not be confused with protectionism. Creating a more level playing ground within the film industry worldwide is a goal France is working toward. Trinidad and Tobago should be also working toward this goal.

EU officials claim that quotas and trade limitations set forth by policies like the “Television Without Frontiers” directive are not intended to keep American productions out of Europe as American entertainment executives claim. They say that the goal is to liberalize trade, not restrain it; to enhance business opportunities for all broadcasting companies selling in Europe.

A vibrant motion picture, television and digital media production industry can make significant contribution to the economic as well as cultural development of the nation. It can provide meaningful employment and assist in crime reduction. The United Nations Conference on Trade and Development (UNCTAD) (June 2004) notes that “the creative industries” and the motion picture, television and digital media production industry is one of these, “are fast becoming powerful engines driving economic growth. In broad terms the quality and quantity of a

country's "human capital" set the parameters for success. However creativity is increasingly being recognized as a key strategic asset driving economic growth as well as determining successful integration into a rapidly changing global economy."

Trinidad and Tobago cannot afford to bypass the opportunity to claim its share of this industry rich in economic, employment and creative opportunity. Since broadcasting and the motion picture and video production industries are major sectors of this industry, the "National Policy on Broadcast and the Broadcasting Industry" will determine whether Trinidad and Tobago is able to take full advantage of the opportunities offered by this industry.

The national broadcasting policy is of critical importance to the development of a vibrant television broadcasting and motion picture and television production industry. It contains several issues that need to be reviewed and some amendments and modifications are recommended.

### **Policy Objective**

The overall objective of the policy "is to create the environment for the development of a fully modernized and dynamic broadcasting sector and to ensure that the sector contributes to the economic, social and cultural development of our nation."

The broadcasting, film, video and television industry must play a pivotal role if the nation is to reap the full benefit of the potential offered by the creative industries.

A document prepared for the Eleventh session, United Nation Conference on Trade and Development, Sao Paulo, 13 - 18 June 2004 points out that, "Experience in more developed economies suggests that the main areas requiring policy intervention in this sector are the following:

- Specialized education and training including support for artistic development both in its own right and with an added business dimension;
- Facilitating access to finance (e.g. grants, soft loans);
- Fiscal policy (various types of tax breaks in support of investment and subsidies for less commercially viable segments of the sector, public procurement of creative products);
- Flexible trade policy, especially concerning use of quotas and other local content policies, preferential treatment in international multilateral trade and appropriate exchange rate policies;
- Provision of business support services, particularly for small and medium-size enterprises (SMEs); strengthening of technological infrastructure and technological modernization at the enterprise level."

## Content

The broadcast policy supports and endorses freedom of expression and freedom of the Press and Media, which is guaranteed by the constitution of Trinidad and Tobago. While the Constitution guarantees freedom of the press and media, the Broadcast Policy must not take this to mean that it cannot or must not regulate the media. In fact, a responsible democracy is compelled to do just that. Perjury, libel and obscenity laws are all limits on free speech. In a proper functioning democracy, some individual rights and freedoms are often surrendered for the good of the society. “Freedom” should not be used as a rationale for the state’s abrogation of its responsibility to ensure that the broadcasting industry is exploited in the national interest as a tool for the economic, cultural and social development of Trinidad and Tobago.

The broadcasting industry is a conduit for the transmission of values, social norms and opinions and behaviors. As it is presently configured, our broadcast industry is monopolized by United States content both on national radio, television and cable. This monopoly not only denies the individual the right to a diversity of views, opinions, ideas and ideologies but is endorsing life-styles and promoting behaviors which are at odds with those desirable for this nation’s growth and well being.

The Copyright Organization of Trinidad and Tobago (COTT) reported that an average of 10% of its royalty collections for the period 2001 – 2003 were distributed to local performers, songwriters, composers, lyricists and music publishers. The situation is similar in the television industry where local content is estimated at 14% on the national commercial stations and 20% on the state owned station.

In 1995, an Indian Supreme Court ruled that, “The right of free speech and expression includes the right to receive and impart information. ... Diversity of opinions, views, ideas and ideologies is essential to enable the citizens to arrive at informed judgment on all issues touching them. This cannot be provided by a medium controlled by a monopoly – whether the monopoly is of the State or any other individual, group or organization.”

In the case of Trinidad and Tobago, the issue goes beyond foreign ownership with respect to cable and direct television, but also includes the source of the content on the “locally-owned” stations (TTT and TV6). The almost exclusive sourcing of programming material from one country means that there is an unhealthy foreign program monopoly in this country.

The learned judges went on to state, “We therefore, hold as follows:

- (1) The airwaves or frequencies are a public property. Their use has to be controlled and regulated by a public authority in the interest of the public and to prevent the invasion of their right. Since, the electronic media involves the use of the airwaves, this factor creates an in-built restriction on its use as in the case of any other public property.
- (2) This limitation imposed by the nature of the public property involved in the use of the electronic media is in addition to the restriction imposed on the right to freedom of speech and expression under Article 19 (2) of the Constitution.”

This action by the Indian Supreme Court should be endorsed. As the judgment pointed out, the use of the airwaves must be regulated to prevent invasion of the public's rights. Content legislation will prevent the invasion of the public's right to diversity of views and opinions.

There is no contradiction in the rights guaranteed by the Trinidad and Tobago Constitution to freedom of the press and the media existing alongside responsible government legislation to regulate the broadcast industry.

The national policy document recognizes that it "does not propose to dictate content in broadcasting." The need is not for the Government to dictate content. The Government is not asked to tell the broadcaster what must be broadcasted but rather to encourage the broadcasters to ensure that a significant amount of the broadcast material be obtained from local sources and so bring some balance to the programming.

Since the broadcasters have demonstrated that an acceptable foreign to local program ratio would not be achieved voluntarily, the Government is therefore required to take appropriate action to encourage and make it economically beneficial for the broadcasters to source a significant portion of the broadcast material locally.

## **Quotas**

The national policy document argues against mandatory local content quotas and states: "Much argument has taken place regarding a mandatory percentage for local content in the commercial broadcasting sector. The Government is of the view that it is contrary to both the Country's Constitution and the tenets of free enterprise to legislate content for the broadcast industry." However, responsible action can be taken to ensure that the broadcasting industry conducts its operations in the best interest of the people of Trinidad and Tobago and this is within both the letter and spirit of the Constitution. India, Australia, South Africa and Canada are countries with constitutions similar to ours, and their mandate for local content does not violate their constitution.

These democratic countries have recognized the economic, social and cultural benefits to be gained through the careful management of the broadcast spectrum. They have made the local sourcing of broadcast material a condition for obtaining a broadcast license. (See South Africa Television Content Regulation Notice 2247 on 2002, Australia Broadcasting Authority, Part 5 Australia Quota and Canada, Canadian Radio-television and Telecommunications Commission (CRTC), Television, Broadcast Regulations Subsection 7.)

Canada, France and South Africa, which have free enterprise economies, see no contradiction in having local content regulations. It is noteworthy that in the Australia-United States Free Trade Agreement, Australia is allowed to maintain existing local content requirement in relation to free-to-air commercial TV (55%), subscription TV, radio broadcasting, taxation concessions and the co-production arrangements with other countries. This approach ensures that Australia maintains sufficient freedom to introduce new or additional local content requirements in relation to possible digital multichannelling on free-to-air commercial TV, subscription TV, interactive audio and/or video services.

France's fear of cultural homogenization was legitimized when the European Union pushed for cultural exemption for audio-visual products during the final days of the Uruguay Round. As a result of heavy French lobbying, audio-visuals were excluded from the General Agreement on Tariffs and Trade (GATT) on the grounds of 'cultural exemption'. Because the audio-visual dossier was excised from the agreement, the sector will not be subject to GATT constraints.

It has been pointed out that while the economic and employment-generating potential of these industries is vast, many developing and transition countries are still marginal players. This position reflects a combination of domestic policy weakness and global systemic biases. Trinidad and Tobago must make strong policy decisions in this area.

### **Quality of Local Programmes**

The fear expressed in the national policy document that that local content legislation "could engender complacency and consequential mediocrity" cannot be demonstrated in any of the countries mentioned above, which have adopted this approach. On the contrary, content legislation has been the trigger for the rapid development of this and other creative industries in South Africa, Australia and Canada. Brian Johns, a former Australian Broadcasting Authority regulator said, "We must not underestimate the critical role television content regulation has played in the development of popular, confident Australian culture. It was TV that proved that Australians wanted Australian material. As Australians audiences watched local content on TV, the demand for it also grew in other mediums."

Content legislation has not resulted in the mediocrity expressed as a concern in the document but in excellence, increasing these countries' levels of national consumption of local programming, the development of local production industries and the international export of the resulting cultural products.

The existing situation in Trinidad where of all the Direct TV channels and of the 68 channels offered by cable only 6 are local and in Tobago where the ratio is 3 of 56, is surely not in the best interest of national development. The national broadcast stations only show about 20% local programming thus the country is faced with a diet of over 95% foreign programming. The hegemony of US programs and the repetitious nature of the content are inimical to the creation of a local motion picture and television production industry.

Once the stations broadcast such high percentages of foreign content they give de facto economic advantage to foreign benefactors. Flooding the viewer with such a high percentage of foreign material mainly from one country means that the viewer is exposed to a singular perspective on issues and that our youth are being constantly bombarded with values, codes of behavior and cultural norms, which are at odds with our own. The harmful effects of this foreign influence can be seen in some of the deviant behavior of our youth.

Failure to take action to encourage the broadcast of locally produced programmes and thus reduce the importation of these foreign cultural means that Trinidad and Tobago is providing employment to foreign producers and artists at the expense of nationals. The nation is also

burdened with the high price exacted on the country by the anti social behavior of these delinquent youths.

The Policy is concerned about the possibility of mediocrity in local programming but is silent on the question of substandard programs of questionable merit, social, moral and production values that are imported into Trinidad and Tobago daily.

Economic incentives and initiatives to encourage local broadcasting targets makes good economic, social, moral and cultural sense. Cultural products inform, entertain and contribute to building collective identity, national cohesion and social identity, while influencing cultural practices. Their consumption thus generates a number of important externalities (Dayton-Johnson 2000, Tawas 2002).

Local content consumption forms the base for the development of a vibrant motion picture and television production industry. It fosters the production of material which places emphasis on indigenous social and moral values, counters the harmful effects of foreign values, generates jobs, elevates and broadens the skills base, creates a product for local consumption and sale on the international market realizing foreign exchange. In addition, a valuable by-product of the development of this industry and its export potential is the elevation of the country's image internationally making it a much more sort after tourism destination.

The local broadcast industry utilizes a natural resource owned by the people of Trinidad and Tobago and should be carefully managed in order to serve the widest cross section of the population. Local broadcasting incentives would be the trigger mechanism for the development of the industries downstream of broadcasting since the motion picture and television production industry is similar to the construction industry where activity in the industry positively affects a host of other industries.

The goal can be achieved by embracing a series of strategies including financial assistance through direct funding and/ or subsidy schemes, tax incentives, co-production treaties, education and training and intervention in distribution mechanisms.

Internationally, the popularity of local television content is well documented. The Australian Film Commission has stated that local content has led to an increase in demand for local product and served to strengthen the production industry. Likewise Canadian content regulations have had success in increasing the viewing of Canadian programming.

In Trinidad and Tobago, the regulatory authority should be guided by the Canadian model in the assessing of applications for licenses. In both South Africa and Canada, the local content requirement is one of the conditions for a television license. The South African Television Content Regulation, 2002 amended 2004 states, "A commercial television broadcasting licensee must ensure that after eighteen months of the gazetting of these regulations in the case of an existing holder or such longer period as the Authority may determine, a minimum weekly average of 35% of its programming, measured over the period of a year, consists of South African television content during the South African television performance period." While it is not proposed to introduce mandatory local quotas in Trinidad and Tobago, the Government

should set the overall targets for the commercial and public sector broadcasters and provide the necessary incentives so that they would be encouraged to achieve these targets. Targets should be also be set in each genre viz children, women, drama, current affairs, documentary and educational. It is proposed that a state owned television broadcasting licensee should have a minimum of 60% of its programming measured over a year be local. In complying with this target, a minimum of:

- 35% of its drama should be local;
- 70% of its news and current affairs programming should be local;
- 40% of its documentary programming should be local;
- 50% of its educational programming should be local;
- 50% of its children programming should be local.

For the private sector licensee the target should be that a minimum of 50% of its programming measured over a year be local. In complying with this requirement a minimum of:

- 20% of its drama should be local;
- 60% of its news and current affairs programming should be local;
- 40% of its documentary programming should be local;
- 40% of its educational programming should be local;
- 40% of its children programming should be local.

An incentive package must be put in place to encourage the broadcasters to meet the above targets.

## **Voluntary Quotas**

The national policy proposes, “It will enter into dialogue with the Broadcasting Industry to decide on a voluntarily imposed quota for local content on the television and radio stations of the country. The Government proposes to provide very significant exposure and development for local culture through the development of a Public Broadcasting Service.” These voluntary local broadcasting targets must be facilitated by a range of incentives and initiatives. Fledgling industries such as motion picture and television production in a nascent state require the protection and subsidies from the Government to ensure their development. Structures and facilities must be put in place to support the development, marketing, distribution, promotion, infrastructure and awareness of local films and television programmes.

Attention must also be given to educating, training and developing personnel. The Public Broadcasting Service as proposed in the policy document must be only one aspect of a holistic approach by the Government in its support of the development of the local cultural industries. The goal of voluntary targets can only be achieved within the context of a sustained incentives programme to develop a local film industry. If this is not done, voluntary quotas will fail, as voluntary quotas alone are insufficient to sustain the long-term development of a viable production industry. There are numerous examples where mandatory content regulations have been instrumental in fostering the growth of this industry, but there are no examples of voluntary quotas achieving even as little as 20% local content on commercial channels even when accompanied by direct financial support from the state.

In New Zealand, for example, where voluntary quotas for local programs are in place, the percentages are set as low as 17% on one commercial station. In Canada and Australia mandatory quotas are set at 60% and 55% respectively. Further to this, NZ on Air, the body charged with the responsibility for broadcasting in New Zealand, not only sets the local content targets for the public and commercial broadcasters, but also provides funding for the production of local programs in order for the stations to meet their targets. The mandate of NZ on Air is “to provide funding for an array of New Zealand television programs that would not otherwise be made in a commercial environment.” In 2002/2003 NZ on Air was provided with a budget of just under \$100 million met directly by the state, for it to fund the production of local programs to meet voluntary quotas.

Through quota legislation Canada and Australia were able to achieve a minimum of 55% local content on commercial television stations without direct financial support from the government. In Australia effective 1 January 2003, “Australia programs must be at least 55% of all programming broadcast in a year by a licensee between 6:00 a.m. and midnight that was made without financial assistance from the television production fund.” (Australia Broadcasting Authority). In New Zealand, on the other hand, the state provided direct financial support for the production of the programmes but is still struggling to reach 20% local programming on all stations.

From the New Zealand experience, it is clear that if the government is committed to the employment of voluntary local content quotas then it must be prepared to provide a substantial sum of money and instigate a variety of funding initiatives and incentives for the production of local programmes. It must create an economic climate conducive to the development of a local film industry if the face of television is to show any meaningful change. The adoption of broadcast targets with direct funding by the state will minimize the overwhelming presence and negative effects of foreign cultural products.

## **The Market Place**

Competition cannot be seen “as key to the development of the sector and to the provision of choice for the consumer.” At present the competition is unfairly stacked in favor of the foreign producers. An incentives regime will help to level the playing field and allow local producers to compete more favorably with producers from the United States and other countries that now hold an unfair advantage.

American dominance in the film industry, both for television and the theatre, is based on the economics that flow from the US scale of production and the fact that costs can be recouped in the US domestic market before American programs are exported. After realizing profit in their home markets, these producers are then allowed to export their products to foreign markets at very low prices. Even if the practice, properly speaking, cannot be qualified legally as dumping, the result is in fact dumping. The local producer is expected to be able to compete successfully with this unfair competition. It is understandable that a good number of countries find themselves in a difficult situation when their producers, who are already confronted with a

domestic market that is relatively limited, must also face low cost foreign film and audiovisual production. It is this unfair practice that is truly against the tenets of free enterprise.

### **Public Broadcasting Service**

Public broadcasting should just be one strategy used by the Government to develop a plural society, as well as to develop the local television and film industry. A public broadcasting service alone cannot provide sufficient scope for developing the local broadcasting industry. Cultural products on this service would also be insufficient to counter the negative effects of foreign programming within Trinidad and Tobago and it could not encourage the production of sufficient quantity of local material to support a viable production industry. A Public Broadcasting Service should be part of a comprehensive programme of activities that includes broadcast targets, incentives, training, public legislation and a regulatory authority.

### **The Broadcast Spectrum**

The Broadcast spectrum is a national resource and the exploitation of this resource ought to be used in the best interest of the nation. The nationals of Trinidad and Tobago, the true owners of this recourse, are entitled to demand that conditions be placed on the granting of licenses for the exploitation of this recourse. With regard to the granting of licensees, the Canadian and South African models could be very instructive.

In the Canadian model before a television license is granted the CRTC first assesses the needs of the community. It then publishes the number of frequencies available and the criteria that must be met to obtain a license. There is open competition and the candidate who, in the mind of the CRTC, best fulfills the requirements is granted the license. The license comes up for review regularly.

The procedure for granting licenses in Trinidad and Tobago should be made as transparent as possible in the best interest of the nation and include the involvement of relevant interest groups.

### **The Internet**

The broadcast policy and associated regulations being introduced must be continuously reviewed in order to take into consideration rapid technological advancements in the industry. The inability to cater for the direction the rapid changes in the industry can be illustrated by the development of the DVD. A motion picture in the film format is subject to censors but the same motion picture in the DVD format is exempt.

These new media need to be properly monitored as they could have a major negative impact on the industry if unregulated. The FIT again reemphasizes the need for the Policy to be constantly reviewed due to the dynamic nature of the industry.

## **Monopolies, Cable Television and Direct-to-Home Satellite Television.**

The Government “views as unacceptable the existence of monopolies in this or any other area of the broadcasting sector.” The policy document also states it is “ is firmly wedded to the play of market forces in the industry, (and) the national interest demands that Government be opposed both to monopolistic control and abuse of dominance in this and other sectors of the economy.”

The reality is that the cable companies in both islands are monopolies. In Trinidad the company is also foreign owned which results in the repatriation of profits. We are of the view that the Government must question whether the ownership of such a vital agency by a foreign entity is in the best interest of the nation. It is important to note the critical and sensitive nature of the impact that a cable company has on the development of the country’s social and cultural norms. The Government must ensure that the ownership of the broadcast industry does not fall into the same hands as the ownership of the cable industry.

At present the cable companies in the main, access signals, which would not normally be available to the consumers and feed them through cable. This is a very lucrative passive operation especially if the signals are pirated. There should be forceful legislation against copyright violation. The fact is that in Trinidad and Tobago a de facto monopoly exists in the cable industry mainly because of the high start up costs.

All cable companies should:

- a. Adhere to the international copyright and intellectual property laws;
- b. Annually provide proof to the Authority that they have legal rights to all the signals they provide;
- c. Make production facilities, staff and a channel available for the production and broadcast of regular community programs;
- d. Guarantee free access to all national/ community television stations.

In addition, 50% of all license fees paid by cable companies (and broadcast companies) should be deposited into a Local Program Production Fund to be administered by the Film Commission.

## **Ownership**

Due to the fact that the Foreign Investment Act allows for foreign ownership, in order to avoid monopolistic control, it is imperative that the local industry should be given incentives and other measures should be taken that will facilitate its viability and growth. By implementing a series of incentives and other measures, Trinidad and Tobago nationals would be encouraged to become more involved in the local industry.

## **Consumer Protection**

Consumer protection and the establishment of a code of practice for the industry are needed. However, open and competitive markets may not necessarily ensure protection with regard to quality, price and choice. Adherence to the Code of Practice should be one of the conditions for the issuing of broadcast licenses. In addition, cable companies should be monitored by the Regulatory Industries Commission (RIC).

## **Regulatory and Institutional Framework**

There should be an independent statutory body with full responsibility for all aspects of telecommunication, television and radio. Its structure and authority should be similar to the Canadian Radio-television and Telecommunications Commission. This body would report to Parliament.

## **Legislation**

There is an urgent need for the review and amendment of some of the laws relevant to this sector. They include:

- a. The Cinematographic Act;
- b. The Censorship Act;
- c. Obscenity laws;
- d. Film Ordinance 1936;
- e. Dancehall Act;
- f. Copyright laws.

There is also need for examination of relevant administrative procedures including:

- a. The composition of the Censorship Board;
- b. The motion picture and television program rating system.

The potential of the national television and film industry is too valuable to the economic social and cultural development of the nation for it to be left to market forces. Countries such as Canada, Australia, and France have found it necessary to regulate these industries in order to fully maximize the wider economic and social opportunities in the areas of employment, foreign exchange and social cohesion amongst its people. These regulations have also served to assist in maintaining the country's indigenous cultural identity. As such, the Film Industry Team recommends that the necessary regulatory and institutional framework be put in place, as well as a comprehensive incentive package, to support the development of the local broadcast, television and film industry. A statutory body proposed in, should be charged with the responsibility for regulating, controlling and directing the industry.

## **APPENDIX 5: Trinidad and Tobago Film-Maker's Code of Practice**

### **INTERPRETATION**

In this Code, unless the context otherwise requires,

- a) Commission refers to the Trinidad and Tobago Film Commission.
- b) Commercial production refers to any production that is done for profit, including but not restricted to motion pictures, television programs, television commercials, documentaries, industrial films, theatrical films, and music videos.
- c) Commercial still photography refers but is not restricted to catalogues, posters, calendars and print advertisements.
- d) Company refers to the production company granted a film permit.
- e) Environmentally preferable production refers to productions which consider the biodegradability, durability, energy and resource use, recycled content and toxicity of any purchases for production
- f) Filming activity refers to the filming or taping of any commercial production and commercial still photography.

### *PERMITS*

1. No filming activity shall take place until the relevant authority has granted a film permit.
2. Permit applications should be made at least seven working days before the first day of the planned filming activity.
3. Late requests may be considered on a case-by-case basis.

### *NOTIFICATION*

1. All persons that will be affected by the shooting must be notified at least one week before any crew arrives at the approved location, by using the forms from the Commission.
2. Normal production hours are from 7am – 10pm. Any changes should be approved through the Commission and due notice given to all affected persons.

### *HEALTH AND SAFETY*

1. It is the duty of the company to provide a safe and effective working environment for its workers. Therefore, the company must have a competent staff and adequate supervision. Also, The Factories Regulations, Chapter 30 No. 2, section 9 requires that where there would be special risk to the eyes that goggles or screens be used.
2. It is advised that the company ensures that its insurance benefits have coverage here. If not, the Commission will arrange short-term benefits for the duration of the project.
3. supply in Trinidad and Tobago is of a good quality, but if it is preferred, bottled water is readily available and affordable.

4. This is a tropical country, and whereas the mornings and late afternoons are sometimes cool, it is advised that all persons doing outdoor work wear sun block.
5. Again, the nature of the climate dictates that proper protection be taken against mosquitoes and other insects.
6. Please ensure that your production crew and the location are well protected by an adequate security staff.

#### *EMPLOYMENT STANDARDS*

1. The Minimum Wages Act Chapter 88:04 requires that all workers be given a minimum wage of TT\$7.00/hr.
2. Each worker is entitled to a meal break and rest period for each four-hour period in and beyond working hours.
3. Minimum wage orders for the Catering Industry, Shop Assistants, Household Assistants, and Security Industry Employees are applicable.
4. All employees, temporary workers and apprentices, must have National Insurance contributions made on their behalf by their employers, under the National Insurance Act Chapter 32:01.

#### *PUBLIC AWARENESS*

1. All members of the community must be treated with respect and courtesy, with due regard to all customs, religious or otherwise.
2. Cast and crew must refrain from the use of lewd and improper language within earshot of the public.
3. Noises should be kept at a minimum when beyond the production hours but due regard should be had for the neighborhood during production as well.
4. Please obtain permission from the relevant property owner before entering the site. Members of the production crew should wear production passes at all times when on location.
5. Permission must be obtained from the police authority or the owners before any vehicle is towed, moved or removed.
6. Do not park in front of driveways without express permission from the owner of the premises.
7. The climate here dictates cool, but decent apparel. Dress codes that may be imposed in particular locations for religious or other reasons should be observed.
8. Please limit the use of production lights after production hours so as to not disturb affected persons.

*ENVIRONMENTAL AWARENESS*

1. Please practice environmentally preferable production and leave our locations the way you found them.
2. Hunting is prohibited beyond the hunting seasons. Please show respect to our rich and diverse wildlife.
3. The Forestry Division must authorize removal, trimming and/or cutting of vegetation or trees.
4. Under our Litter Act Chapter 30:52, littering is an offence, so please use the proper receptacles for all disposals.
5. All signs or property removed or disguised from the location must be reinstated upon completion of filming.
6. Before departure from any location please ensure that it has been restored to its original state and all filming evidence has been removed.
7. Please notify the Commission of any damage done to the property and upon receiving permission to so do, please make good any damage.

*SPECIAL CONDITIONS*

1. All filming activity is restricted to the areas allowed in the film permit.
2. Certain areas will be susceptible to strict regulations. Please observe them.
3. In certain situations, the local authorities, police, emergency services or location owners may be required to impose stricter regulations. Please observe them.
4. Under the Dangerous Drugs Act, No. 38 of 1991, it is an offence to use, transport or otherwise deal with illegal drugs or narcotics. Please do not bring any illegal substance into the country.
5. Please seek permission from any owner of copyright before using any piece of photography, written work, and all other forms of intellectual property.

**AGREEMENT CLAUSE**

I/we agree to adhere to the provisions as itemized above, and acknowledge that non-compliance of these provisions may result in the revocation of the grant of the film permit.

( please print all information)

PRODUCER.....

PRODUCTION

COMPANY.....

ADDRESS.....

CONTACT  
INFORMATION.....

SIGNED..... DATE .....

IN THE PRESENCE OF (on behalf of the Film Commission) .....

## APPENDIX 6: Budget for the Implementation of the Strategic Plan for the Film Industry

Item	Year 1	Year 2	Year 3
<i>Establishment of the National Film Agency</i>			
Staffing	912,000.00	1,728,000.00	1,728,000.00
Consultant -three-year contract	378,000.00	378,000.00	378,000.00
Equipment	tbc	tbc	tbc
Accomodation	tbc	tbc	tbc
Operating Expenses	tbc	tbc	tbc
Vehicle	tbc	tbc	tbc
Film Advisory Board	100,000.00	115,000.00	132,250.00
Film Facilitation Committee	nc	nc	nc
<i>Facilitation Measures</i>			
Permitting System	nc	nc	nc
Film Sector Standards	nc	nc	nc
Work Permits	nc	nc	nc
Carnet	nc	nc	nc
Firearms and Explosives	nc	nc	nc
Film Processing and Transfer Network	nc	nc	nc
Airline and Hotel Network	100,000.00	200,000.00	400,000.00
Archives	80,000.00	92,000.00	105,800.00
<i>Fiscal and Other Incentives</i>			
Tax Holidays			
Import Duties			
Production Expenditure Incentives	5,550,000.00	6,382,500.00	7,339,875.00
Film Venture Capital Company	nc	nc	nc
Cinema and Screening Incentives	500,000.00	500,000.00	500,000.00
Cable/ Direct TV Incentives	nc	nc	nc
Production Assistance and Script Development Program	1,500,000.00	3,000,000.00	5,000,000.00
Co-production Agreements	100,000.00	115,000.00	132,250.00
<i>Education and Training</i>			
Internship/ Apprenticeship Program	540,000.00	900,000.00	1,800,000.00
Scholarships	2,016,000.00	4,032,000.00	8,064,000.00
Fellowships	150,000.00	172,500.00	258,750.00

<b>Item</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>
<i>Marketing and Promotion</i>			
International Marketing Agents	800,000.00	920,000.00	1,134,000.00
Film Conferences, Trade fairs and Festivals	475,000.00	546,250.00	628,187.50
Trinidad and Tobago Film Festivals	350,000.00	402,500.00	462,875.00
Logo	50,000.00		
Locations library	100,000.00	100,000.00	115,000.00
Production guide	180,000.00	180,000.00	207,000.00
International Film Associations	7,000.00	8,050.00	9,257.50
Equipment Rental and Freight Company Networks	nc	nc	nc
Film familiarization tours	600,000.00	690,000.00	793,500.00
Film Sector Champion	400,000.00	460,000.00	529,000.00
Advertising	400,000.00	460,000.00	529,000.00
Promotional items	180,000.00	207,000.00	238,050.00
<i>Public Awareness</i>			
Association of producers, film-makers and film industry personnel	nc	nc	nc
Tourism Action Committees	nc	nc	nc
In Schools Program	100,000.00	115,000.00	132,250.00
Media Campaign	200,000.00	230,000.00	264,500.00
Community Workshops	nc	nc	nc
Employment of Communities	nc	nc	nc
Community Film Locations Libraries	nc	nc	nc
<b>Totals</b>	<b>15,768,000.00</b>	<b>21,933,800.00</b>	<b>30,881,545.00</b>

tbc – To be costed

nc – No cost