



The Government of the Republic of Trinidad and Tobago

The Ministry of Information

Consultative Document for the Policy on Cinema Exhibition and Video Entertainment in Trinidad and Tobago

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1. Document Name

Consultative document on a Policy on the Administration of Cinema Exhibition and Video Entertainment in Trinidad and Tobago

2. Target Audience

This Policy is targeted to the proprietors/ businessmen, administrators and law makers involved in providing availability to, and regulation of such availability of, film and video entertainment products to the public of Trinidad and Tobago.

3. Scope of Application

This Policy is applicable to all persons exhibiting, intending to exhibit or otherwise making available motion pictures, video games or any form of video entertainment via rental, sale or arcades to the general public.

4. Policy Purpose

4.1 The policy is intended to revise the framework established by the Cinematograph Act, Chap 20:10.

4.2 The policy addresses the regulation of film and video entertainment content made available to the general public by exhibition, sale or rental. The policy also proposes a framework for the management of providers of such services but does not include the regulation of:-

- (i) Broadcasting service providers;
- (ii) Telecommunications service providers

as defined in the Telecommunications Act (2001) as amended.

5. Policy Objectives

5.1 Whereas there exists an environment of burgeoning creativity in the fields of film and video entertainment, in which the Government wishes to encourage investment;

5.2 And whereas such investment should be aligned with international standards for classification of content to maximize the long term potential for entry into foreign markets;

5.3 And whereas such markets are strengthened by recognition of intellectual property rights associated with developed products;

5.4 And whereas the Government has identified a need for the continued protection of the general public wishing to attend public exhibitions of motion pictures and/or any other form of video entertainment;

5.5 And whereas it is necessary to protect the morals and sensibilities of individuals from indecency in public places, where such is compromised by the knowing or unknowing display of content within motion pictures and/or any other form of video entertainment;

5.6 And whereas the Government seeks to reinforce its commitment to liberalized economic endeavour;

5.7 The Government of Trinidad and Tobago proposes a revision of the framework governing the regulation of cinematic exhibitions, and the availability of all forms of video entertainment to the public.

6. Document Context

Legislation and guidelines relevant to this Policy include:

Constitution of the Republic of Trinidad and Tobago;
Cinematograph Act; Chap 20:10;
Motion Picture Films (Carriage and Storage) Act; Chap 20:11;
Motion Picture Films (Carriage and Storage) regulations;
Copyright Act (as amended);
Telecommunications Act 2001, as amended;

7. Document Maintenance History

Date	Change Details	Author	Version
Dec. 2008	Document Finalised	Ministry of Info	1.

Responding to this Consultation

Comments and suggestions on this consultative document should be done according to the prescribed consultation response form, an example of which is included at **Annex A**.

In responding please state in your cover letter whether you are commenting as:

- (a) a member of the general public;
- (b) a representative of a government agency or department;
- (c) a representative of a non-government organisations; or
- (d) writing on behalf of a business/organisation.

Reference should be made to the paragraph number to which the comments/suggestions are associated.

Comments should be sent via email (preferred) and post by the 31st May 2009 to the contacts listed below.

Responses should be sent to:

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8. INTRODUCTION

The Government of Trinidad and Tobago has identified the Film Sector as an industry to be developed as part of the **Vision2020** Development Strategy. Along with the development of frameworks to encourage the use of Trinidad and Tobago as a site for the production of films, there is the concomitant need to ensure that Trinidad and Tobago also provides an environment in which the presentation of films is in line with industry norms and practices. As such, it has been recognized that there may be a need to review the framework that provides for the regulation of content of films presented in Cinemas, and made available via other media.

Currently, the administration of Cinema Exhibitions is facilitated under the Cinematograph Act, Chap 20:10 of 1936 ("the Act"). This Act establishes the Film Censors' Board and empowered that body to authorise and censor film product to be exhibited in Trinidad and Tobago. There are many aspects of this law which reflect the time in which it was established. Notable characteristics of the framework are:

- (i) The scope of the Act's application is limited to cinematograph film and "British film" in particular. This is evidenced by the consideration of the physical length of the film as essential in the definition of a "film" under the Act, the references to inflammable material, as well as various other prescriptions associated with the regulation of Exhibition Theatres and Projectionists;
- (ii) As stated, the focus of the legislation is on the censorship of film product, in accordance with an undefined subjective standard. While this may have been deemed feasible by the colonial administration of the 1930's – this approach aligned with that instituted in England at the time – it may not be as appropriate with the more sophisticated consumer and citizen of Trinidad and Tobago today; and
- (iii) Associated with the consideration of the management of, at the time, highly flammable and thus dangerous material such as film material, the legislation provides for much oversight of the procedures associated with how these materials were handles and stored. This led to the requirement for Exhibition Theatres (or cinemas) and Exhibitors to be licensed to ensure recognition of, and assure compliance with, necessary safeguards. The authority responsible for such licensing being the district Magistrate.

Recognising that changes in both technology and social mores demand that this framework be updated, the Ministry of Information undertook to evaluate the context, sector and marketplace this framework is geared to guide. This evaluation was undertaken so as to inform the development of a revised policy framework geared to modernize the existing framework, as well as provide some balance in oversight (where still deemed appropriate) over new segments of the sector which have developed since the passage of the Cinematograph Act (1936). Among the major aims of the revised policy to include:

- (a) understanding the state of technology development in the market today and going forward to ensure sufficient technological neutrality to mitigate against developments in technology invalidating aspects of the regulatory regime with regard to the oversight of public exhibitions;
- (b) reviewing the efficacy of censorship in the modern context – answering the question: Does the use of such limit the impact of personal choice in the marketplace? Further, it must be considered whether in the contemporary environment the classification or rating as a means of consumer notification of the product content was more appropriate;
- (c) developing appropriate mechanisms to treat with the emergence of home entertainment (e.g. video games and movies) sales and rental operators (hereinafter referred to as “Proprietors”) in the context of the objects of the prevailing Act; and
- (d) reviewing the feasibility of the Licensing Arrangements outlined in the Act given the current demands on the Magistrates’ Court, particularly in the context of the emergent Proprietor sector referenced in (c) above, and the backlog of cases in the court, as expressed by the Judiciary.

Coming out of its initial consideration with stakeholders, the Government of Trinidad and Tobago proposes a revision of the framework governing the regulation of the content of theatrical cinema exhibitions, and concomitantly that available in all forms of video entertainment to the public.

Within that review the Government posits the following fundamental policy positions:

(1) The current mechanism for censorship of material is unwieldy and impractical in the contemporary setting. In the interest of encouraging personal choice of the consumer, the Government proposes to introduce a rating classification system which will guide the content of the motion picture and video entertainment product.

(2) Accordingly the framework should be focused on **content regulation and/or management** in the interest of protecting the citizenry (and especially minors) from unwanted or unexpected exposure to harmful, distasteful or socially malignant content. Such regulation shall include all forms of motion picture (film, videocassette, DVD, etc.) and/or video entertainment products (commercials, electronic games etc.), and auxiliary materials associated with the marketing and release of such products.

(3) In an environment of continued **convergence** of information and communications technologies, and the new channels and media thereby facilitated, it is essential that the framework is **technology neutral**;

(4) Where there are gaps in the overall legislative framework, or where it is necessary to provide clarity for applicability herein, the framework shall defer to parent frameworks associated with the maintenance of **public safety** and the preservation of **public order**.

(5) The framework will support easy entry into the industry of video entertainment sales or rental service providers, reducing regulatory overhead as much as possible in this area of activity which has neither control of supply nor market dominance, considering the multiple channels by which these products can be obtained. In that regard, **regulation will be limited** to that which is sufficient to ensure compliance with the content management provisions pursuant to (2) above.

(6) To facilitate this function, the Government proposes to convert the Film Censors Board to a sectoral regulatory body:- the **Film and Video Review Authority** to-

- a. Classify film and video entertainment products, as well as auxiliary marketing paraphernalia (posters, advertisements etc.);
- b. Licence Exhibitors;
- c. Licence Exhibition Venues
- d. Undertake to inspect operations of Exhibitors and Proprietors to ensure adherence to the provisions of this Policy;
- e. Develop codes of practice in conjunction with Exhibitors and Proprietors; and
- f. Advise the Minister on recommended regulatory instruments and orders to support the management of the regulatory framework herein established.

This Consultative document is a key mechanism of engaging the wider national community in these deliberations. It is expected that vigorous, honest feedback from both the private sector and civil society will only redound for the strengthening of the policy, making it a more robust framework to support the ultimate achievement of the stated goals – to create a community environment that supports Trinidad and Tobago in creating a sustainable and recognized Film industry.

9 Policy Considerations

9.1 Establishment of the Film and Video Review Authority and Board

9.1.1 Internationally, in light of the principles of free speech, governments have moved away from the activity of content censorship, preferring instead to classify content. It is the expectation that, save for clearly illegal content, an informed market is better positioned to select preferred material for consumption. In this regard, it is the preferred practice to designate the responsibility for content classification to either a government established, or industry-backed body. The latter instance is more prevalent in jurisdictions with a culture of voluntary or mandatory Industry Codes, which may, or may not, be backed by legislation.

9.1.2 In Trinidad and Tobago, where the culture of industry codes has not taken root, it is proposed that a regulatory framework be enacted, via the establishment of a Regulatory Authority, headed by a Board, responsible for content classification and certification and ensuring adherence to the regulatory obligations created thereby. This role is revised from the current role of content censorship. The Board, which will consist of seven persons and not less than three whose terms are not to exceed three (3) years, will be responsible to the Minister with responsibility for information. The Board will be headed by a Chairman, and its members will be appointed and removed only for cause by the President, acting on the advice of the Minister.

Consultation Point 1

Do you think that a Sector Regulator is the appropriate mechanism to achieve the objectives, as outlined above?

If not, please provide insight into why.

9.1.3 Consistent with established principles of corporate governance, the Board shall manage its own affairs, meeting as necessary to achieve its objectives, with the requirement that they should meet no less than twelve (12) times annually. Further, to ensure the appropriate transparency in its operations, the Board shall make available minutes of its meetings to the Minister upon request.

9.1.4 (1) The Board will be responsible for the operations of the Authority, to be known as the Film and Video Review Authority.

(2) The Authority will be responsible for effecting regulatory compliance, as well as implementing decisions of the Board.

(3) To manage the day to day operations of the Authority, the Board shall appoint a Chief Executive Officer. This Chief Executive Officer shall be the accounting officer of the Authority through whom its activities will be reported to the Board.

(4) The CEO shall sit at Board meetings but shall not have a vote on issues before the Board.

9.2 Functions of the Film and Video Review Authority

In the context of the expanded role envisioned for the regulatory body in the ambit of this policy, it is proposed to provide operational support to the regulatory body. Accordingly, the Authority will undertake the necessary interaction with the marketplace and public to:-

(a) classify all motion picture and/ or video entertainment products, as well as auxiliary paraphernalia;

(b) ensure that all cinema exhibitions are performed in environments that meet appropriate standards of public safety;

(c) ensure that all cinema exhibitions are performed in such a manner that they do not cause a public nuisance;

(d) ensure that all proprietors offering video entertainment products for sale or rental provide these services while complying with principles of public decency and in recognition of intellectual property rights;

(e) license Exhibitors;

(f) advise the Minister on matters of policy to support the management of the regulatory framework herein established.

Consultation Point 2

Do you think the functions outlined are appropriate for the proposed Authority?

If not, please provide two to three recommendations.

9.2.2 (1) The Authority may charge fees for services it provides;

(2) The Authority shall annually report to the Cabinet, in a manner defined by the Minister of Finance, its expenditure for the previous year, and projected expenditure for the coming year

(3) Any operating surplus generated by the Authority in a fiscal year shall be remitted to the Consolidated Fund

9.3 Classification of film and video entertainment product

In line with the stated position of providing information to guide the public's purchasing or rental of such products, it is proposed that a classification scheme is applied which clearly delineates characteristics of the content within the product.

- (1) Motion pictures and/ or any form of video entertainment shall not be made available to the public for exhibition, purchase or rental without adhering to the classification schema as time to time defined by the Film and Video Review Board.
- (2) Such a classification scheme shall be amended by order of the Minister on the advice of the Film and Video Review Authority.

Consultation Point 3

(1) Do you agree with the cessation of Censorship of film and video entertainment product?

(2) Do you agree with the establishment of the revised Classification Scheme identified?

If not, Please provide three to five reasons for your position.

9.3.2 The proposed Classifications are:

- a) **General Audiences**:- a product to which all ages can have access; contains no nudity, sex, or violence and nothing in theme or language which is, in the view of the Authority, offensive to adults or minors;
- b) **Parental Guidance**:- a product where the Authority advises parents to exercise discretion in approving access to a person under the age of fourteen years. Further a minor should be accompanied by the authorizing parent or guardian in the purchase of or grant of access to the product;
- c) **Parental Guidance-14**:- a product where the Authority advises parents to consider greater discretion in approving access since some material may be inappropriate for children under the age of fourteen. Further a minor should be accompanied by the authorizing parent or guardian in the purchase of or grant of access to the product;
- d) **Restricted**:- a product which contains adult material including hard or profane language, violence, nudity within sexual scenes, drug abuse or a combination of these, and where the Authority advises parents to consider great discretion to approve access to persons under the age of eighteen. Further a minor should be accompanied by the authorizing

parent or guardian in the purchase of or grant of access to the product.

- e) **NC-18**:- a product which the Authority considers inappropriate for, and thus that access be prohibited to, persons under the age of eighteen and may contain violence, sexual or aberrant behaviour or drug abuse or a combination of these elements

Consultation Point 4

Do you agree with the Classification Scheme identified?

If not, Please provide three to five recommendations for an appropriate classification scheme

9.3.3 (1) To ensure compatibility with major international rating frameworks, the classification schema as developed by the Authority may include equivalence to classification schema prevalent in at least one other recognized jurisdiction as defined by the Film and Video Review Authority. Examples of proposed equivalences are presented below

FVRB (TT) <i>(proposed)</i>	MPAA (US)	BBFC (UK)	Canada	Brazil
-	-	Uc		ER ¹
G	G	U	G	L
PG	PG	PG	PG	12
-	-	12A	-	-
-	PG-13	12	14A	14
PG-14	-	15	18A	16
R	R	18	R	18
NC-18	NC-17	R18	A	

(2) Such equivalence in classification may be amended by Order of the Minister on the advice of the Film and Video Review Board.

(3) In line with any policies regarding public decency and order, the Board reserves the right to refuse the classification of film and/or video product the content of which is deemed illegal by any written law in Trinidad and Tobago

(4) Where an applicant wishes to appeal the decision of the Board, it shall do so by writing to the Minister. The Minister may determine an appropriate dispute

¹ Material is largely educational in nature – targeting pre-schoolers and extremely young children

resolution framework by which the decision may be reviewed, amended or upheld. The determination of that dispute resolution proceeding shall be final.

Consultation Point 5

(a) Do you agree with the use of an equivalence framework for Classification Scheme. If not, please explain why?

(b) Do you have any concerns regarding the equivalences proposed above? If so, please provide no more than three recommendations for amendment

9.3.4 (1) To ensure the protection of the consumer, it is imperative that the classification scheme, once defined, is always utilized and applied as regards a film and/or video entertainment product.

(2) Further, to mitigate against practices of false advertising such classification must be conspicuously presented on any means utilized to promote the availability of the film and/or video entertainment product.

(3) For effective regulation, the Authority may publish approved variations of such associated product which may be utilized by proprietors and exhibitors. Such a framework will mitigate against the small, self-regulated video proprietors flooding the Authority with requests for authorization of such paraphernalia – particularly as they may be using minor variations of the same material.

9.3.5 (1) Cognisant of the diversity of cultures in Trinidad and Tobago and the nature of cultural works in this regard, the Authority may forebear from the classification of sport, music, religious and educational works under this Policy.

(2) Such forbearance may be withdrawn if the product depicts excessive sexual activity or acts of force or restraint associated with such activity, mutilation or torture of humans or animals, human genitalia, or techniques likely to be useful in the perpetration of criminal acts or illicit activity.

Consultation Point 6

Do you agree with the Authority's forbearance on proposed segments of works? Please provide reasons for your response.

9.3.6 (1) Notwithstanding the generality of the foregoing, the Telecommunications Authority (established under the Telecommunications Act) may

utilize the above rating schema in the implementation of its Code to manage the Broadcast Sector ("the Broadcasting Code") as outlined in that Act.

(2) In support of (1) above, the Authority may liaise with the Telecommunications Authority to establish classification and equivalency schemes similar to that proposed above, and in so doing outline the obligations of Broadcast Service Providers in the interest of consumer protection and information.

9.4 Exhibition Venue Licence

In the interest of public safety and the mitigation against public nuisance, exhibitions to the public should be held in locations where the appropriate facilities are present to ensure public safety in case of emergency, as well as minimize the disruptive impact on the environment. Accordingly, locations will have to be licensed as approved sites for the exhibition of film and/ or video entertainment product.

9.4.2 Locations for the exhibition of film and/or video entertainment product will be required to be licensed as safe to the general public based on compliance with the relevant:

- (i) fire protection ordinances with regard to fire suppression facilities and evacuation protocols;
- (ii) health and safety authorities with regard to vector control; and
- (iii) rules and codes regarding structural integrity of buildings and structures.

9.4.3 Locations will be licensed in keeping with the maintenance of public order, locations will be licensed if they conform to criteria defined by the licensing body including, inter alia:

- (i) location in an area appropriately zoned by the Town and Country Planning Division so as not to unduly impact residential communities, schools, hospitals and places of worship;
- (ii) existence of appropriate controls to reduce the possibility of disruptive noise generation in accordance with the appropriate environmental management regulations;
- (iii) existence of sufficient ports of access, and car parking facilities to ensure that public thoroughfares are not unduly impacted by its operation;
- (iv) facilitation of appropriate handling, storage or maintenance of any material or equipment in accordance with the Motion Picture Films (carriage and storage) Regulations

Consultation Point 7

Do you believe that Exhibitor venues should be licensed by the Film and Video Review Authority?

If not, please provide reasons for your position.

9.4.4 (1) Evidence of compliance with the above provisions for public safety and avoidance of public nuisance is required for all cinemas prior to operation and annually thereafter from the date of issuance, via the submission of copies of such certification to the Authority.

- (2) Where
 - (i) the Licence; or
 - (ii) updated compliance certificates

of an exhibition facility may be found to have lapsed, the Authority may cause the cessation of all exhibitions at that facility. Such a cessation order shall continue in effect until the facility's compliance is restored, and registration renewed.

(4) For the sake of compliance with (3) above, all cinema facilities must clearly display for public viewing updated registration certificates.

9.5 The Exhibitor License

(1) The classification scheme delineated is applicable equally for film and video entertainment (including games) products. Associated with the classification scheme are the limitations of access of members of the public (especially minors) as outlined in the individual classifications. Essential to the continued promotion of the public good, it is critical that exhibitors are responsible, as much as can reasonably be expected, for the adherence to these limitations in their sale and rental practices. Any determination by the Authority that the practices of an exhibitor breaches the prescribed limitations, shall lead to prosecution of that exhibitor in line with the enforcement provisions of this policy and written law.

(2) Pursuant to the obligations attributed to the Exhibitor, the associated licensing regime should provide a framework through which entry to this commercial endeavour is somewhat controlled. Such a licencing approach is proposed because:

- (i) The exhibition is to the public;
- (ii) The licenced Exhibitor should be limited to natural persons; and

- (iii) It will facilitate the Film and Video Review Board's monitoring of the person(s) accountable for adherence to these obligations attached to exhibitions.

Consultation Point 8

Do you agree that Exhibitors should be licensed by the Film and Video Review Authority?

Please provide reasons for your response.

9.5.2 (1) To facilitate the monitoring and evaluation of Exhibitor's compliance with the provisions of this Policy, it is proposed that such exhibitors may be obliged to keep records of admissions and access. The form of the record-keeping mechanism will be subject to direction by the Authority.

(2) These records will be subject to the periodic review by authorized agents of the Authority. Falsification of these records renders an Exhibitor liable to a charge of fraud levied against the Exhibitor.

(3) Further, in line with the policy of adherence to the best practice for public safety, the Exhibitor shall also have prepared the documentation and evidence necessary to facilitate timely inspection by any other relevant authorities to ensure compliance with the prescriptions outlined in 9.4.4 above for maintenance of public safety and avoidance of public nuisance.

(4) In this instance the registration authority is the Film and Video Review Authority.

9.5.3 (1) The Licensee, an individual in which the public trust will be placed, shall be a person of good standing. Accordingly, the Authority shall consider such factors as deemed appropriate to ensure that the Licensee can protect the public good in the pursuance of business including, inter alia:

- (i) [age]
- (ii) [character, lack of criminal record];
- (iii) [experience and business record]
- (iv) [status of income/corporate tax filings and VAT registration]

(2) To encourage entry into commerce by interested parties, all aspects of the licensing process should be transparent and subject to scrutiny, but speedily facilitated.

- (i) In the first instance, all applications shall be published in the Gazette and one daily newspaper, to facilitate any comments or objections solicited from interested persons.

- (ii) The criteria by which an application is determined should also be transparent. Accordingly, it is proposed that the result of, and associated rationale for, the determination should also be published allowing for the scrutiny of interested parties.
- (iii) The terms of the licence should also be made available for public consideration. However, as this should be standard it is unnecessary for such to be published in the Gazette. The Authority may wish to make such available at its offices, publish these via its web site, or annually in its reports to the Minister. Such should be left to the preference of the Authority, but should facilitate ready access to the terms of the licence by the public.
- (iv) The Authority retains sole responsibility for the issuance of Exhibitors' licences, reporting to the Minister as and when requested to do so.

9.6 The repeal of provisions regarding the Projectionist and the management and maintenance of hazardous materials

While originally cinematograph technology involved the manipulation of highly inflammable film material, this technology has been outdated for over forty (40) years and is not in operation in the domestic market. Contemporary film is developed using non-inflammable material. Accordingly, while the existing regulatory framework to manage the cinematograph industry focuses on the appropriate management of such materials, a revised framework need not continue to enforce the specific requirements associated with appropriate handling of these materials and operation of the associated equipment. The associated regulations may be repealed with the establishment of a new framework.

9.6.2 Accordingly, any requirement for operators of cinematograph projection equipment may be met via appropriate professional or trade certifications that may be prevalent in the industry. In line with the general policy of providing protection to the public, the Exhibitor will be responsible for ensuring that personnel operating any projection equipment shall be so competent..

9.6.3 As licensed professionals with responsibility for public safety, the Projectionist shall be responsible for ensuring that he acts in accordance with best practice for the operation of equipment, as well as the handling and storage of film material under his control.

Consultation Point 9

Do you agree that Projectionist should no longer be licensed or registered by the Film and Video Review Authority?

Please provide reasons for your response.

9.7 Video Entertainment for Private Use

9.7.1 Video proprietor

(1) It is debatable whether there is any legitimate state interest in licensing video entertainment proprietors. While there is a need to ensure adherence to the classification scheme and respect the intellectual property rights of the content producers, as the barriers to entry into this business are relatively low, the question is whether the State would be disposed to creating an unnecessarily unwieldy regulatory burden as a barrier to entry into commerce.

(2) A general authorization framework that allows persons to establish the business, subject to the provisions in this policy, may be sufficient. Such an authorization framework will provide general guidelines for adherence to the rules associated with this business activity; if the proprietor goes outside that framework, the Authority has the power and right to intervene and/ or stop operations.

9.7.2 (1) The classification scheme delineated is applicable equally for film and video entertainment (including games) products to reduce any risk of customer confusion that may arise from differing schema. Associated with the classification scheme are the limitations of access for members of the public (especially minors) as outlined in the individual classifications. Essential to the continued promotion of the public good, it is critical that proprietors be responsible, as much as can reasonably be expected, for the adherence to these limitations in their sale and rental practices.

(2) Any determination by the Authority that the sale and rental practices of a Proprietor breaches the prescribed limitations shall lead to prosecution of that Proprietor in line with the enforcement provisions of this policy and written law.

Consultation Point 10

Do you agree that the same Classification Scheme should be used for both motion picture and non-motion picture video entertainment product?

Please provide reasons for your response

9.7.3 (1) To facilitate the monitoring and evaluation of Proprietors' compliance with the provisions of this Policy, it is proposed that such proprietors may be obliged to keep records of rentals and sales transactions. The form of the record-keeping mechanism will be subject to direction by the Authority.

(2) These records will be subject to the periodic review of authorized agents of the Authority. Falsification of these records renders the Proprietor liable to a charge of fraud.

9.7.4 The Government is of the view that appropriate protection of knowledge-based products and services is an inalienable component of facilitating the development and sustenance of the knowledge-based economy in all of its forms. In that context, the Government's policies recognizing the Intellectual Property Rights (IPR) of film and video entertainment producers should gain further endorsement through the recognition of all copyrights by proprietors. In this regard, proprietors will carry the burden of ensuring that they adhere to the appropriate, internationally recognized IPR protections, or else risk any civil or criminal liabilities resulting from a breach of these rules.

9.8 Consumer Protection

9.8.1 The Film and Video Review Authority shall, in consultation with the appropriate representatives of

- (i) the Ministry with responsibility for Consumer Affairs;
- (ii) the Exhibitors; and/or
- (iii) the Video proprietors

publish within one (1) year of the promulgation of the relevant legislation hereunder, relevant Codes of Conduct to which, when assented, all exhibitors and/or video proprietors shall adhere as required.

9.8.2 Breach of the Code shall be considered an offence in contravention of the provisions of this Policy. Accordingly, action in respect of such a breach, or any contravention of the regulatory framework may include inter alia:

- (i) a loss of licence in the case of an Exhibitor;
- (ii) the issuance of a fine in the case of a video proprietor, the quantum of which will be delineated by the relevant legislation or regulations thereunder. Such fine may increase in the case of repeat offenders of the Code or any provisions of this Policy, and may include incarceration if deemed necessary.

9.8.3 The Minister with responsibility for Information may, by Regulation subject to negative resolution of Parliament, cause any code developed pursuant to this policy to have the force of law.

Consultation Point 11

- (1) Do you agree with the framework proposed for the establishment of Sector Codes of Conduct?**
- (2) Do you agree that such Codes may be made mandatory through the establishment of Regulations?**

Please provide reasons for your responses

9.9 Intellectual Property Protection

Film and video product are at the forefront of the concern of international intellectual property rights. The Government of Trinidad and Tobago has indicated its respect and intention to conform to best practice in international intellectual property rights management. Accordingly, the Authority must take the necessary steps to ensure that the exhibition, sale or rental of film and video product is done within the appropriate framework to recognize the rights of the intellectual property owner.

9.9.2 In that regard, the Authority shall ensure that the person who submits a film and/ or video product for rating has the appropriate authorization to distribute, sell or rent that product on behalf of the content owner. The Authority may achieve that, by placing the burden of proof on the person wishing to submit a product for review.

9.9.3 This approach will encourage persons to establish official agreements with content producers for the administration of their copyright/intellectual property within the jurisdiction of Trinidad and Tobago, thereby enabling the Authority to implement its function without fear of inadvertently validating the breach of any person's copyright.

10 Summary of Policy Prescriptions

PART A - Definitions

1. For the purpose of this policy the following interpretations shall apply:

“cinema” means a building or facility within which cinema exhibitions occur, in conformity with the provisions of this policy;

“cinema exhibition” means any exhibition of a motion picture accessible to the general public but shall not include private presentations within the residence or premises of a person

“Distributor” means that person with the legal right to represent the intellectual property owner in the issuance of theatrical distribution, video sale or rental rights of the motion-picture or video entertainment product in Trinidad and Tobago.

“motion picture” or **“film”** means any theatrical audio-visual recording of a production, documentary, newsreel, trailer or such material facilitated by cinematograph film, video cassette, digital video disc, or any electronic or other means

“Minister” means the member of Cabinet to whom responsibility for Information is assigned;

“poster” includes any printed matter, placard, pamphlet, photograph, picture or other device for advertising a film, cinema exhibition, video game, movie or other entertainment product, but does not include an article in a newspaper or periodical descriptive of, or commenting on, that film, cinema exhibition, video game, movie or other entertainment product

“video” means any product which is based on the electronic delivery of optical effects by the use of information stored on a cartridge, cassette, disc, or any other such device

“video entertainment” includes video games, video recordings of motion pictures or any other entertainment product based on the use of electronically recorded or simulated audio/visual applications

“video game” means that product which requires player interaction by the manipulation of the prescribed user-machine interfaces

“video proprietor” means a person who sells or leases video entertainment product and includes video arcade owners and operators, video game operators, video movie rental club owners and operators, video game rental club owners and operators

PART B - Governance

Establishment and Functions of the Film and Video Review Authority

2. (1) There is to be established a body corporate to be known as the Film and Video Review Authority of Trinidad and Tobago, hereinafter referred to as "the Authority".

(2) The Authority shall be responsible to the Minister

(3) The Authority shall have an official seal which shall be judicially noticed

Functions of the Authority

3. The functions of the Film and Video Review Authority shall be:-

(a) To classify all motion picture and/ or video entertainment products;

(b) To ensure that all cinema exhibitions are performed in environments that meet appropriate standards of public safety;

(c) To ensure that all cinema exhibitions are performed in such a manner that they do not cause a public nuisance;

(d) To ensure that all proprietors offering video entertainment products for sale or rental provide these services in compliance with principles of public decency;

Establishment of the Film and Video Review Board

4. The Board shall consist of no more than seven persons and no less than three, appointed by the President on the advice of the Minister. The persons shall represent major stakeholders in the national community so as to reflect the interests of wider society in the functions of the Film and Video Review Board, but shall not include any person with pecuniary interest in the film and video entertainment industry.

5. (1) The members of the Board shall be selected from among persons who appear to have wide experience and ability in:

(a) Religion and Spirituality;

(b) Child Psychology;

(c) Education

(d) Law; and

(e) Communications, arts and culture.

(2) The President shall appoint from the Board a Chairman

(3) The members of the Board shall select a Deputy Chairman from its membership

6. The Chairman and members appointed to the Board shall have such appointment evidenced by an instrument in writing from the President and shall serve for a term of not more than three (3) years and shall be eligible for re-appointment for one further term.

7. The Chairman may at any time resign his office as Chairman or as a Member or both by letter addressed to the President.

8. (1) A Board member who is any way directly or indirectly interested in a matter before the Board shall declare his interest to the Board;

(2) The Board, excluding the Board member whose interest is being considered, shall determine whether this interest is sufficiently material to constitute a conflict of interest

(3) In the event that the Board finds the interest is such as to constitute a conflict of interest, the Board member shall not take part in any deliberations on that matter and shall leave the room during such deliberations;

(4) For the purpose of this section, a Board member shall be deemed to have interest in a matter if he, his spouse, or other family member is a shareholder or partner of an entity having an interest or being involved in a matter before the Board.

(5) A member of the Board may at any time resign by letter addressed to the Chairman who shall forthwith cause it to be forwarded to the Minister and from the date of the receipt of such letter by the Minister such member shall cease to be a member of the Board.

9. The appointment of any person to an office or membership of the Board and the termination thereof whether by death, resignation, revocation, effluxion of time or otherwise, shall be notified in the Gazette.

10. The President may terminate the appointment of a member of the Board where that member –

- (a) becomes of unsound mind or is incapable of carrying out his duties;
- (b) has been declared bankrupt;
- (c) is convicted of any offence which brings the Authority into disrepute;
- (d) is guilty of misconduct in relation to his duties;
- (e) is absent, except on leave granted by the Board, from three (3) consecutive meetings of the Board; or
- (f) fails materially or willfully to carry out any duties or functions conferred or imposed on him under the relevant legislation herein.

11. (1) The Board shall meet as often as it considers necessary, but not less than twelve (12) times a year, and shall regulate its own meetings.

(2) The Chairman or, in his absence, the Deputy Chairman shall preside at all meetings of the Board.

(3) Where, for any reason, the Chairman or the Deputy Chairman is absent, the members present may choose one of their number to preside at that meeting.

(4) The Board may, by way of rules or resolutions, regulate its own procedures for the conduct of its business.

(5) Minutes of each meeting shall be kept in the proper form by the Secretary and confirmed at a subsequent meeting of the Board.

(6) Copies of the confirmed Minutes referred to in subsection (5), shall be made available to the Minister upon his request.

12. (1) The Chairman may at any time call a special meeting of the Board.

(2) The Chairman shall call a special meeting within seven (7) days of receiving a request in writing so to do, signed by any four members of the Board and shall cause notices to be issued to all members in respect of every special meeting.

(3) Every request for a special meeting shall include sufficient indication of the purpose of the meeting.

13 At any meeting of the Board, three members shall constitute a quorum.

14. Members of the Board shall be paid such allowances as may be determined by the Minister in consultation with the Minister responsible for Finance.

Corporate Secretary

15. (1) The Board shall appoint a Corporate Secretary (hereinafter referred to as "the Secretary") for on such terms as it shall determine in consultation with the Minister.

(2) The Secretary shall be responsible for matters as the Board may determine and shall be supported by staff as determined by the Board.

(3) Service upon the Film and Video Review Board of any document shall be effected by delivering or sending the same by registered post or by facsimile or other electronic means, addressed to the Secretary at the office of the Authority;

(4) Service upon the Film and Video Review Board of any document by facsimile or other electronic means shall be supported by hard copy as soon as possible thereafter.

Chief Executive Officer

16. (1) The Board shall appoint a Chief Executive Officer who shall:
- (i) manage the affairs of the Authority on its behalf;
 - (ii) sit at Board meetings and contribute to the deliberations of the Board, but shall have no right to vote
- (2) The appointment of the Chief Executive Officer and the termination of his appointment, whether by death, resignation or otherwise, shall be published in the Gazette.
17. (1) Where a vacancy arises in the office of the Chief Executive Officer either—
- (a) by a resignation or termination of appointment;
 - (b) by absence approved by the Board,
- the Board shall appoint, from amongst the staff of the Authority, a person to act as Chief Executive Officer.
- (2) Where a person acts in accordance with this section, he—
- (a) shall have and may exercise all the powers and perform all of the functions of the Chief Executive Officer;
 - (b) shall receive remuneration in accordance with provisions for an allowance determined by the Board; and
 - (c) shall, where the vacancy arose as a result of a resignation or termination, continue to act until such time as a Chief Executive Officer is appointed, such appointment to be no later than six months from the date of the acting appointment.

PART C- The General Regulatory framework

Classification of film and video entertainment product

18. Motion pictures and/ or any form of video entertainment shall not be made available to the public for exhibition, purchase or rental without adhering to the classification schema as time to time defined by the Film and Video Review Board. The proposed Classifications are:

General Audiences:- a product to which all ages can have access, contains no nudity, sex, or violence and nothing in theme or language which is, in the view of the Authority, offensive to parent or younger children;

Parental Guidance:- a product where the Authority advises parents to exercise discretion in approving access to a person under the age of fourteen (14) years. Further, a minor should be accompanied by the

authorizing parent or guardian in the purchase of or grant of access to the product.;

Parental Guidance-14:- a product where the Authority advises parents to consider greater discretion in approving access since some material may be inappropriate for children under the age of fourteen (14). Further, a minor should be accompanied by the authorizing parent or guardian in the purchase of or grant of access to the product.;

Restricted:- a product which contains adult material including hard or profane language, violence, nudity within sexual scenes, drug abuse or a combination of these, and where the Authority advises parents to consider greater discretion in approving access to persons under the age of eighteen (18). Further, a minor should be accompanied by the authorizing parent or guardian in the purchase of or grant of access to the product.

NC-18:- a product which the Authority considers inappropriate for, and thus that access be prohibited to, persons under the age of eighteen (18) and may contain violence, sexual or aberrant behaviour or drug abuse or a combination of these elements

Such a classification scheme shall be amended by Order of the Minister on the advice of the Authority.

(2) To ensure compatibility with major international rating frameworks, the classification schema as developed by the Authority may include provisions to make the Classification Scheme equivalent to the classification schema prevalent in at least one other recognised jurisdiction as defined by the Film and Video Review Authority. Such equivalence in classification shall be amended by Order of the Minister on the advice of the Authority. An example of such equivalence is included below:

FVRB (TT) (<i>proposed</i>)	MPAA (US)	BBFC (UK)	Canada	Brazil
-	-	Uc		ER ²
G	G	U	G	L
PG	PG	PG	PG	12
-	-	12A	-	-
-	PG-13	12	14A	14
PG-14	-	15	18A	16
R	R	18	R	18
NC-18	NC-17	R18	A	

² Material is largely educational in nature – targeting pre-schoolers and extremely young children

(3) the Board has the right to refuse to classify a product where the content therein is deemed illegal by any written law in Trinidad and Tobago for reasons which may include:

- (i) The glorification of terrorism;
- (ii) The debasement of human decency; and/or
- (iii) The incitement of religious or racial hatred and/ or violence

(4) where a person requiring classification of a product from the Authority wishes to appeal its decision, that person shall make such submissions to the Minister, who shall establish a dispute resolution process, the outcome of which shall be final.

19. (1) The person submitting a film and/ or video product for classification shall provide evidence to the Authority of the legal right to represent the intellectual property owner in Trinidad and Tobago as its authorized Distributer, or has been otherwise authorized to sell or rent the product in this jurisdiction.

(2) Any person that is proven to have misled the Authority with regard to the obligation at (1) above will be subject to summary conviction of \$200,000 and imprisonment for one (1) year.

Exemptions of classification

20. The Authority may forebear from the classification of sport, music, religious and educational works under this Policy. Such forbearance may be withdrawn if the product depicts excessive sexual activity or acts of force or restraint associated with such activity, mutilation or torture of humans or animals, human genitalia, or techniques likely to be useful in the perpetration of criminal acts or illicit activity.

Display of classification

21. The classification of motion pictures and/ or forms of video entertainment shall be readily and conspicuously displayed on all advertisements, posters, covers, jackets or other such displays depicting that motion picture and/ or form of video entertainment;

22. All advertisements, posters, covers, jackets or other such displays depicting or associated with the exhibition, sale or rental of a motion picture and/ or video entertainment product shall be submitted to the Authority for approval before release. To facilitate this process, the Authority may publish approved variations of such associated product which may be utilized by proprietors and exhibitors.

23 (1) Notwithstanding the generality of the foregoing, the Telecommunications Authority may utilize the above rating schema in the determination of its Code to manage the Broadcast Sector ("the Broadcasting Code") as outlined in the Telecommunications Act.

(2) In support of subsection (1), the Board may liaise with the Telecommunications Authority to establish classification and equivalency schemes similar to that proposed above, and in so doing outline the obligations of Broadcast Service Providers in the interest of consumer protection and information.

PART D – Exhibitions offered to the public

24. (1) No person shall exhibit, or operate a business exhibiting, motion pictures and/ or any form of video entertainment without adherence to the regulatory framework herein proposed .

(2) No person shall exhibit a motion picture that has not been certified by the Authority.

25. (1) No person shall operate a cinema or exhibition venue of any size or form for the purpose of exhibition of motion pictures without that venue first being licenced by the Authority.

(2) In the interest of public safety, for the issuance of a Licence by the Authority for that venue, evidence must be provided of the appropriate inspection and approval of that cinema's infrastructure for compliance with the relevant:

- (i) fire protection ordinances with regard to fire suppression facilities and evacuation protocols;
- (ii) health and safety authorities with regard to vector control; and
- (iii) rules and codes regarding structural integrity of buildings and other structures.

(3) In the interest of the maintenance of public order and prevention of public nuisance, for the issuance of a Licence by the Authority for that venue, evidence must be provided that, for the purpose of a cinema, the venue:

- (i) is located in an area appropriately zoned by the Town and Country Planning Division so as not to unduly impact residential communities, schools, hospitals and places of worship;
- (ii) has appropriate controls to reduce the possibility of disruptive noise generation in accordance with the appropriate environmental management regulations;
- (iii) has sufficient ports of access, and nearby car parking facilities to ensure that public thoroughfares are not unduly impacted by its operation;

26. Evidence of compliance with the provisions of section 25 above is required for all cinemas prior to commencement of operations and annually thereafter from the date of issuance via the submission of copies of such certification to the relevant registrar.

27. (1) Where -

(a) the Licence; or

(b) updated compliance certificates

of a cinema facility may have lapsed, the Authority may cause the cessation of all exhibitions at that facility. Such a cessation order shall continue until the facility's compliance is restored, and registration renewed.

(2) For the purposes of compliance with subsection (1) above, all cinema facilities must clearly display for public viewing updated registration certificates.

Exhibitor's Licence

28. (1) No person shall manage and/ or operate the cinema or exhibition hall in which exhibitions to the public are facilitated without an Exhibitor's Licence

(2) Such a Licensee is responsible for ensuring compliance with the provisions contained in sections 24 through 27.

29. The Exhibitor shall bear all responsibility for compliance with the provisions of the rating system outlined in sections 18 and 19 above, and will bear any liability for inappropriate admission of minors to view or be exposed to exhibitions for which classification prohibits their admission.

30. In conjunction with the requirements outlined in section 28 above, the exhibitor shall ensure that:-

(i) Adherence to the requirements outlined for public safety in section 25 above are adhered to; and

(ii) A record is kept of all relevant particulars associated with the exhibitions performed at each cinema under his ownership and/ or management, including *inter alia*:

a. The title of the exhibited films or videos,

b. Origin of the exhibited films or videos,

c. Projection particulars as prescribed by the Authority,

d. The number and type of admissions facilitated into the exhibitions,

and submit such records to the Authority in a manner prescribed or, in accordance with section 48, facilitate the review of such records by Inspectors so authorized by the Authority

Applying for an Exhibitor's Licence

31. Any person may apply to the Film and Video Review Authority for an Exhibitor's Licence. The Authority may consider the following in the grant of such a Licence:

- (v) The age of the applicant
- (vi) Whether the applicant is of good character, including ensuring that there is a lack of criminal record;
- (vii) The relevant experience and business record of the applicant
- (viii) The applicant's income/corporate tax status and VAT registration

32. (1) On its receipt of an application, the Authority shall cause to be published in the Gazette and in at least one (1) daily newspaper circulating in Trinidad and Tobago, a notice to the effect that it has received and is reviewing the application.

(2) A notice published pursuant to subsection (1) shall state the time, which shall not be less than twenty-eight (28) days from the date of publication of the notice, within which any comment on or objection to the application may be submitted to the Authority and the Authority shall consider the comments and objections prior to making its decision.

(3) On the granting of a licence, the Authority shall cause to be published in the Gazette and at least one (1) daily newspaper circulating in Trinidad and Tobago, a notice to that effect.

(4) The terms of a licence shall be available for public scrutiny in the manner prescribed by the Authority.

(5) The Authority may conduct public hearings in respect of applications for Exhibitors' licences, when such applications are made in the first instance or annually thereafter.

Consumer Protection

33. The Film and Video Review Authority shall, in consultation with the appropriate representatives of the Exhibitors industry and the Ministry with responsibility for Consumer Affairs, publish within one (1) year a Code of Conduct to which, when assented, all exhibitors shall adhere.

34. Breach of the Code shall be considered an offence in contravention of the provisions of this Policy

35. The Minister may, by Regulations subject to negative resolution of Parliament, cause any code developed pursuant to this policy to have the force of Law.

PART E – Video entertainment for private use

Video proprietor

36. Any person who wishes to offer video entertainment products for sale or rental may do so (hereinafter referred to as a "Proprietor") subject to adherence to this Policy, and the specific consideration of this Part E, by notification of intention to do so to the Authority.

Obligations of the Video Proprietor

37. The Proprietor shall be responsible for adherence to the classification schema outlined in sections 18 and 19 above, and will bear any liability for inappropriate sale or rental of products to minors for view or use where such products have been so classified as to prohibit their access without appropriate authorization from their legal guardians.

38. (1) The Proprietor shall keep a record of all relevant particulars associated with the video entertainment product offered for rent and sale including, *inter alia*:

- a. The title and classification of video entertainment products,
- b. Origin of video entertainment products,
- c. The number of sales or rentals of such products,

and submit such records to the Authority in a manner prescribed, and facilitate the review of such records by Inspectors so authorized by the Authority; and

(2) The Proprietor shall cooperate with any duly appointed inspector in the execution of his duties as outlined in section 44;

39. The Proprietor is liable to all claimants in respect of the relevant provisions of the Copyright Act (as amended).

Code of Practice

40. The Film and Video Review Authority shall, in consultation with the appropriate representatives of the Proprietors industry and the Ministry responsible for Consumer Affairs, publish within one (1) year a Code of Conduct to which, when assented, all Proprietors shall adhere.

41. Breach of the Code shall be considered an offence in contravention of the provision of this Policy

42. The Minister may, by Regulations subject to negative resolution of Parliament, cause any code developed pursuant to this policy to have the force of Law.

Part F - Film and Video Inspectors

43. The Authority may, for the purposes of this Policy, appoint suitably qualified and experienced officers as Film and Video inspectors, (hereinafter referred to as "inspectors").

44. (1) To ensure compliance with the conditions of a licence, or for any other purpose authorized pursuant to this Policy, an inspector may require a licensee or Proprietor to supply information, including specific answers to questions submitted to such licensee or Proprietor, concerning any cinema, exhibition hall for which the licence was issued, or sale or rental service which the Proprietor offers, or the operation of any equipment in such cinema or exhibition venue, or any records associated with the provision of the sale or rental service.

(2) In the exercise of his powers under this Part, an inspector shall at all times act reasonably.

45. (1) The Authority shall, for the purpose of certifying or approving equipment to be used for an exhibition or cinema performance, determine whether such equipment fulfills the requirements as may be prescribed by the Authority.

(2) For the purpose of such a determination, the Authority may require that such equipment be submitted for testing by an inspector.

(3) The requirement for testing may be waived by the Authority, after consultation with the licensee, or if the Authority is satisfied that the equipment has been certified in accordance with international standards.

46. An inspector may, at all reasonable times, enter any place or other establishment where an exhibition is or shall be performed, or from which video entertainment product is sold or rented, or in which any projection equipment and film stock is located and stored, and—

- (a) test any equipment or article found therein which is used or intended to be used for the purpose of performing an exhibition;
- (b) examine records or other documents relating to the operations of the cinema or video entertainment sales or rental business;
- (c) search, where necessary with the assistance of any other person authorised for the purpose by the Authority, for any equipment, articles, books, records

or documents to ensure compliance with this Policy or of any regulation made hereunder, as well as the conditions of any licence;

- (d) require the owner or person in charge of the location or other establishment to give him all reasonable assistance in the examination or search; and
- (e) seize and take away any equipment, articles, books, records or documents if it appears that there has been a contravention of this Policy or of any regulation made hereunder, or of any breach of any condition of any licence, and such items so seized shall be lodged with the Authority.

47. (1) Notwithstanding Section 46, an inspector shall not exercise the powers vested in him thereunder except upon warrant of a magistrate issued to him for such purpose and, in the execution of the warrant, the inspector shall be accompanied by a police officer.

(2) A warrant issued under this section remains in force until the purpose for which the warrant is required has been satisfied or for one month, whichever is sooner.

PART G - Offences and Penalties

48. (1) Any person who operates a cinema or exhibition venue for the use of the general public, of any kind without such venue being issued a Licence from the Authority commits an offence and is liable on summary conviction to a fine of \$200,000, and an additional \$10,000 for every week that the offence continues after such conviction;

(2) Any person that offers cinema exhibitions to the public without the appropriate Licence as provided for in section 28 commits an offence and is liable on summary conviction to a fine of \$100,000 and an additional \$10,000 for every week that the offence continues after such conviction;

- (3) An Exhibitor that fails to:
 - (i) display its cinema or exhibition hall registration certificate;
 - (ii) display the appropriate classification information associated with any film and/ or video exhibition;
 - (iii) display approved ancillary promotional product including posters, advertisements etc.; or
 - (iv) comply with sections 21 and 22

commits an offence and is liable on summary conviction to a fine of \$50,000, and an additional \$10,000 for every week that the offence continues after such conviction;

(4) Where a motion picture is exhibited without the prior classification by the Authority, the Exhibitor and the associated supplier of the motion picture, whether a recognized Distributor or not, are each liable on summary conviction to fines of \$100,000 each.

(5) Any exhibitor found to be a repeat offender of the provisions identified above, or any of the provisions of this policy, is liable to:

- (i) the suspension and/or revocation of that licence,
- (ii) imprisonment for a period not exceeding one (1) year and
- (iii) become ineligible for a period of five years to apply for another licence for the exhibition of film and/ or video products.

49. (1) Any proprietor that fails to meet the obligations of sections 37 to 39 above commits an offence and is liable on summary conviction to a fine of \$50,000, and in the case of a continuing offence, to an additional fine of \$2,000 a day;

(2) Any proprietor that is deemed to be in breach of any of the provisions of this policy for a second time is liable on summary conviction to a fine of \$120,000;

(3) Any proprietor that is deemed to be in breach of the provisions of this policy on more than two (2) occasions is guilty of a criminal offence and liable on summary conviction to a fine of \$200,000 and to imprisonment of three (3) months.

50. (1) Any person who facilitates the admission of a minor to an exhibition film or access to video entertainment, without the appropriate authorization and accompaniment of the minor's legal guardian in contravention of the classification schema defined by the Authority commits an offence and is liable on summary conviction to a fine of \$120,000;

(2) An Exhibitor who is found to have facilitated such access may also be subject to a revocation of licence.

51. Where a corporation commits an offence, any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is a party to and commits an offence and is liable to the punishment provided for the offence, whether or not the corporation has been prosecuted and convicted

11 Summary of Consultative Questions

1. *Do you think that a Sector Regulator is the appropriate mechanism to achieve the objectives, as outlined above?*

If not, please provide insight into why.

2. *Do you think the functions outlined are appropriate for the proposed Authority?*

(a) classify all motion picture and/ or video entertainment products, as well as auxiliary paraphernalia;

(b) ensure that all cinema exhibitions are performed in environments that meet appropriate standards of public safety;

(c) ensure that all cinema exhibitions are performed in such a manner that they do not cause a public nuisance;

(d) ensure that all proprietors offering video entertainment products for sale or rental provide these services while complying with principles of public decency and in recognition of intellectual property rights;

(e) license Exhibitors;

(f) advise the Minister on matters of policy to support the management of the regulatory framework herein established.

If not, please provide two to three recommendations.

3. *(1) Do you agree with the cessation of Censorship of film and video entertainment product?*

(2) Do you agree with the establishment of the revised Classification Scheme identified?

If not, Please provide three to five reasons for your position.

4. *Do you agree with the Classification Scheme identified?*

General Audiences

Parental Guidance

Parental Guidance-14

Restricted

NC-18

If not, Please provide three to five recommendations for an appropriate classification scheme

5. (a) *Do you agree with the use of an equivalence framework for Classification Scheme. If not, please explain why?*

(b) Do you have any concerns regarding the equivalences proposed? If so, please provide no more than three recommendations for amendment

6. *Do you agree with the Authority's forbearance on proposed segments of works (sport, music, religious and educational works)? Please provide reasons for your response.*

7. *Do you believe that Exhibitor venues should be licensed by the Film and Video Review Authority?*

If not, please provide reasons for your position.

8. *Do you agree that Exhibitors should be licensed by the Film and Video Review Authority?*

Please provide reasons for your response.

9. *Do you agree that Projectionist should no longer be licensed or registered by the Film and Video Review Authority?*

Please provide reasons for your response.

10. *Do you agree that the same Classification Scheme should be used for both motion picture and non-motion picture video entertainment product?*

11. (1) *Do you agree with the framework proposed for the establishment of Sector Codes of Conduct?*

(2) Do you agree that such Codes may be made mandatory through the establishment of Regulations?

Please provide reasons for your responses.

References:

1. The Government of Trinidad and Tobago, **Cinematograph Act; Chap 20:10** available online at:
<http://rgd.legalaffairs.gov.tt/Laws/Chs.%2020-22/20.10/20.10%20aos.htm>
2. The Government of Trinidad and Tobago, **Telecommunications Act 2001, as amended** available online at:
<http://rgd.legalaffairs.gov.tt/Laws/Ch.%2047/47.31/47.31%20aos.htm>
3. **The British Board of Film Classification (BBFC),**

See the Wikipedia entry at:
http://en.wikipedia.org/wiki/British_Board_of_Film_Classification

Visit online at: www.bbfc.co.uk
4. **Motion Picture Association of America (MPAA),**

See the Wikipedia entry at:
<http://en.wikipedia.org/wiki/MPAA>

visit online at: www.mpa.org
5. Wikipedia, **Motion Picture Rating System**, available online at:
http://en.wikipedia.org/wiki/Motion_picture_rating_system

Annex A - Example of a Consultation Response Form

Name	
Organisation	
Postal Address	
Telephone/Fax	
Email Address	
Website (if applicable)	
Title of Consultative Document	
Response	
Section No.	(maximum 500 words)
Section No.	(maximum 500 words)
Section No.	(maximum 500 words)

Annex B - GORTT's Consultation Principles

Public Consultation involves the exchange of information between the Ministry and its stakeholders to facilitate a shared understanding of the issues under consideration. It is an open and accountable process whereby individuals and groups can contribute to decision-making processes and influence outcomes.

Consultation will be seen as an integral part of the policy formulation and implementation process which is the initiation or revision of policies, programmes and projects. It is also view as a mechanism to assess, monitor and evaluate the success of the delivery of government services.

Stakeholder analyses will be conducted to accurately identify those interest groups and associations that have significant and legitimate interests in a specific issue or policy area.

The consultation material will be concise, easily understandable and widely accessible. Each document must have an executive summary that covers the main points under review, this will ensure that the relevant stakeholders are in a position to read the appropriate documents related to his/her interest.

The relevant Government Ministry remains the key policy-adviser on matters within its portfolio and will be the final determinant as to the contents of any particular policy or strategy and will make the appropriate recommendations to Cabinet for consideration and approval.