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POLICY BULLETIN

To: All Distributors

Subject: BPCPA Classification Reconsideration Policy

Date: September 1, 2007

As you are aware, the Business Practices and Consumer Protection Authority was delegated responsibility for film classification in BC effective July 1, 2007. Following this delegation, the BPCPA has been reviewing several policies and procedures related to the *Motion Picture Act* and BC film classification decisions.

This bulletin concerns changes to previous policies regarding reconsideration requests for film classification decisions. Reconsiderations are guided by Section 12 of the Motion Picture Act Regulation which states:

Reconsiderations by the Director

- 12** (1) A licensee, an applicant for a licence or an applicant for an exemption may request the director to reconsider a decision or order made under the Act or these regulations, or a seizure under section 12 (2) or (3) of the Act.
- (2) A request under subsection (1) must
- a. be in writing and in a form acceptable to the director, and
 - b. be delivered to the director within 30 days from the date of notification by the director of the decision or order or the seizure.
- (3) The director may refuse to reconsider a decision, order or seizure if, in the opinion of the director, the request for reconsideration is frivolous, vexatious or made in bad faith.
- (4) The director may extend the 30 day period in which to submit a request for reconsideration in subsection (2) (b) if, in the opinion of the director, extenuating circumstances prevented submission of the request within the 30 days.
- (5) The fee for a reconsideration is \$100 and must accompany the request for reconsideration.

Effective **September 6, 2007**:

The BPCPA will accept a request for reconsideration only when a written request is received within 30 days of the classification decision and is accompanied by a completed Notice of Reconsideration form. This form is available on the BPCPA web site at www.bcfilmclass.com

The Director will reconsider a film classification decision only when the requestor identifies a relevant error that was made in the process of the initial decision or the requestor identifies new information, not previously available to BPCPA, relevant to the original decision.

Where the reason for requesting classification reconsideration is not relevant to the initial criteria used in the classification, the Director may refuse to reconsider on the grounds that the request is frivolous. Such reasons may include, but are not limited to:

- Other jurisdictions' classifications,
- Where the film was recorded or produced,
- To whom the film is being marketed,
- The requestor wants younger people to be able to see the film,
- The requestor believes that individual scenes should not be considered in isolation but rather in the context of the entire film,
- The message or theme of the film,
- The age of the characters in the film,
- Classifications given to other films;
- The classification is too harsh,
- Film in question is based on a TV series,
- Film's theme is informative to children,
- Inconsistent classification with previous films in a series.

If the request for reconsideration is not acceptable, BPCPA will notify the requestor within ten working days. In this case, BPCPA will not process the requestor's payment (i.e. the requestor will not be charged if the film is not reviewed a second time).

Where a request for reconsideration meets the necessary conditions and requirements, the Authority will process the \$100.00 reconsideration fee. This fee will be refunded to the applicant if the reconsideration results in the full reversal of the decision. "Full reversal" refers to a change in the classification category (e.g. from 18A to 14A) and not merely a change to the advisory.

The BPCPA will provide the distributor with a final written decision outlining the reconsideration decision rationale within 30 days of the reconsideration.

If you have any questions regarding this or any other matter please do not hesitate to contact our office via phone 604.660.6821, fax at 604.660.1110 or email operations@bpcpa.ca.