



AIP (ACTRA Indie Production)

AIP Procedure

Contact ACTRA office a minimum of 30 working days in advance of scheduled principal photography

Tel: 902-420-1404

E-mail: maritimes@actra.ca

ACTRA office will provide templates for start documents:

Security Agreement (SA)

Voluntary Recognition Agreement (VRA)

Production form

Accident on Set Application (to be submitted to AFBS at least 10 working days before shooting commences)

AIP Guidelines and Application

Completed start documents (Security Agreement, Voluntary Recognition Agreement, Production form, and AIP Application form) **must be submitted to ACTRA office 10 days before principal photography.**

A CMPA producer must be associated with the AIP production. If the filmmaker is not a CMPA member, the filmmaker can have a producer who is a member be associated with the project as an Associate or Executive Producer. The member producer can indicate their participation in the project and permit the use of their CMPA number by providing this approval in writing before the beginning of Principal Photography. However, this may not be a requirement for very low budget productions.

ACTRA INDIE PRODUCTIONS (AIP) - Guidelines

This document is intended to assist people interested in requesting contract terms from ACTRA designed to facilitate non-commercial, low-budget productions. What follows are guidelines designed to advise you on how to structure your proposal.

Meeting these guidelines does not guarantee that your project will be approved.

- (1) Access to this agreement is at the sole discretion of ACTRA Maritimes.

Qualifying Productions and Procedures:

- (1.1) **Application deadline:** At least one month prior to start date, contact the ACTRA office in your region, and submit the appropriate application and documents as listed on the Document Checklist (page 5-7 of these Guidelines). The ACTRA Branch staff will review your application package, and may request a meeting with the producer and director. Upon approval by the ACTRA Branch Representative, the production start documents will be forwarded to the producer.
- (1.2) **Pre-approval required:** Casting and principal photography may not begin until the ACTRA Branch Representative's approval is granted. ACTRA-Online will be made available to Producers for casting purposes upon approval.
- (1.3) **Type of projects:** Dramatic films of any length, genre or format qualify for AIP, subject to exclusions listed as ineligible productions below. All projects must shoot within ACTRA's jurisdiction. Producers, directors, writers, performers and key crew must all be Canadian or landed immigrant, and resident in Canada.
- (1.4) **Cast:** All performers must be ACTRA Maritimes' apprentice or full members **with the exceptions considered per (7.1)** on a case by case basis at the discretion of ACTRA Maritimes.
- (1.5) **CMPA membership: Producers must be members of the CMPA prior to the filing of their application for the AIP Program with ACTRA. Please be advised that the CMPA will not approve projects by companies who are not members in good standing of the Association. However, this may not be a requirement for very low budget productions.**
- (1.6) **Screenings:** Producers of feature films must commit to having at least 2 theatrical screenings prior to any television or other media exposure. Short films require at least one public or festival screening. All Distribution and Broadcast agreements must allow for an initial theatrical window.
- (1.7) **Canadian Content:** The project must be eligible with at least 6 of a possible 10 points under the current CAVCO application guidelines as a "Canadian film or video production" and thereby also be eligible for federal tax credits. Short and Experimental films are excluded from having to apply to CAVCO, but must otherwise qualify under CAVCO. As per CAVCO, any Canadian feature film Distribution Agreement must include an obligation to exhibit the production in Canada within two years of completion.
- (1.8) **IPA applies:** Upon becoming a signatory, all terms of the IPA apply except as amended by these AIP guidelines, and as agreed by ACTRA and the CMPA with regard to this application.
- (1.9) **Canadian ownership:** The Feature Film property must be owned and produced through a company incorporated in Canada under the laws of Canada or of a Canadian province or territory. However, it may be owned and produced by an individual who is a Canadian if it is a very low budget production. All projects must adhere to standard legal, business, and accounting procedures. All feature films must have a final audit performed. Experimental and short Films need only submit a final cost report.
- (1.10) **Security agreement:** A standard executed Security Agreement as per Appendix 7A and 7B of the IPA is required.
- (1.11) **Arrangements to collect residuals:** Since every project is unique we suggest that you review the ACTRA Performers' Rights Society's procedures sheet and contact them (1-416-489-1311 or toll-free 1-800-387-3516) should you require information on the specifics of your distribution arrangements.
- (1.12) **Insurance:** Your project must be budgeted to secure liability and accident insurance covering cast and crew for the shoot and show proof of coverage prior to shooting.

In addition, Accident On Set (AOS) Insurance must be purchased from ACTRA Fraternal Benefits Society (AFBS). AOS may not be applicable if production is registered and covered by WorkSafeNB for New Brunswick productions. Proof of coverage for performers through WorkSafeNB must be provide prior to principal photography if applicable. The AOS Insurance Certificate, if applicable, must be provided to show proof of coverage prior to shooting.

(2) Ineligible Productions

ACTRA and the CMPA reserve the right to decline or to revoke approval for any projects for any reason. Examples of projects that will not be approved, or that will have their approval revoked, include but are not limited to the following:

- (2.1) **Excluded projects:** All Industrials, Corporate Videos, documentaries, dubbing, animation, pilots, TV Series, Television Movies of the Week, Commercials and Music Videos are not eligible.
- (2.2) **Minors:** Projects that depend on the extensive involvement of minors will be carefully examined for viability and will be excluded unless the resources and planning for the proper care and treatment of the young performers can be demonstrated. Performer working conditions for Minors are per section A27 in the IPA.
- (2.3) **Revised scope:** AIP projects which during production or completion increase the scope of their budget or alter the nature of their production (e.g. TV movie) must disclose such changes to ACTRA. The AIP status of such a production may be amended or withdrawn at the discretion of ACTRA or the CMPA.
- (2.4) **Unfair advantage; misrepresentation:** A production which is found to be taking unfair advantage of AIP rates through misrepresentation or falsification of budget will become immediately subject to the rates and conditions of the IPA.
- (2.5) **Other exclusions:** The Producer(s) and its principals and their related companies cannot apply to AIP if they are (A) currently in default with ACTRA, or (B) have been declared an Unfair Engager, or (C) have been previously found to be undermining AIP, or (D) are not members in good standing of the CMPA.

(3) Rates: (Rates for a Modified AIP will differ, including for Bell Fibe productions)

Tier I Production: Total budget of \$0-\$50,000

Principal	\$175.00 min 8 Hr. call / 9-12 Hr. paid at 150% of hourly rate
Actor	\$150.00 min 8 Hr. call / 9-12 Hr. paid at 150% of hourly rate
Background	Min 4 Hr. Call / 1-8 Hr at hourly rate no less than Prov Minimum Wage / 9-12 Hr. paid at 150% of hourly rate.

Tier II Production: Total budget of \$50,000. – \$250,000.

Principal	\$225.00 min 8 Hr. call / 9-12 Hr. paid at 150% of hourly rate
Actor	\$175.00 min 8 Hr. call / 9-12 Hr. paid at 150% of hourly rate
Background	Min 4 Hr. Call / 1-8 Hr at hourly rate no less than Prov Minimum Wage / 9-12 Hr. paid at 150% of hourly rate.

Location Shoots: The terms and conditions of this Agreement shall not apply to engagement of Background Performers who are not members of ACTRA for production locations eighty (80) kilometers or more from the nearest ACTRA office. ACTRA members who reside within the vicinity of the location of the shoot shall receive preference of engagement from the Producer.

ADR rate: ADR is to be paid at 50% of the contracted daily rate with a maximum 4 hours of work time. The (contracted) daily fee applies after four hours.

Productions exceeding \$250,000 are encouraged to apply to produce under the IPA or the CIPIP Agreement, contained within the IPA. (Appendix 18)

(4) Working conditions:

Performer Working Conditions are as per the IPA with the following exceptions:

- (4.1) **Overtime:** If the Performer is required to work beyond eight (8) consecutive hours, exclusive of time for meal breaks, Producer shall pay the Performer for each 1/10th-hour increment within the ninth to the twelfth hour, an amount equal to 150% of the performers pro-rata hourly rate.

The penalty for any Overtime worked past 12 hours is a payment equal to 200% of current IPA minimum rate for any hours so worked, at the performer's category IPA rate.

- (4.2) **Turnaround:**

There shall be a rest period of no less than 12 hours between the end of one work day and the beginning of work on the next, except for specific conditions for Minors under the age of 12 per A2705(d) in the IPA.

(5) Additional Budgetary Obligations:

- (5.1) **Benefits:** Benefits and fringes of 12.5% should be allocated in the budget for all gross amounts paid to performers. The percentage includes 12% for Insurance and Retirement, and 0.5 % for the ACTRA Performers' Rights Society. (HST/GST applies for the PRS administration fee.) The PRS administration fee may be waived for very low budget productions.

- (5.2) **Fees:** Administration fees for Class I and Class II Productions payable to both ACTRA and the CMPA are as follows:

ACTRA - Tier I Production	\$250.00	These fees may be waived for very low budget productions.
Tier II Production	\$350.00	
CMPA - Tier I Production	\$250.00	
Tier II Production	\$350.00	

- (5.3) **Security for Payments Due During Production:** No later than five (5) business days before any work is scheduled to begin for the Performers, a payroll security deposit may be required. The deposit will be held in trust. For projects whose shooting schedule is longer than two weeks and ALL feature films, a two-week payroll security deposit is required. ACTRA will release 50% of the deposit for the last two weeks payroll. The remaining 50% will be released upon proof of payment of last payroll and receipt of all paperwork.

Shooting schedules less than two weeks require no less than 50% of the budgeted payroll and will be refunded provided ALL paperwork is completed OR projects, with permission from ACTRA, may arrange to prepay performers for scheduled days and post a security deposit in the accumulated sum of projected overtime fees, administration fees, Performers Rights fees and any other applicable fees as determined by the Branch/Business Representative. When permitted by ACTRA, the Producer will be able to provide other forms of security for payments due during production.

(5.4) **Budget report:** Within four (4) weeks of completion of principal photography, the Producer shall submit to ACTRA a detailed report of actual expenditures and other relevant materials ACTRA may require showing actual cost of the production to date. In the event the actual production costs exceed the limits stated for the categories above, the Producer shall pay the Performers or to ACTRA for the benefit of the Performers, any additional sums necessary to bring the compensation of the Performers into the defined class of production.

(6) Revenue Participation and Distribution

(6.1) **A basic use fee is included in the base fees:** The basic fees outlined in part (3) above paid to performers during production include payment for a "Declared Use of the Production" of Theatrical worldwide for one (1) year from the first theatrical use.

(6.2) **Residuals:** All other media use **except New Media** (world theatrical, pay TV, basic cable, free TV and ancillary revenue) are accounted for by payment of a use fee of 5% of Distributors Gross Revenue (DGR) for feature films and 3.6% of DGR for all other films. DGR is defined in Article B509 of the IPA. For further clarity: The Distributors Gross Revenue (DGR) of 5% (feature films only) or 3.6% will be payable on all gross revenues derived from Theatrical distribution after the expiry of the Declared one year period of Theatrical Use. Any Use of the product other than the Declared Theatrical Use will require payment of 5% (feature films only) or 3.6% of Distributors Gross Revenue.

Producer must contact ACTRA PRS for calculation of applicable **New Media** Use payments.

(6.3) **Where paid:** The use fee is paid directly to the ACTRA Performers' Rights Society who administers the collection and disbursement of all DGR payable in accordance with the unit calculations defined in the IPA. Please refer to the ACTRA Performers' Rights Society's procedure sheet (or Article B509 of the IPA) for the full definition of Distributors' Gross Revenue.

(6.4) **Royalties payments are subject to negotiation as per the IPA.**

(7) Casting

(7.1) **Cast:** All performers must be ACTRA Maritimes' apprentice or full members with the following two exceptions considered on a case by case basis at the discretion of ACTRA Maritimes.

- ACTRA Maritimes will consider permitting non-members for AIP shoots in distant locations and give special consideration to permitting from outside the membership to reflect the diversity of Canadian society. Permit Fees for Apprentice Members and Permittees are \$52.50 per 7 days and are paid by production.
- All permits will be qualifying for apprentice members and non-members permitted under the AIP diversity clause above.

(7.2) **Script:** Lead and support roles require performers to have access to a full script before signing.

(7.3) **Stunts:** A qualified ACTRA Stunt Coordinator is required for all scenes that include stunts.

(7.4) **Copy of product:** Upon request, Principal Performers and Actors shall be provided with an electronic copy of their performance (or the film in its entirety) within 60 days of the production of the final master transfer of the completed film. A clause guaranteeing this may appear in Performers' Contracts, if desired.

(8) Rehearsals

(8.1) Time donated: Performers may donate 1 free 8-hour day of rehearsal to the production. Donated rehearsal day must be indicated on performer's contract and on the work report for the rehearsal day.

(8.2) **Additional time:** Performers may participate in two (2) additional rehearsal days at 50% of the contracted Daily Rate, for a maximum of four hours for each day. The preliminary/proposed rehearsal schedule must be clearly delineated to the performer on the casting notice, along with AIP status and the Daily Rate. Any additional Rehearsal days after the first two at 50% are limited to 8 hours, at the performer's contracted Daily Rate. All rehearsal days must be indicated on the performer's contract.

(9) Other issues

(9.1) **Verification:** ACTRA reserves the right to contact all other industry partners and/or grant organizations to corroborate details of the production package.

(9.2) **The IPA:** Copies of the IPA are available from ACTRA. The Producer is expected to review this agreement and have a thorough understanding of its terms and conditions.

(9.3) **Credit:** All AIP projects must have a tail credit showing the ACTRA and CMPA logos and stating "Made with the Generous Support of ACTRA and the CMPA". Logos will be provided by ACTRA and the CMPA in electronic format. In addition, the ACTRA logo must appear on all print and digital promotional materials.

(9.4) **Spirit of this program:** ACTRA recognizes that AIP is vulnerable to abuse by producers who chose to manipulate budgets and other financial documents. Continued success depends on all participants complying with the guidelines of AIP, and its spirit: generosity creating opportunity.

(9.5) **Changes to these guidelines:** These guidelines may be changed at any time.

Application Form

AIP Checklist

Please provide **ONE (1) COPY** of the following documentation and information. No production will be evaluated unless all documentation is complete.

Production Materials

- The contact information of producers, directors and writers on this production.
- Disclosure of all related party transactions such as ALL sources of income in budget (both personal and corporate).
- Insurance certificates and coverage.
- Written assurance and proof that all producers and directors are Canadian Residents and/or Citizens (Passport, Birth Certificate, Affidavit).
- List of all directors, officers and shareholders of Producer and any others with an option to own or control shares.
- A true copy of the Producer's Articles of Incorporation is required for Feature Film submissions.
- A Production Budget. Using the CAVCO/TELEFILM budget system (or other film budget software) list the line items relevant to your project. Include dollar values for donations, deferred services and volunteer time.
- (for Feature films) CAVCO Part A Application in draft form, if available.
- (for Feature films) a Distribution Agreement (CAVCO qualifying), if available.

Script and Creative Materials

- Copies of the shooting script and synopsis
- Production Schedule, Day out of Days, Shooting Schedule, Locations List.
- A list, with script page numbers, disclosing all scenes of violence, nudity, semi-nudity, or sexual content. Understand, the purpose of this is not to judge, but to ensure that all potential performers for your project are fully informed.
- A list of principal and actor roles available in your project and the approximate number of shooting days required for each role. Include the Total Number of Performer Workdays. Description of role of character and state principal and actor category.
- Number of days where Background Performers are required. Description of role of background character and breakdown.
- A list of all roles to be played by minors with a description detailing special provisions you will be taking. All Minor forms (Appendix 14; Appendix 15 if applicable) to be completed as per the IPA prior to work date.
- A list of all stunts with a description detailing special provisions being taken. Please be aware that the definition of an action that requires a stunt performer is not necessarily something spectacular. Any action where even a minor injury is a risk should be performed by a stunt double.
- The name of a qualified ACTRA Stunt Coordinator name (required if stunts are to be performed).

AIP Production Form

Project Title: _____

Production Company: _____

Individual Contact Name: _____

Phone: _____ Fax: _____

Mailing Address: _____

email address: _____ Company website URL: _____

Short or Feature? _____ Anticipated length: _____ minutes

Approx shoot start-date: _____ Number of shooting days: _____

Writer(s): _____

Executive Producer(s): _____

Director(s): _____

Producer(s): _____

CMPA membership number: _____

Intended market, use or venue of the project: _____

Confirmed and proposed financing sources: _____

Shooting Format (film/video, etc): _____

Total Production Budget: _____ Total Cast Budget: _____

By signing below the Producer acknowledges and warrants to the following:

- The truth and accuracy of information and documents submitted in and with this application.
- That ACTRA and CMPA have full discretion with no administrative duty of fairness.
- That no agreement has been entered into or will be entered into with a performer unless and until this AIP application is approved at ACTRA's and CMPA's discretion.
- That ACTRA and CMPA reserve the right to consult all other parties involved with the submitting project.
- That there is no guarantee of final acceptance and approval by ACTRA and CMPA.
- That the Producer has agreed to abide by the terms and conditions of the AIP Guidelines.

Signature of Producer: _____ Name (Printed): _____

Date: _____ / _____ / _____
Day Month Year