

Filming Approval Act 2014
**VICTORIAN FILM FRIENDLY
GUIDELINES**

October 2014



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Overview

In August 2014, the Victorian Parliament passed the *Filming Approval Act 2014* (the Act) to establish a clear and consistent framework which Victorian public agencies must comply with when considering permit applications for commercial filming on public land.

The Act has eight simple principles:

- > Principle 1 – Approvals
- > Principle 2 – Timeliness
- > Principle 3 – Reasons for refusal
- > Principle 4 – Point of contact
- > Principle 5 – Standard forms
- > Principle 6 – Fees
- > Principle 7 – Accessible information
- > Principle 8 – Staff training

These flexible, administrative principles ensure that commercial filmmakers have a positive experience and receive a responsive, consistent, transparent and informed service across Victoria, and that public agencies have the tools available to balance filming requests with the needs of the local area.

The screen industry is a significant economic contributor to the state of Victoria. This new standard will make it easier for an important industry to do business in Victoria, increase Victoria's competitiveness as a production location and make the state more 'film friendly' – which can have a significant impact in attracting and stimulating additional filming activity.

These guidelines, made by the responsible Minister under section 6 of the Act, will assist public agencies to understand and implement the Act, in particular, to comply with the eight film friendly principles. The guidelines also provide a 'Tips and Advice' section for each principle, with practical information on how best to assist public agencies in Victoria to be film friendly.

Of course, it is recognised that not every situation or issue that may occur can be addressed in one set of guidelines. Film Victoria is able to provide specific guidance and advice more generally, where application of the Act or the guidelines is unclear (see **Film Victoria contact details** for further information).

Which agencies does the Act apply to?

A public agency must comply with the film friendly principles when performing any functions or duties or exercising any powers under filming approval legislation (listed at **Appendix 2**) in relation to commercial filming on public land.

Public agency means a committee of management, council, Court Services Victoria, a Department Head, Minister, public entity, the Secretary of the Department of Environment and Primary Industries, a trust established by legislation to manage Crown land or the Victoria Racing Club Limited.

Organisations that are not public agencies, but who have commercial leases for public land, are not required to comply with the Act (i.e. a tenant). However, a tenant on public land – such as a public transport provider – may choose to abide by the principles as the best practice standard for managing commercial filming requests.

Organisations that have functions or powers in relation to the management of public land delegated by a public agency must comply with the Act to the same extent as the delegating agency.

What public land does the Act apply to?

The *Filming Approval Act 2014* applies only to public land, which is Crown land or land owned or under the custodianship of a public agency (see **Which agencies does the Act apply to?**). This includes locations as diverse as suburban streets, beaches, cemeteries, museums and cultural institutions, national parks, zoos, gardens, courthouses, ports and sporting facilities.

It does not include public land or facilities leased on a commercial basis, or private land leased by a public agency such as departmental or ministerial offices.

Filming on private property is not covered by the Act; however related activities such as vehicle parking in adjacent streets or equipment placement on nearby public land may require approvals from a public agency.

For example, the filming location is within a private residence; however approval for vehicle parking on the public street near the location is required from the council.

What filming activities does the Act apply to?

The Act applies to recording images by film, video, digital or other technology intended to be broadcast or publicly exhibited for **commercial purposes**.

The Act does not impose any new obligation for a public agency to require permits or approvals for commercial filming. The Act simply provides that where a public agency does require a permit, the agency must comply with the film friendly principles.

The Act does not apply to non-commercial filming where there is no intention of commercialising the product. These may include the following:

- > news/current affairs gathering
- > still photography
- > personal filming uploaded to internet sites
- > filming of private events that occur on public land (for example, weddings, parties).

For reasons such as public amenity and safety, non-commercial filming activities may still require approval from a public agency. At their own discretion, agencies can choose to apply the principles to non-commercial filming.

For example, a council may decide to apply the principles to student filming applications, as being 'film friendly' to both commercial and non-commercial film permit applicants streamlines internal processes.

The *Filming Approval Act 2014*, local laws and existing legislation

The *Local Government Act 1989* provides that local laws must not be inconsistent with any Act or regulation.

Local laws cannot be inconsistent with the *Filming Approval Act 2014* and its eight film friendly principles. If a local law is inconsistent with the Act, the Act overrides the local law to the extent of the inconsistency.

The Act does not override a minister's discretionary powers to direct how public land may be used.

Implementation and date for compliance

All public agencies will need to comply with the Act from **1 March 2015**.

The Act contains a provision allowing the Governor in Council, acting on the advice of the responsible Minister, to grant exemptions. Applications for an exemption to the Act or any of the principles can be made at any time. However, to take effect from commencement of the Act, a public agency should make an application before **1 December 2014**, to allow time for consideration. Given the flexible nature of the principles, it is expected that exemptions will only be provided in exceptional circumstances.

Film Victoria will regularly monitor compliance through surveys, audits and feedback from public agencies and the screen industry.

General Terms

The Act means the *Filming Approval Act 2014*.

Commercial filming means recording images by film, video, digital or other technology intended for broadcast or public exhibition for commercial purposes.

Committees of management are responsible for managing a wide range of reserved Crown land, including, but not limited to, sporting grounds, bush land, coastal areas, parks and gardens. Committees of management are generally appointed under the *Crown Lands (Reserves) Act 1978*.

Filming means the recording of images by film, video, digital or other technology, but does not include photography.

Filming approval legislation means the Acts (listed at **Appendix 2**) which have been amended to clarify existing powers to issue film permits. Film permits issued under this legislation must comply with the Act.

Film friendly means that the public agency welcomes and accommodates filming requests, and complies with the eight film friendly principles. In practical terms it means a public agency understands and respects the needs of the screen industry and processes film permit applications in a prompt, transparent, consistent and responsive manner.

Film liaison officer is a common description used for staff responsible for managing filming requests.

Filmmaker/Applicant means the person or company responsible for the film permit application.

Film permit is a permit, licence, approval or other authority issued by a public agency to conduct commercial filming on public land.

Public agency means a committee of management, council, Court Services Victoria, a Department Head, Minister, public entity, the Secretary of the Department of Environment and Primary Industries, a trust established by legislation to manage Crown land or the Victoria Racing Club Limited.

Public entity has the same meaning as given under the *Public Administration Act 2004*.

Public land means Crown land or land owned by or vested in a public agency. This includes locations as diverse as suburban streets, beaches, cemeteries, museums and cultural institutions, national parks, zoos, gardens, courthouses, ports and sporting facilities.

Reasonable steps means actively implementing processes to meet a public agency's responsibilities set out in the Act, and acting in good faith to be prompt, transparent, consistent, responsive and film friendly.

Traffic Management Plans (TMPs) and **Pedestrian Management Plans (PMPs)** are provided where filming requires any degree of traffic or pedestrian management. These plans must comply with the requirements of the coordinating road authority under the *Road Management Act 2004*.

Principle 1 – Approvals

1. A public agency that receives an application for a film permit must not unreasonably withhold the approval of that application, subject to this Act and any other Act.
2. The approval of an application for a film permit is unreasonably withheld if a public agency does not attempt to address its concerns by giving approval subject to terms and conditions, or does not take reasonable steps to work with the applicant to identify alternative locations for filming.
3. Approval is subject to any requirements of a public agency to consider public amenity, safety and security, and environmental and heritage impacts.
4. Approval is also subject to any operational requirements of a public agency, including commercial agreements and the maintenance of any land or facilities.

AIMS/BENEFITS OF PRINCIPLE #1

- > This principle creates an expectation that public agencies will grant film permits unless a clear reason exists not to do so. It creates obligations that make the granting of film permits standard practice, and refusal the exception.
- > This principle provides front-line staff with a workable balance between meeting the needs of filmmakers and the necessary safeguards to protect public amenity and public land.
- > Public agencies will be able to negotiate with applicants in the knowledge that permit requests can be approved with terms and conditions in place to protect public land.
- > The application of this principle will send a positive message to filmmakers that Victoria is a film friendly and world-class production destination.

APPLYING PRINCIPLE #1

Approving a permit

- > A public agency can give its approval for commercial filming on public land as a permit, licence, approval, location agreement, or as some other form of written permission. Each is considered a 'film permit'. Application forms for permits must be consistent with the approved standard form issued by Film Victoria (see **Principle 5 – Standard Forms** for details).
- > In recognition of the economic benefits that commercial filming provides to Victoria and the local community, public agencies are expected to grant film permits unless a clear reason exists to decline.

- > This principle acknowledges that there will be times when an agency cannot approve a film permit, or can only approve it with specified restrictions. These restrictions can relate to consideration of:
 - » public amenity – including the normal or expected use and enjoyment of public land and public facilities
 - » safety and security – including of the general public, public land and infrastructure and agency staff
 - » environment and heritage risks – including the natural and built environment and Indigenous heritage considerations
 - » agency operational requirements – including existing tenancy agreements, delivery of scheduled events, compliance with commercial agreements (such as sponsorship arrangements) and the maintenance of any land or facilities; and
 - » applicable laws ('any other Act') – including other legislation (Victorian and Commonwealth) which place conflicting obligations on a public agency, such as laws addressing occupational health and safety, or restrictions on land use.
- > Following consideration of these issues, if an agency is considering refusing an application, it must first:
 - » attempt to address its concerns through the use of terms and conditions; and/or
 - » take reasonable steps to work with the applicant to identify an alternative location.

Using terms and conditions

- > The use of specific terms and conditions on a film permit can enable filming to occur where it would otherwise be declined; they may not be necessary for every permit.

For example, terms and conditions may relate to the number of people at the location, where they can park their vehicles, or the time they will arrive and leave each day.

- > The filmmaker must abide by any terms and conditions specified on the permit. Filmmakers are obliged to contact the issuing agency if their requirements change.
- > The following provide some specific examples of terms and conditions that have been used in the past to ensure a public agency can meet its obligations regarding the management of public land and still enable filming to occur:
 - » a permit to film in coastal regions with access restrictions in relation to specific areas to protect the habitat of endangered species such as the Hooded Plover; and
 - » a permit for use of a public road with restrictions on the size of trucks where the road can only support vehicles up to a certain height or weight.

Negotiating alternative locations, dates and times

- > Most concerns arising from a filming application can be managed through effective communication and negotiation with filmmakers.
- > When a public agency receives a filming application for a specific location and cannot practically manage concerns associated with the filming request, the agency must take reasonable steps to work with the filmmaker to identify an acceptable alternative filming location. However, agencies should be aware that filmmakers may have specific technical or story requirements that preclude the suggested alternative.
- > Agency staff will develop knowledge of viable alternative locations and potential solutions with ongoing familiarisation with the industry and of filming requirements and restrictions.

For example, a filmmaker may request to film at a popular local park, but a nearby, less utilised park with less impact on public amenity may be suggested as a possible alternative.

- > It is expected that a public agency will also consider proposing alternative times and/or dates which could make the requested location suitable for filming.

Refusing an application

- > In cases where concerns cannot be overcome, even with the use of specific terms and conditions or consultation regarding an alternative location, a public agency can refuse an application.
- > If a public agency refuses the application, the public agency will need to explain why. For an explanation of what is required when an application is refused, refer to **Principle 3 – Reasons for Refusal**.
- > An application is likely to be considered 'unreasonably withheld' if a public agency makes no attempt to issue a film permit subject to terms and conditions, or does not take reasonable steps to work with the applicant to identify an alternative location.
- > What is reasonable in any given case will vary and may, for example, include:
 - » contacting the applicant to discuss the specific requirements of a location
 - » discussing any agency concerns and negotiating with the applicant to identify alternative times or locations; and
 - » maintaining a record of locations previously used, to use as a reference tool.

TIPS AND ADVICE

Public amenity and frequently used locations

- > In some cases a location is used so often that filming activities may interfere with the public's enjoyment of it or attract complaints from local residents about noise, property access or increased local traffic.
- > These concerns alone are generally not sufficient reason to refuse an application, as processes can be developed to manage and monitor the use of popular locations. Public agencies must work with filmmakers to promote suitable alternatives and attempt to manage public amenity through the terms and conditions of the film permit.

Inconvenient or disruptive timing

- > Some requests for filming at certain times may impact on an area more heavily or create flow-on traffic congestion in surrounding areas, such as peak hour or near schools at the beginning or end of the school day. Alternative timeframes should be discussed with the applicant to alleviate these issues.

For example, closing a main road for filming in peak-hour traffic may cause significant inconvenience to businesses or commuters; whereas closing the same road outside peak hours is less disruptive and filming can reasonably occur.

Safety and security, heritage and environmental impacts

- > Agencies should keep in mind when considering the impacts of commercial filming that it is usually a short-term activity.
- > Concerns relating to the care of sensitive areas can be dealt with by adding terms and conditions to the permit, such as charging a bond or requiring personnel from the public agency to be present at the location during the filming activity to monitor impact.

For example, a local council may require a reasonable bond as a condition of filming on a local oval to offset any damage to the turf. If no damage occurs, the full bond is returned to the applicant.

Operational requirements

- > Operational requirements relate to the use of the land itself. It does not mean the availability of agency staff to process a filming application.
- > Some operational requirements can make it more complex or difficult to approve filming. A public agency is obliged to attempt to address any operational concerns by including terms and conditions in the permit, and taking reasonable steps to collaborate with the applicant to identify an alternative location.

For example, where an annual event is scheduled – such as the Melbourne Cup at Flemington Racecourse – the location may be unavailable. Options for an alternative location should be explored, or alternative dates could be negotiated with the applicant.

Principle 2 – Timeliness

1. A public agency must approve or refuse an application for a film permit in a timely manner.
2. A public agency must take reasonable steps to respond to an applicant within 5 business days.

AIMS/BENEFITS OF PRINCIPLE #2

- > This principle ensures that film permit applications are processed in a prompt and timely manner and are recognised as an important responsibility of public agencies.
- > By implementing a standard response time, applicants are also expected to submit their applications within reasonable timeframes.
- > A standard response time will lead to fewer enquiries about the status of the permit by the applicant, therefore reducing agency workloads.

APPLYING PRINCIPLE #2

Responding to an application within five days

- > Public agencies need to have processes in place to ensure that filming applications are dealt with in a timely manner. A timely manner generally means prompt consideration, without delay; although the response time will depend on the content and complexity of the application.
- > To assist in managing expectations, information about turnaround times for decisions should be readily available online for filmmakers (see **Principle 7 – Accessible information**).
- > Public agencies must take reasonable steps to respond to an application – with at least an acknowledgement of the application, but preferably a decision – **within five business days**.
- > Past practice indicates many public agencies are able to assess and then approve or decline an application within the timeframe of five business days.
- > Reasonable steps include:
 - » ensuring film permit applications can be processed during normal business hours, for example, without being affected by the availability of staff, as this is crucial in ensuring the timeliness of approvals; and
 - » recognising and prioritising film permit applications as an important responsibility of the public agency.
- > The timely processing of a film permit application should not put public amenity at risk or bypass agency safety processes.

When a public agency needs more than five days to process a film permit application

- > Some complex film permit applications will require the internal coordination of approvals and/or consultation with external agencies, such as Victoria Police, and may require more than five business days to complete.
- > Smaller agencies, such as a voluntary committee of management, may also need more than five business days to assess a permit application.

- > In these cases, the agency should respond within five business days (as soon as an initial assessment has been done). It is best practice for the response to advise the applicant of how long the approval process is likely to take. All applications must be approved or refused in a timely manner.
- > At any time, Film Victoria or the responsible Minister may ask an agency to provide evidence that it is processing film permit applications in a timely manner, as required by Principle 2.1.

TIPS AND ADVICE

Complex applications may take longer to approve

- > The screen industry understands and accepts that filming involving complex arrangements and multiple public agencies may take longer to process than a straightforward shoot with little impact on public amenity.

For example, a complex, night-time feature film shoot occurred over three consecutive nights (6pm - 5am) using noisy special effects equipment. This filming activity required extended negotiation with the local council, government agencies, private real estate agents and property developers, as well as residents and other stakeholders in the immediate area. In this instance the final approval took longer than 5 business days.

Fast-tracking applications

- > Where a filming activity involves minimal equipment and crew and has little disruption to pedestrians, traffic and residents, public agencies may allow the application to be 'fast tracked', provided all relevant documentation has been submitted.
- > Introducing a streamlined process for this kind of filming can minimise the workload of both public agencies and applicants.

For example, a council could approve a film crew of three members using a hand-held camera gathering 'vox pops' for a football commentary program within two business days, following a written request to film and proof of public liability insurance.

- > Some public agencies may choose to approve such low-impact and low-risk activity by email, without the need for a formal permit.

Working with incomplete applications

- > Due to the many and varying elements involved in filming on location, some information may be unavailable at the time of application, or may need to be altered closer to the date of filming. In some instances, changes to the planned filming activity may be required after an application has been submitted. The industry understands that substantial changes to an application may require further processing time.
- > If additional information is needed before an application can be approved, the applicant should be notified as soon as possible so they can make adjustments to their application or look for an alternative location.

Principle 3 – Reasons for refusal

1. A public agency that refuses to approve an application for a film permit must give reasons to the applicant for the refusal.

AIMS/BENEFITS OF PRINCIPLE #3

- > The key to this principle is providing clear reasons to the applicant as to why the permit can not be issued. Giving reasons for refusal demonstrates a transparent and consistent decision making process and encourages industry confidence in agency decisions.
- > By providing clear reasons for refusal, industry can acquire an understanding of the limitations of a location due to public amenity, safety and security, environment, heritage and operational considerations.
- > By addressing valid reasons for amending or declining a permit and systematically recording the decision making process, public agencies will establish precedents to use as a resource in future decision making.

APPLYING PRINCIPLE #3

- > The principles allow a public agency to decline a film permit application only after attempting to address any concerns using terms and conditions (e.g. restrictions to minimise environmental impact) and taking reasonable steps to work with the applicant to find an alternative location (as described in **Principle 1 – Approvals**).
- > A public agency must give clear reasons to the applicant for a refusal. A notification with no reasons for refusal is unacceptable. It is best practice for a refusal to be in writing and it must be provided in a timely manner (as provided for in **Principle 2 – Timeliness**). As with approvals, it is best practice to advise an applicant of a decision to refuse an application within five business days.

TIPS AND ADVICE

Public land leased to a tenant

- > Where an enquiry is made about filming on public land which is leased to a tenant, a public agency may redirect the request and act as a liaison between applicant and tenant. In such cases, redirecting a filming request or application is not a refusal.

Working with incomplete applications

- > The submission of additional information at a later date, provided it does not substantially change the application or timeframes, should not preclude the approval of an application.

For example, an application may be submitted to a local council with the main dates, timeframes and location details. Further site plans and related approvals required from other public agencies are then forwarded to the council as they become available, but prior to the approval being granted.

Principle 4 – Single point of contact

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1. A public agency must take reasonable steps to provide a single point of contact to deal with commercial filming on public land.
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AIMS/BENEFITS OF PRINCIPLE #4

- > Assessing a film permit application will often require consultation with different departments within a public agency. This principle ensures that the responsibility for managing these internal communications is taken by the agency itself and is not placed on the applicant.
- > This principle ensures the applicant is not required to separately identify, contact or negotiate with multiple departments or persons within one agency, and is kept informed about the progress of the application.
- > A single point of contact within an agency will provide the applicant with a seamless customer experience throughout the application process. Having a consistent channel of communication to the applicant will also enable the agency to understand and manage the impact of the filming activity on its jurisdiction.
- > Duplication, gaps in information and response times will be reduced, creating a more efficient process and enabling decisions to be made in a timely manner.

APPLYING PRINCIPLE #4

What does the 'single point of contact' do?

- > This principle ensures that applicants for film permits have only one contact point within an agency. It is a client-centered principle aiming to minimise the effort required of applicants to obtain permission for filming.
- > The principle does not require the creation of a new, or dedicated position within a public agency to service film permit applications (although it is open to agencies to do this, and some already have such a dedicated role).
- > The single point of contact refers more generally to having a reliable and consistent channel of communication for handling filming applications. It is a service function which may be undertaken by a person or team as part of a wider set of duties. Some agencies call staff that perform this function a 'film liaison officer'.

For example, agency #1 incorporates this function into the position description of its events officer; agency #2 assigns responsibility for this function and associated duties to its economic development team.

- > The services available through a single point of contact at an agency include:
 - » responding to enquiries about filming in the agency's jurisdiction
 - » assessing film permit applications
 - » communicating and negotiating with the applicant on behalf of the public agency
 - » coordinating all information to ensure it is communicated quickly and consistently
 - » managing internal communication and any necessary agency sign-offs for a film permit
 - » collating agency decisions, terms and conditions and approvals; and
 - » issuing the final film permit to the applicant.
- > For complex applications, the agency may also need to meet with applicants and other stakeholders, or visit the proposed filming location (a 'site visit').

What doesn't the single point of contact do?

- > The single point of contact does not need to have the authority to approve all the separate internal decisions required to approve a film permit application, such as traffic management plans (TMPs) or parking permits.
- > As necessary, an agency can process parts of a filming application in different areas of the agency.

For example, a council decision to approve a filming application may require separate internal approvals from parking, building services and traffic management. The single point of contact will liaise with all these areas, collect any necessary internal approvals, assess the overall application and communicate with the applicant on behalf of the agency.

- > Although the single point of contact is responsible for confirming the applicant has been granted any relevant external approvals required for filming (for example, a Victoria Police approval to use a firearm), it is the applicant's responsibility to apply for these external approvals.

Practical considerations for implementation

- > Each public agency is best placed to decide how to establish its single point of contact. However, it is recommended that when identifying the most effective person or team to act as the single point of contact, an agency consider providing staff who have:
 - » knowledge of the agency's internal structure and permitting requirements – to support the effective coordination of internal approvals
 - » knowledge of legislation and regulations which apply to public land the agency is responsible for
 - » risk management, problem solving, stakeholder management, communication and negotiation skills – to support a flexible approach for the benefit of all stakeholders
 - » understanding or experience of the screen industry or experience in fast turnaround activities, such as events; and
 - » availability to respond to applications during standard business hours five days a week – to ensure the timely processing of applications (as required by Principle 2 – Timeliness).

- > Reasonable steps to provide a single point of contact include formal recognition of the function within the agency, for example, in a team or individual position description. This practical measure will assist in retention of corporate knowledge and ensure that the management of film permit applications is recognised as an important agency responsibility.
- > Agencies may also find it useful to explain the single point of contact and associated responsibilities to existing and incoming staff. This will help ensure that agency staff know to direct filming requests to the single point of contact.

TIPS AND ADVICE

Tenants

- > Where public land is leased to a tenant, the public agency's single point of contact may not be able to approve or refuse a film permit application (see **What public land does the Act apply to?** for details). However, the agency's single point of contact can choose to act as a liaison between the applicant and tenant to help make the process more streamlined.

Providing contact details to Film Victoria

- > Film Victoria will maintain a database of agency contact details. To support this, agencies should provide their contact's details, along with any other relevant staff, to Film Victoria before 1 March 2015 and notify of any changes (see **Film Victoria contact details**).

Principle 5 – Standard forms

1. A public agency must ensure that any application forms and other documents required by the public agency to consider an application for a film permit are consistent with any standard forms or documents issued by Film Victoria.
2. If an application form or other document used by a public agency is different from a standard form or document issued by Film Victoria, the form or document must not request any information from an applicant that is not necessary to consider the application.
3. This principle does not apply to forms and other documents that are prescribed by regulations or are required by an Order in Council.

AIMS/BENEFITS OF PRINCIPLE #5

- > This principle provides a clear standard for agencies to refer to when developing film permit application forms and ensures a more consistent application experience for industry.
- > A standard form will help public agencies identify key aspects of filming they need to consider when they receive an application. This will be especially helpful for agencies that rarely receive an application.
- > Using a standard, single-purpose form to process film permit applications ensures the complexities of location filming are addressed for all parties, and aims to create more efficient internal processes.
- > The standard form will save time for all stakeholders by creating a familiar process and consistent expectations across Victoria. Industry practitioners will be better prepared to complete an application when agencies use similar application forms and attachment requirements.

APPLYING PRINCIPLE #5

The Film Victoria standard application form

- > The standard form provided by Film Victoria is a best practice example of the information required to assess an application to film on public land. It incorporates checks and balances for public amenity, safety and security and heritage, environment and operational requirements.
- > If necessary, public agencies can customise the standard form to incorporate specific land management or operational requirements. Agencies without an existing application form can adopt the Film Victoria template in its entirety.
- > Film Victoria will provide updates to this template as required. It is the responsibility of public agencies to ensure they are using the latest version of the template.

Adapting the Film Victoria standard form (if required)

- > Public agencies are expected to use an application form dedicated to filming activities. Application forms for general events, road closures or other public activities are not specific enough to serve the specialised requirements of location filming and should therefore not be used.
- > Some agencies will need to ask additional questions not included in the Film Victoria standard form in order to consider a filming application, and some sections in the standard form may not be relevant for every public agency.
- > Film Victoria can provide advice and guidance to agencies about how agencies can adapt the standard form. **Film Victoria contact details** are provided at the back of these guidelines.
- > For an agency's amended form to be consistent with the standard set by Film Victoria, it must be substantially the same content and format and not request any information unnecessary in considering a film permit.

For example, Parks Victoria may need to add an extra question to the standard form to ask whether a domestic animal will be used in filming, as it could pose an environmental risk. Parks Victoria could then use the response to the question to adapt the terms and conditions of the issued film permit.

- > Agencies will be able to amend the standard form in-house, as it will be provided in multiple document formats.

When isn't the standard form required?

- > Forms and documents prescribed in regulations or set by an Order in Council are not required to comply with this principle. Agencies in this category should notify Film Victoria of their situation.

TIPS AND ADVICE

- > A public agency may wish to add, as a condition of applying for the permit, that applicants abide by *The Victorian Screen Industry Code of Conduct* (refer to **Appendix 1**). The Code is a useful reference tool for agencies to understand what is considered 'industry standard' appropriate conduct for all film crew members working on location.

Principle 6 – Fees

1. Unless specifically authorised by another Act, fees charged by a public agency for applications for film permits and issuing film permits must not exceed cost recovery.
2. In relation to fees for applications for film permits and issuing film permits that are not set by regulations or by an Order in Council, a public agency must have regard to the broader economic benefits that commercial filming will bring to the community when setting the fees.

AIMS/BENEFITS OF PRINCIPLE #6

- > The aim of this principle is to reduce costs for the Victorian screen industry and ensure that fees charged by agencies are reasonable and transparent.
- > Filming activity brings substantial economic and cultural benefits to the state every year. Ensuring that fees charged for film permits do not exceed cost recovery is an important way to maintain and encourage filming activity and enhance Victoria's reputation as a film friendly production destination. However, this principle recognises that in some cases (such as for large productions with a range of needs) an agency may need to recover the costs of processing the application.
- > Keeping film permit fees as low as possible acknowledges the positive economic impact filming has on the local and wider Victorian economy. Filming can boost intrastate, interstate and international tourism and has significant flow-on benefits to small businesses such as retailers, restaurants and caterers, transport and accommodation providers, builders and artisans and equipment suppliers.

APPLYING PRINCIPLE #6

What fees are covered by this principle?

- > This principle applies to fees charged by a public agency for the application or the issuing of film permits.

What types of fees are not covered by this principle?

- > The principle does not cover any other licences, permits, leases or agreements which may be associated with filming activities, such as facility hire, charging a bond, or service fees (e.g. cleaning or security costs).

For example, an agency responsible for a museum or gallery may charge a film permit fee and charge separately for the hire of a function room and security services, and require a refundable bond to offset any potential damage to exhibits.

- > Broadcast rights to film a specific event, such as major sponsored sporting events, are considered a commercial agreement and are not covered by this principle.
- > Fees set by another Act, regulations or Orders in Council are not required to comply with Principle 6.2. Fees set under these mechanisms are likely to be determined based on a cost-benefit analysis that takes economic benefits into consideration.

Setting fees

- > Unless specifically authorised by another Act, fees must not exceed cost recovery. Wherever possible, public agencies should consider not charging fees for the use of public land for filming related activities.
- > As a general explanation, cost recovery is a charge to recover the costs of providing a service. It may take into account:
 - » the time involved for staff to assess and issue a film permit, including facilitating negotiations between external stakeholders; and
 - » resources required to visit a location to complete a risk assessment.
- > The Victorian Department of Treasury and Finance (DTF) has comprehensive guidelines on cost recovery (see **Appendix 1**).
- > A public agency must have regard to the broader economic benefits of commercial filming when setting fees (unless set in regulations or Orders in Council). This requirement can be met by considering the employment, publicity, tourism and other downstream economic benefits of filming to their jurisdiction and Victoria. It is expected that in the majority of cases, the cost of a filming permit will be nominal, reflecting the economic benefits that accrue from the conduct of filming activity. In some cases, agencies may choose to waive the film permit fee entirely.
- > However, this principle recognises that in some cases (such as for large productions with a range of needs) an agency may incur, and need to recover, the costs of processing an application. In such cases, however, the fee must be no more than cost recovery (unless another Act specifically allows otherwise).
- > At any time, Film Victoria or the responsible Minister may ask an agency to provide evidence that it has complied with Principle 6. It is anticipated that most agencies will have already undertaken this work when the fee was originally set.
- > An on-screen credit or 'thank you' to the public agency could be negotiated in lieu of charging a film permit fee.

TIPS AND ADVICE

Communicating fees early and transparently

- > A current fee charging structure should be published on an agency's 'filming' webpage (in line with **Principle 7 – Accessible Information**).
- > The agency should indicate to the applicant what fees are likely to be incurred as early as possible in the application process.

Other fees associated with filming

- > Additional costs often associated with filming on public land include: parking fee a bond, and costs associated with the removal of infrastructure or 'make-good' of the location. These additional fees can increase the cost of a location and lead to it being cost prohibitive for a filmmaker.
- > While Principle 6.2 is only mandatory for film permit fees, agencies are encouraged to apply this principle – wherever possible – to other fees for filming-related activities, in recognition of the economic and cultural benefits filming provides to Victoria.

For example parking permit fees could be waived for parking spaces in a non-ticketed area at a time when they are generally not expected to contribute to public agency revenue.

- > If an agency does charge fees for filming-related activities, flexibility in the application of fees is also encouraged.

For example, a television series will use a recurring location, such as a main character's house, for a day or half-day at a time, several times in a month. In such cases 'subsequent day' rates could be applied instead of multiple 'first day' rates.

Principle 7 – Accessible information

1. A public agency that has the power to issue film permits must publish information about how a person may apply for a film permit on its website or on a website approved by Film Victoria.
2. A public agency must publish on its website or on a website other than the agency's website any other relevant information regarding these principles on the request of Film Victoria.

AIMS/BENEFITS OF PRINCIPLE #7

- > This principle aims to provide production companies with access to practical information on how to film on public land, which will allow filmmakers to survey Victorian locations and plan and apply for film permits in an informed manner.
- > This principle also aims to accommodate smaller agencies without their own website to publish filming information on an alternative website approved by Film Victoria.
- > Publishing the agency's filming policy, approval processes and fees online will answer many of the filmmakers' initial queries, and reduce the number of telephone queries. This will mean less work for public agencies.
- > By having clear information on a web page, production companies will be aware of the agency's jurisdiction and processes.
- > Publishing contact information will ensure film permit enquiries are directed to the single point of contact, who is best placed to answer applicant enquiries.

APPLYING PRINCIPLE #7

Dedicated webpage

- > Agencies do not need to build a dedicated website to comply with this principle. Each public agency with an existing website should have a dedicated 'filming' webpage. Public agencies without a specific website must publish filming information on a website approved by Film Victoria – agencies should contact Film Victoria to seek guidance on appropriate alternatives.

For example, a small regional cemetery does not have its own website. The responsible committee of management may choose to instead publish information on how to film at the cemetery on a website approved by Film Victoria.

What information does a public agency filming web page need to have?

- > Agency filming webpages should include information on:
 - » how to apply for a permit
 - » the agency's single point of contact, including contact number and email
 - » fee schedule (if applicable)
 - » additional charges that may be incurred
 - » application forms; and
 - » application and decision time frames.
- > Film Victoria will supply a template of webpage text and documents to be added to the agency's dedicated filming webpage.

Contact information

- > Contact information for the single point of contact – not the agency's general enquiries line – should be easily identified on this webpage, including email addresses and telephone numbers.
- > Although a name is preferable, it is acknowledged that some agencies do not publish officer names or direct telephone lines. The position title may be used instead.

Film Victoria requests

- > Film Victoria may request agencies provide and/or publish additional information on filming in Victoria on another website, for example, on Film Victoria's filming page. Agencies are required under Principle 7.2 to accommodate such requests.

TIPS AND ADVICE

Dedicated email address

- > Many filming queries are made via email. Best practice is to have a dedicated generic mailbox, for example `filming@publicagency.vic.gov.au`
- > This ensures that applications are always directed to the relevant single point of contact, regardless of staff changes.

Search engine access

- > It is important that film application information for the public agency can be found by major search engines.

For example, if an applicant searches in Google using 'Parks Victoria filming' as the keywords, the Parks Victoria filming webpage should appear.

- > It is also important that, wherever possible, if applicants search the keyword 'filming' on a public agency website, the filming webpage will display in the search results.

Other valuable information a public agency may wish to publish

- > A public agency can include additional information and links to Victorian screen resources on their website, such as:
 - » profiles and images of local filming locations
 - » examples of productions which have filmed on location
 - » the public agency's filming policy (if this applies)
 - » *A Guide to Filming in <agency name>* (Film Victoria will supply a template, which agencies can adapt to their local needs)
 - » information on 'low impact' filming applications (if this applies)
 - » locations in the public agency area that do not fall under the agency's jurisdiction – for example, land managed by another agency or tenant
 - » sensitive locations, such as those with Indigenous heritage or environmental considerations; and
 - » typical use and availability of popular filming locations.
- > The webpage could also feature a link to resources and tools such as:
 - » *Filming in Victoria: A Public Agency Handbook*
 - » *Victorian Screen Industry Code of Conduct*
 - » *Film Victoria Locations Galleries*
 - » *Pathways & Protocols: a filmmaker's guide to working with Indigenous people, culture and concepts*

Principle 8 – Staff training

A public agency must take reasonable steps to ensure that staff responsible for considering and issuing film permits are given appropriate information regarding the film industry.

AIMS/BENEFITS OF PRINCIPLE #8

- > This principle ensures that public agencies understand the needs of the screen industry, as well as the requirements of their own organisation. When they do, they will be better equipped to apply the film friendly principles, manage risk and assess film permit applications more efficiently and effectively.
- > The 'film industry' includes a broad range of sectors which undertake commercial filming in Victoria. Understanding the needs of different applicants and sectors will assist agencies in being timely and informed in their decision making.
- > Agencies will be in a better position to manage the impacts and risks of filming on public land, as they will have a more practical understanding of the activity's implications and film industry requirements.

APPLYING PRINCIPLE #8

Agency responsibilities

- > Public agencies must provide staff responsible for considering and issuing film permits (the individual or team acting as the agency's single point of contact) with opportunities to build an understanding of the screen industry.
- > This principle does not create an expectation or requirement that staff will undertake classroom learning or extensive off-site training.
- > Familiarisation opportunities for staff can instead be provided through practical activities such as on-the-job learning, meetings with other agencies regarding filming practices, site visits or time to read about location filming (see **Tips and Advice** for more examples).

Film Victoria support

- > Film Victoria, the Victorian Government's screen agency, works closely with industry and government to promote Victoria as a world-class production destination and attract screen productions to the state.
- > Film Victoria is available to answer agency questions, provide advice and guidance and, if necessary, assist with mediation between an agency and applicant.
- > Film Victoria can provide a range of resources to help establish and maintain consistent processes for public agencies across the state and information available about the Victorian screen industry (refer to **Appendix 2**).
- > Film Victoria will make available any changes to these guidelines and other resources to support compliance.

TIPS AND ADVICE

Practical familiarisation methods

- > Documenting a public agency's internal processes will help establish a 'knowledge base' and ensure agencies retain corporate knowledge of film permit processes and their responsibilities under the Act, regardless of staff changes.
- > Instigating recordkeeping practices of application outcomes will develop a practical resource over time which new staff can use to familiarise themselves with the practicalities of being the single point of contact. Information to record could include:
 - » a database of past applications and applicants
 - » internal agency approvals required for different locations
 - » previous alternative locations or solutions; and
 - » how concerns have previously been addressed using terms and conditions.
- > Allowing staff to visit filming locations with the production's location manager for a 'set visit' and/or speaking to Film Victoria can provide insight into how a production operates and the practical needs of the crew and what could affect stakeholders, such as local residents.
- > Familiarisation with the needs and language used by the industry will make it easier for public agencies to understand and discuss filming applications, and negotiate with filmmakers.
- > Ensuring staff meet with key agencies involved in film permitting – such as Victoria Police or VicRoads, which have specialist filming units – provides opportunities to discuss current issues and changes to agency processes.

Recommended reading

- > Online tools and information are available to help staff inform themselves on processes, regulations or even production companies that they may be in communication with.
- > Film Victoria is developing *Filming in Victoria: A Public Agency Handbook* for public agencies which will include information on the Victorian screen industry, how location filming uses public land, common terminology, the needs of different project types and best practice examples. The finalised handbook will be provided to agencies in late 2014.
- > A list of useful documents and resources is provided in **Appendix 1**.

Making the whole agency film friendly

- > Agency staff beyond the single point of contact may also be involved in assessing and approving specific sections of a film permit application. Providing these staff with opportunities to build an understanding of the screen industry will assist the single point of contact in delivering a film friendly service.

For example, the assigned single point of contact may invite staff from the parking department on a 'set visit' to show them the practicalities of parking in a location filming context.

Appendices

APPENDIX 1: WEB LINKS TO KEY DOCUMENTS

This is a list of documents relevant to application of the film friendly principles which are available online:

- > *Filming Approval Act 2014*, available on the Victorian Legislation and Parliamentary Documents website (www.legislation.vic.gov.au). Details the governing legislation for commercial filming on public land in Victoria.
- > *Cost Recovery Guidelines (January 2013)*, available on the Victorian Department of Treasury and Finance website (www.dtf.vic.gov.au). Detailed analysis of various accepted cost recovery methods and workbook.

This is a list of resources which provide background information and context for agencies on the screen industry.

Available on the Film Victoria website, www.film.vic.gov.au

- > *Victorian Screen Industry Code of Conduct*. Details the local industry's agreed standards for filming in Victoria.
- > *Filming in Victoria: A Public Agency Handbook*. Provides a practical guide for public land managers on location filming and the screen industry.
- > *A Guide To Filming in <public agency name>*. Template of a step-by-step guide for filmmakers on planning a shoot on location and filming on public land in Victoria.
- > *Film Victoria Locations Galleries*. Photo galleries and descriptions of potential filming locations in metropolitan Melbourne and regional Victoria.

Available on the Screen Australia website, www.screenaustralia.gov.au

- > *Pathways & Protocols: a filmmaker's guide to working with Indigenous people, culture and concepts*. A practical handbook for filmmakers advising on the ethical and legal issues involved in working with Indigenous communities and cultures.

APPENDIX 2: FILMING APPROVAL LEGISLATION

Legislation designated as 'filming approval legislation' under the *Filming Approval Act 2014*:

- > *Cemeteries and Crematoria Act 2003*
- > *Crown Land (Reserves) Act 1978*
- > *Forests Act 1958*
- > *Geelong Performing Arts Centre Trust Act 1980*
- > *Land Act 1958*
- > *Libraries Act 1988*
- > *Local Government Act 1989*
- > *Melbourne and Olympic Parks Act 1985*
- > *Melbourne Cricket Ground Act 2009*
- > *Museums Act 1983*
- > *National Gallery of Victoria Act 1966*
- > *National Parks Act 1975*
- > *Port Management Act 1995*
- > *Road Management Act 2004*
- > *Road Safety Act 1986*
- > *Royal Botanic Gardens Act 1991*
- > *State Sport Centres Act 1994*
- > *Transport Integration Act 2010*
- > *Victoria Racing Club Act 2006*
- > *Victorian Arts Centre 1979*
- > *Wildlife Act 1975*
- > *Zoological Parks and Gardens Act 1995*

APPENDIX 3: FILM FRIENDLY PRINCIPLES

Principle 1 – Approvals

- 1.1 A public agency that receives an application for a film permit must not unreasonably withhold the approval of that application, subject to this Act and any other Act.
- 1.2 The approval of an application for a film permit is unreasonably withheld if a public agency does not attempt to address its concerns by giving approval subject to terms and conditions, or does not take reasonable steps to work with the applicant to identify alternative locations for filming.
- 1.3 Approval is subject to any requirements of a public agency to consider public amenity, safety and security, and environmental and heritage impacts.
- 1.4 Approval is also subject to any operational requirements of a public agency, including commercial agreements and the maintenance of any land or facilities.

Principle 2 – Timeliness

- 2.1 A public agency must approve or refuse an application for a film permit in a timely manner.
- 2.2 A public agency must take reasonable steps to respond to an applicant within 5 business days.

Principle 3 – Reasons for refusal

- 3.1 A public agency that refuses to approve an application for a film permit must give reasons to the applicant for the refusal.

Principle 4 – Point of contact

- 4.1 A public agency must take reasonable steps to provide a single point of contact to deal with commercial filming on public land.

Principle 5 – Standard forms

- 5.1 A public agency must ensure that any application forms and other documents required by the public agency to consider an application for a film permit are consistent with any standard forms or documents issued by Film Victoria.
- 5.2 If an application form or other document used by a public agency is different from a standard form or document issued by Film Victoria, the form or document must not request any information from an applicant that is not necessary to consider the application.
- 5.3 This principle does not apply to forms and other documents that are prescribed by regulations or are required by an Order in Council.

Principle 6 – Fees

- 6.1 Unless specifically authorised by another Act, fees charged by a public agency for applications for film permits and issuing film permits must not exceed cost recovery.
- 6.2 In relation to fees for applications for film permits and issuing film permits that are not set by regulations or by an Order in Council, a public agency must have regard to the broader economic benefits that commercial filming will bring to the community when setting the fees.

Principle 7 – Accessible information

- 7.1 A public agency that has the power to issue film permits must publish information about how a person may apply for a film permit on its website or on a website approved by Film Victoria.
- 7.2 A public agency must publish on its website or on a website other than the agency's website any other relevant information regarding these principles on the request of Film Victoria.

Principle 8 – Staff training

- 8.1 A public agency must take reasonable steps to ensure that staff responsible for considering and issuing film permits are given appropriate information regarding the film industry.

Film Victoria contact details

Film Victoria, the Victorian Government's screen agency, works closely with industry and government to promote Victoria as a world-class production destination and attract and stimulate filming activity in the state.

Film Victoria is available to answer agency questions, provide troubleshooting advice and guidance on the film friendly principles, location filming, the screen industry and projects active in the state.

The Victorian Government developed these guidelines in consultation with public agencies and industry. Complementary tools and resources will also be developed to support the implementation and ongoing application of the Act.

Agencies should provide the contact details of their single point of contact to the Film Victoria contact below, and notify of any changes to this contact. This will assist Film Victoria in alerting agencies to new or updated guidelines, tools and resources.

Film Victoria Film Friendly Liaison

(03) 9660 3238

Email: filmfriendly@film.vic.gov.au

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