



CORPORATE POLICY STATEMENT NO. 55

COMMERCIAL FILMING

June 2017

1. OBJECTIVE

To support commercial filming that promotes community awareness, understanding and support for nature conservation, land management, cultural heritage and significance, in a manner that is consistent with the purpose for which the land is vested or managed.

2. SCOPE

Commercial filming (including photography and encompassing all mediums or formats) on lands and waters managed by the Department of Parks and Wildlife requires approval through a licence, permit and/or lawful authority. This policy provides direction and guidance on how the department administers applications for commercial filming under the *Conservation and Land Management Act 1984* (CALM Act) and *Swan and Canning Rivers Management Act 2006* (SCRM Act).

The policy applies to:

- CALM Act land – the land and waters to which the CALM Act applies, including caves and parts of caves on or under that land (the same as CALM land referred to in the CALM regulations); and
- SCRM Act land – the lands and waters of the River reserve defined in Schedule 4 of the SCRM Act and any other land vested with, or held in freehold title by, the Swan River Trust.

3. CONTEXT

With an increasing awareness of the environment worldwide, there has been a corresponding increase in interest in filming and photographing the natural environment on lands and waters managed by the department. These lands and waters contain a wide range of features that are of interest to commercial filmmakers and photographers.

Commercial filming on lands and waters managed by the department can make a significant contribution towards helping to raise awareness of conservation issues and promoting the appreciation and use of parks and reserves and the department's objectives. However, there is a need to ensure that the activities of those undertaking commercial filming do not damage the environment, conflict with the enjoyment of other users, incorrectly present information, impact on culture and heritage values or promote inappropriate behaviour.

The protection of natural, cultural, heritage and landscape values are key considerations when the department assesses applications for commercial filming. The way an area is portrayed in the final film product can impact these values. It is therefore important that filmmakers and photographers consult with the department before commercially filming on CALM Act and SCRM Act land, and that the department has procedures in place to ensure the protection of an area's acknowledged values.

Commercial filming is any filming or photographic activity carried out on CALM Act land and SCRM Act land for a commercial purpose, including the following:

- advertising, for example, the creation of commercials;
- ongoing commercial filming that is conducted by a business, for example, where a filmmaker or photographer accompanies tours to create and sell personal films and photographs for people on the tour;
- production films;
- documentaries;
- educational films;
- government-sponsored films;
- tourism promotions;
- workshops; and
- courses.

In addition, it also includes any filming activity that involves:

- the use of film crews;
- props;
- sets;
- models;
- instructional materials;
- group activities;
- the utilisation of department staff and resources; and/or
- access to locations beyond that made available to normal visitors to CALM Act land.

However, the following activities are **not** considered commercial filming:

- individual photographers filming or taking photographs as long as they are accessing locations available to any visitor to CALM Act land or SCRM Act land (even if the resulting images are the subject of a future commercial transaction, such as to be reproduced in postcards, calendars, prints, publications, documentaries, displayed in galleries or on private and/or public websites);
- taking of photographs, film and videos for news media of the day and current affairs;
- wedding and portrait filming and photography; and
- filming and photography for charities and non-for-profit organisations.

This policy is to be read and applied together with *Corporate Guideline No. 20 Guidelines for Commercial Filming*.

4. LEGISLATION

CALM Act

Section 33 of the CALM Act states that the CEO of the department is responsible for the conservation and protection of flora and fauna throughout the State, and also the promotion and facilitation of public recreation on lands and waters to which the Act applies.

Regulation 94(1) of the CALM Regulations enables the CEO to grant a licence to any person to sell goods or services, or to undertake an activity for a commercial purpose, on an area of CALM Act land. Part 7 of the CALM Regulations sets out how licences are to be granted.

Under regulation 108, a person is required to obtain lawful authority to take any still or motion pictures by photographic or electronic means on CALM Act land if the pictures are to be used for commercial purposes. Regulation 4(1) enables the CEO to authorise, by written notice, a person to do an act that would, but for that notice, be unlawful under the regulations.

SCRM Act

Section 32 of the SCRM Act states that the CEO may grant licences over the River reserve, and regulation 29 of the SCRM Regulations specifies that the CEO may grant a permit to carry out an activity for which a permit is required under the regulations. Regulation 17 requires a permit for commercial acts and activities.

5. POLICY

- 5.1 Any commercial filming as defined in the context section of this policy and *Corporate Guideline No. 20 – Commercial Filming* on CALM Act land will require lawful authority. The department may grant lawful authority for commercial filming in accordance with this guideline.
- 5.2 Commercial filming on CALM Act land may be subject to payment of fees, charges or remuneration of costs in accordance with *Corporate Guideline No. 20 - Commercial Filming*.
- 5.3 The department may waive any fees, charges or remuneration of costs for particular commercial filming applications on CALM Act land if the application meets the criteria described in *Corporate Guideline No. 20 - Commercial Filming*.
- 5.4 The department shall not approve any application for commercial filming that includes subjects dealing with Aboriginal culture and heritage without sighting the written approval of the relevant Aboriginal group maintaining custody of that material in accordance with *Corporate Guideline No. 20 - Commercial Filming*.
- 5.5 Commercial filming on SCRM Act land will require a permit and may also require a SCRM Act licence.
- 5.6 The department may refuse any application or otherwise determine the location, time and frequency of any proposed commercial filming at its discretion for reasons including, but not limited to, the area being environmentally sensitive and unable to support the activities or having an unacceptable risk of spreading pathogens or weeds; the activities unduly disrupting other visitors or users; fire risk; or impact on Aboriginal culture and heritage values.

6. POLICY IMPLEMENTATION STRATEGIES

- 6.1 Commercial filming applications will be administered in accordance with *Corporate Guideline No. 20 - Commercial Filming*. Departmental staff and commercial filming applicants may also reference *Policy Statement No. 18: Recreation, Tourism and Visitor Services* and the department's Commercial Filming and Photography Handbook.
- 6.2 Parks and Visitor Services Division (Commercial Business Unit) will administer applications for commercial filming on CALM Act land, in conjunction with Regional and Fire Management Services Division.

6.3 Parks and Visitor Services Division (Commercial Business Unit) will maintain the database of applications for commercial filming, as outlined in *Corporate Guideline No. 20: Commercial Filming*.

6.4 Rivers and Estuaries Division will administer applications for commercial filming on SCRM Act land, in consultation with Parks and Visitor Services Division (Commercial Business Unit) and the Swan Region regional and district managers as required.

7. CUSTODIAN

Director Parks and Visitor Services.

8. PUBLICATION

This policy will be made available on the department's internet and intranet.

9. KEY WORDS

Filming; photography; commercial filming; commercial photography.

10. REVIEW

This policy will be reviewed no later than February 2022.

11. DIRECTOR GENERAL APPROVAL

Approved by



Jim Sharp
DIRECTOR GENERAL

Effective date: 30 June 2017