

# Best Practice Management Policy for Commercial Filming and Photography

## About the Best Practice Management Policy for Commercial Filming and Photography

The intent of this best practice management policy is to provide guidelines and requirements for issuing permits to carry out commercial filming and photography operations, undertaken either exclusively or non-exclusively on Council controlled roads, land, parks or reserves.

This Policy is to be read in conjunction with Cairns Regional Council *Local Law No. 1 (Administration) 2016*, *Local Law No. 11 (Local Government Controlled Areas and Roads) 2016* and *Subordinate Local Law 11 (Local Government Controlled Areas and Roads) 2016*, which provide for the regulation of activities that occur in public spaces, ensuring the preservation and protection of the environment, public health and safety and amenity of the Cairns Local Government Area.

## Definitions

**Commercial Filming:** Commercial Filming is defined as filming or photography 'for sale, hire, reward, promotion or profit'. Commercial filming includes advertisements, feature films, on commercial networks (e.g. Pay TV and free to air stations) TV or internet drama, documentaries, educational films, Government sponsored filming and tourism promotions. Commercial photography includes images for magazines, postcards, commercial websites, promotional material, books and advertisements and the commercial photography of private events, including professional wedding photography.

**Non-exclusive Use:** Non-exclusive activities are defined by the following criteria:

- No more than 10 cast and crew
- No significant disruption is caused to stakeholders, retailers or motorists or other events in the vicinity of the activities
- Activities are contained to footways or public open space areas only and no road closures or traffic diversions are required.
- Public safety is maintained at the locations at all times during the conduct of the activities
- Vehicles associated with the conduct of the activities are legally parked at all times and are not driven onto footpaths or parks

**Exclusive Use:** Exclusive activities are defined by the following criteria:

- 11 or more cast and crew; and / or
- Restriction of general public access in vicinity of filming; and / or
- Closures or diversions of roads or footpaths may be required either whole or in part either for filming, vehicle parking or equipment placement or storage; and / or
- Construction of sets or erection of infrastructure required; and / or
- Equipment / lighting other than hand held equipment; and / or
- Unit base or bases are required; and / or
- Special access is required to any proposed filming location (keys for locked gates, special permits, permission or passes are required) for access to any area to which public access/or private vehicle access is usually not permitted.

A single point of contact in Council's Economic Development team will manage and coordinate all exclusive film productions.

**Authorised Officer:** Under S259 of the Local Government Act 2009 the CEO will delegate authority to implement this policy.

## **Best Practice Management Provisions**

### **1) Application for Approval / Permit Process**

A permit to conduct commercial filming / photography will be granted only after approval is given by the CEO or authorised officer. This will take place after a full application has been received, any relevant applicable fees and charges have been paid and approval is granted.

Council reserves the right to refuse any application where it considers the content, intent or impact of the proposed production to be unacceptable to Council or the Cairns community.

Council also reserves its right and discretion to not impose, or to waive certain requirements for particular Film Productions.

For non-exclusive use at least seven (7) working days, and for exclusive use at least fourteen (14) working days prior to the commencement of filming, Council must be supplied with a complete application which includes:

- (a) Contact details of applicant.
- (b) Production details including:
  - a. Production type
  - b. Production name
  - c. Synopsis
  - d. Date and time shooting begins
  - e. Date and time shooting ends
  - f. Number of personnel including crew, talent, visitors, clients and security
  - g. Vehicle number and type (if applicable)
  - h. On site production contact details, including mobile phone numbers and role in production
  - i. Estimated budget (if available)
- (c) Location details including:
  - a. Location types
  - b. Location names
  - c. Location activities and equipment used
  - d. Special requirements
  - e. Start date and time
  - f. End date and time
  - g. Extra pages to be attached if more than one location
  - h. A photo or detailed map with locations clearly marked
- (d) Signed agreement accepting compliance to the conditions of the permit.
- (e) A copy of the applicants Public Liability Insurance Policy which must state that the Cairns Regional Council is noted for their respective rights and interests and must include a sum insured for at least \$20million indemnifying Council.
- (f) Additional attachments:
  - a. If interviews are to be conducted in public areas, a list of interview questions
  - b. If proposing to close footpaths, parking bays or roads, a detailed site plan/mud map or Traffic Management Plan or Guidance Scheme is to be provided

- c. A notification letter to residents and/or businesses that may be affected by filming/photography
- (g) Payment of fees as listed on application.
  - a. This fee will not be refunded if filming does not proceed unless otherwise determined.
  - b. A refundable bond maybe payable in advance and will be determined on a case by case basis.
  - c. News and current affairs programs are exempt from fees and charges for non-exclusive use.

## 2) Conditions of Permit

The following are standard conditions of which all or any may attach to the issue of a permit:

- (a) Any permits or approvals by any Government Department are to be obtained. Compliance with the conditions of the permit or approval that any Government Department may impose is essential prior to commencement.
- (b) The Council is to be indemnified and kept indemnified in respect of any actions, suits, proceedings, costs, claims and demands brought or made by any person or persons, corporation or corporations, authority or authorities in respect of any accident, injury or damage in consequence of or arising out of the filming operation.
- (c) Insurance with an insurance company to cover any claims which may arise from injury to persons or damage to property arising from or attributable to the filming operation is to be taken out. The policy is to be kept current during the continuance of the filming operation and shall be endorsed to note that Cairns Regional Council is joint insured.
- (d) Public Liability insurance cover required is \$20,000,000. Public liability insurance less than \$20,000,000 would involve an assessment of risk prior to permit approval. A certificate of currency shall be supplied to the CEO or its Authorised Officer.
- (e) Where the Applicant wishes to undertake aerial filming and photography with a Remotely Piloted Aircraft (RPA) that weighs over 2kgs the individual piloting the craft must hold a Remote Pilot License and RPA operators certificate issued by the Civil Aviation Safety Authority Australia under Division 101.F of the Civil Aviation Safety Regulations 1998 (Cth).
- (f) An area approval must be obtained from CASA (and provided to Council) for use of Remotely Piloted Aircraft in the specific location if it is deemed to be populous area or within 3 nautical miles or 5.5km of an aerodrome or helicopter landing site. Some locations within Cairns Regionals Council's jurisdiction are within 3 nautical miles or 5.55 kilometres of an aerodrome or helicopter landing site.
- (g) The environment, its flora and fauna, including all marine life, are not to be adversely impacted upon, unless otherwise authorised by the CEO. Any such authorised impacts will also be required to be remediated to the satisfaction of the CEO.
- (h) All areas used are to be left in a clean and tidy condition.
- (i) The amenity of the public is not to be disturbed or adversely impacted upon whether by noise or any other manner.
- (j) All negotiations regarding the use of images of persons are the responsibility of the permit holder.
- (k) Filming/Photography on roads is to be carried out so as not to compromise road safety or unduly disrupt traffic. In all instances the approval of the Queensland Police Department is to be obtained.
- (l) Use of vehicles, aircraft, vessels, noise generating activities and/or equipment and non-filming equipment on foreshores, parks and reserves requires Special Council Approval.

- (m) The Council is to be kept fully and immediately informed in writing of any alterations to the filming schedule.
- (n) Should there be non-observance with any of the conditions of the approval or damage caused which necessitates remedial or reinstatement works to be performed by the Council the costs of the works undertaken are to be met by the permit holder.
- (o) The provisions of all Council's Local Laws are to be observed at all times.
- (p) The permit or conditions of the permit may be altered, amended or revoked by the Council at any time and for any reason.
- (q) Where possible, council assistance in the production should be acknowledged in the end credits, or as mutually agreed. The acknowledgment will generally read "Filmed in Cairns Regional Council region" or "Thanks to Cairns Regional Council".
- (r) Any issue(s) in relation to the content of what is being filmed or how it is going to be used, which could be considered sensitive or offensive to Cairns Regional Council is to be detailed in an attachment to the Film Permit Application. Sensitive or offensive issues might include nudity, violence, content with political or racial implications etc.
- (s) The production company/producer will not portray Cairns Regional Council as endorsing or supporting any product, service or any views, opinions, attitudes or ideas suggested, conveyed, advertised, canvassed, depicted or otherwise expressed, without prior written consent from Council.
- (t) Cairns Regional Council may request permission from the production company/producer to photograph the crew during filming. All images will be used solely for promotional purposes to attract filming to Cairns Regional Council. Further consultation on this matter will be on a case-by-case basis.

**This policy is to remain in force until otherwise determined by Council.**