

DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT

POLICY STATEMENT NO. 55

**COMMERCIAL FILMING ON CALM-MANAGED LANDS AND WATERS**

SEPTEMBER 1998

**OBJECTIVE**

To ensure commercial filming on lands and waters managed by CALM assists, where possible, in promoting community awareness, understanding and support for nature conservation and natural land management and is carried out in a manner that does not compromise conservation and other management objectives.

**BACKGROUND**

Commercial filming is defined as any filming which is undertaken for a financial consideration, either on consignment for another party or with a view to selling or hiring the imagery obtained, or for promotion of a product or service, and includes still photography for advertising purposes.

News of the day (television and print) and current affairs do not meet this definition. These activities do not require approval, a permit or the payment of fees but are mentioned in this policy to assist in dealing with requests.

For the purpose of this policy, commercial filming includes:

- educational programs (documentaries);
- tourism promotion;
- advertising (TV and print);
- feature films;
- still photography for advertising (all other still photography will not require approval, a permit or payment of fees).

With an increasing awareness of the environment worldwide, there has been a corresponding increase in interest in filming the natural environment. The lands and waters managed by CALM contain a vast array of features which are of growing interest to film-makers from all over the world.

Filming of areas managed by CALM can make a significant contribution towards helping to raise awareness of conservation issues and promoting the appreciation and use of those areas and CALM's objectives. However, there is a need to ensure that the activities of film crews do not damage the environment, conflict with the enjoyment of other users, incorrectly present information or show inappropriate activities. Film-makers need to be made aware of special requirements when they are dealing with areas where protection of natural values is paramount. The way the area is portrayed in the final film product should be consistent with user responsibility to protect and respect that environment. The safety of film-makers and other users is also an issue. It is therefore important that film-

makers consult with CALM in advance and that procedures are in place to ensure the community's interests in protection of natural values on the conservation estate are observed by film-makers.

Requests for commercial filming can vary enormously in scale, locations and other requirements, and each application needs to be assessed individually. However, any proposal which has the potential for a significant impact on the environment will not be approved.

## **POLICY**

1. Commercial filming (which includes still photography for advertising) on CALM-managed lands and waters will require approval through the issue of a permit, except news of the day and current affairs. Approval will be issued for a specific time period. If commercial filming continues after the specified date, additional approval will be required.
2. Commercial filming is acceptable if it portrays the area in a manner which is consistent with the purpose for which the land is vested (ie. if it does not demean the area).
3. A fee will be charged if the commercial filming:
  - requires the involvement of CALM staff (for example, to determine appropriate locations, etc.),
  - has the potential for impact on other visitors,
  - requires management of access to sensitive areas eg. sites of significance to Aborigines and fauna habitats,
  - involves factors likely to cause need for management supervision, such as environmental impact.Fees may vary according to the supervision requirement, location of the filming, the scale of the production and other factors (see Fee Schedule, Appendix B).
4. Educational and tourism films which feature areas managed by CALM and which (a) are likely to increase appreciation, awareness and understanding of the natural or cultural environment, and (b) benefit CALM's policies on public information and community education will be encouraged, and charges, including those for management supervision, may be waived or reduced (see guidelines provided in the Fee Schedule, Appendix B).

Fees may be waived or reduced for films in this category which are sponsored by the Western Australian Tourism Commission (WATC). These will be those productions which will have a major tourism benefit for the State. Waiver or reduction of fees in these cases will be decided on a case-by-case basis following liaison between Corporate Relations Division and the WATC. (The 1997 Memorandum of Understanding between CALM and the WATC recognised the desire of both parties to facilitate the appropriate development and promotion of tourism in Western Australia.) Regions/Districts should refer these applications to Corporate Relations Division.

5. Television and print news of the day and current affairs will not require formal approval, a permit or the payment of fees. However, television and newspaper media are strongly advised to contact Corporate Relations Division or the local CALM office prior to filming as a courtesy, to ensure their own safety, the safety of other visitors, and to be advised of any environmental conditions that may need to be applied.
6. Only still photography which is associated with an advertising agency or is for advertising use will require approval and a fee will be charged. Where supervision is required, a supervision fee may also be charged (see Schedule of Fees). ALL OTHER STILL PHOTOGRAPHY WILL NOT REQUIRE APPROVAL.

As for No. 4 above, fees may be waived or reduced for advertising photography which is sponsored by the WA Tourism Commission (WATC). This will be decided on a case-by-case basis following liaison between Corporate Relations Division and WATC. Regions/Districts should refer these applications to Corporate Relations Division.

7. All applications will be referred to the Regional Manager for approval and consideration of special local requirements (see Appendix A – Administrative Instruction for this Policy). The Regional Manager may delegate authority for approval of commercial filming requests to the District Manager. A condition of approval will be that there is no deviation from the conditions unless there is prior written approval from the Regional/District Manager. All commercial film-makers will be expected to abide by CALM policies and regulations.
8. Where commercial filming on CALM-managed land will include subjects dealing with Aboriginal heritage the applicant will first obtain the written approval of the relevant Aboriginal group maintaining custody of that material, and submit that approval with the application form. The Region/District will, where possible, assist in identifying the appropriate custodial group.
  - 8.1 If no response is received within the required time a conditional permit may be issued excluding filming of the Aboriginal heritage material.
  - 8.2 If a negative response is received the permit will not be issued, or may be issued excluding filming of the Aboriginal heritage material.
9. Normally, applications should be submitted one month in advance. However, it is recognised that this may not be possible in all situations, and that some film-makers/photographers may not be aware of the requirements. Applications which are submitted with less than the required notice will still be considered if they can be dealt with within the time frame available. This is at the discretion of the

Regional/District Manager. There is also discretion for the District Manager or his/her nominee, eg. the Ranger-in-Charge, to approve on-the-spot requests for commercial filming if they are small-scale and, in the opinion of the District Manager or the Ranger-in-Charge, do not pose a threat to the natural values of the area or cause any major inconvenience to other users. In these situations, the applicant would still be required to fill in the permit form and sign the indemnity clause, and forms should be available at all parks for this contingency. Fees would be payable in accordance with the guidelines in the Fee Schedule.

10. A bond may be required for the purpose of repairing any damage or cleaning up after the event. The amount will be determined in each case, based on the activities proposed and the number of people and equipment involved (see Administrative Instruction, item 7).
11. Persons or companies involved in commercial filming will be required to indemnify the Department against liability for all claims which may arise out of the activity (the indemnity clause on the permit form must be signed by the applicant).
12. Acknowledgement in the film credits of assistance given by CALM will be required in all productions.
13. A copy of the film or selected photographs may be requested by the Department for internal use or archival purposes if considered necessary by the Regional/District Manager or the Manager, Corporate Relations. The costs of duplication will be borne by CALM.
14. Previewing of the final film product may be requested at the discretion of the Regional/District Manager or the Manager, Corporate Relations, to ensure that the area is portrayed in a manner consistent with the management objectives and purpose for which the land is vested (eg. in the case of advertising material to be shown both in Australia or overseas).

Under National Parks Authority Regulation 48, a fee can be charged for filming and photography in national parks and other land to which the regulations apply. An updated regulation covering commercial filming of all areas managed by CALM, including a penalty for filming without approval or for failure to comply with conditions of approval will be sought for inclusion in CALM regulations. However, until such time, all those wishing to film on land other than that covered by the National Parks Regulations will be encouraged to seek a permit and pay fees for both the permit and supervision, in accordance with the guidelines in the attached Fee Schedule (Appendix B).

Syd Shea  
EXECUTIVE DIRECTOR

## APPENDIX A

### ADMINISTRATION OF THE POLICY ON COMMERCIAL FILMING ON CALM-MANAGED LANDS AND WATERS

The Policy states that "commercial filming (which includes still photography for advertising) on CALM-managed lands and waters will require approval through the issue of a permit, except news of the day and current affairs."

#### Procedures

1. Details of proposed filming activities must be in writing on the Commercial Filming/Advertising Photography application/ permission form (attached) indicating purpose of filming, dates of filming, locations involved, numbers of crew and vehicles and any special requirements.
2. Applications may be made directly to Regional Managers or through Corporate Relations Division. Regional Managers may delegate authority for approval of commercial filming requests to the District Manager. In this case, Corporate Relations Division will be advised accordingly. All applications received by the Division will be forwarded to the relevant Regional/District Manager for approval and application of special conditions. The Corporate Relations Division, in consultation with Regional/District Managers, will co-ordinate filming projects which cover more than one region or are particularly complex.
3. The Regional/District office is responsible for issuing the approval (with a copy sent to Corporate Relations Division) and ensuring that all conditions are complied with, except where Corporate Relations Division is co-ordinating the project. Corporate Relations Division will ensure that Regions/Districts are kept fully informed at all stages of filming projects.
4. Filming fees and/or supervision fees for commercial filming or advertising photography which is sponsored by the WA Tourism Commission (WATC) may be waived or reduced. This will be decided on a case-by-case basis by the Corporate Relations Division in consultation with the WATC. Regions/Districts will refer these applications (which will be indicated on the permit/application form) to Corporate Relations Division.
5. Approval will be issued on the standard Commercial Filming/Advertising Photography application/permission form (see attached). Copies of the permit form will be kept at all Regional, District, local and national park offices.

6. Fees will be charged as per the attached Fee Schedule (Appendix B). Fees will be charged for the filming permit, and/or for supervision by CALM officers.
7. If a bond is required, it should be entered under Item 6 - Special Conditions on the application/permit form. The bond must be paid in advance.
8. A copy of the Commercial Filming/Advertising Photography Permit should be carried by the permit holder at all times during filming/photography.
9. Fees can be collected by the Regional or District office or by CALM staff on location or by Corporate Relations Division as appropriate. Receipts will be issued.
10. Revenue collected under this policy on CALM-managed lands and waters will be retained by Regions/Districts according to the current incentive scheme guidelines.

DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT

APPLICATION/PERMISSION TO CARRY OUT  
COMMERCIAL FILMING/ADVERTISING PHOTOGRAPHY

PART A - APPLICATION

This form is to be completed by the applicant and forwarded to the appropriate CALM office as advised for this application. *The application will be kept strictly confidential.*

APPLICANT'S PARTICULARS

Applicant (if a Company, insert the Company name) \_\_\_\_\_

Copyright Owner: \_\_\_\_\_

Contact Person for this Application:

Surname: \_\_\_\_\_

Other Names: \_\_\_\_\_

Address: \_\_\_\_\_

Phone (W): \_\_\_\_\_ (H): \_\_\_\_\_

Fax: \_\_\_\_\_

Emergency contact name /phone number: \_\_\_\_\_

(if different to above contact person)

DETAILS OF ACTIVITY

Title of film/name of program/name of product: \_\_\_\_\_

Name Any Prior CALM Contact: \_\_\_\_\_

- Purpose of film:
- |                                       |   |
|---------------------------------------|---|
| <input type="checkbox"/> Educational  | <input type="checkbox"/> Tourism/recreation           |
| <input type="checkbox"/> Feature film | <input type="checkbox"/> TV current affairs           |
| <input type="checkbox"/> Advertising  | <input type="checkbox"/> Other (please specify) _____ |
- \* Is WA Tourism Commission sponsoring the activity?      Yes      No

*\* (If yes, to be referred to Corporate Relations Division)*

Description of project, including use to which image will be put and where it will be shown, eg. Sponsor, Program Buyer. (Attach copy of script if applicable.)

\_\_\_\_\_

\_\_\_\_\_

**ACCESS REQUIREMENTS**

Area/location of activity	Features of interest	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____

Commencement date: \_\_\_\_\_

Date when photography/filming will finish: \_\_\_\_\_

Number of people in the filming party: \_\_\_\_\_

**EQUIPMENT**

Number and type of vehicles to be used on location: \_\_\_\_\_  
\_\_\_\_\_

Name/type of boats, aircraft or underwater cameras to be used? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Other equipment to be used:  
(Please list eg. cooking equipment, motors, generators/lights, portable toilets, firearms/weapons, animal traps/snares or bait)  
\_\_\_\_\_  
\_\_\_\_\_

Note: Firearms, snares, traps and bait are not to be carried on CALM lands unless a licence is obtained. Licences are issued only for scientific purposes.

**SAFETY EQUIPMENT**

Indicate what steps have been taken to ensure the well-being of others in your party (ie. first aid kit, fire extinguisher, life jackets, HF radio, etc.)  
\_\_\_\_\_  
\_\_\_\_\_



DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT

APPLICATION/PERMISSION TO CARRY OUT  
COMMERCIAL FILMING/ADVERTISING PHOTOGRAPHY

PART B - PERMIT

PERMIT DETAILS - Office Use Only

Permission to operate in the following areas(subject to the Conditions contained herein):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date issued: \_\_\_\_\_ Date Expires: \_\_\_\_\_

CONDITIONS

1. General
  - Permit Holders must comply with the CALM Act, Wildlife Conservation Act, Bushfires Act, Marine Act and relevant Regulations under these Acts
  - Permit Holders shall not contravene any of the conditions of this approval nor any written instructions from CALM staff.
  - Failure to abide by the conditions of this approval will constitute grounds for its suspension, alteration or termination. The Permit Holder shall be given notice of any infringement and be required to show cause why the approval should not be terminated.
  - The CALM District Manager is to be notified immediately of any alteration to the vehicles, equipment, schedule, or activities.
  - The CALM District Manager or his/her delegate has full on-site control, allowing for the alteration of activities if the need arises.
  - The Permit Holder shall not be represented as an agent of CALM or the Executive Director, or in any way purport to act for or on behalf of CALM or the Executive Director in carrying out the approved activity.
  - This Permit is subject to any necessary approval being obtained from other authorities as required (eg. Local Government, Water Authority, Police Department, Department of Transport).
  - The Permit Holder will if so directed by the Department reimburse the Department for any cost of search or rescue incurred by the Department arising or in connection with the conduct of the activity or the presence of the Permit Holder in the Park or Reserve.
  - The Permit Holder will make good any damage of whatsoever nature and howsoever occurring to the Park or Reserve (including damage to vegetation, Aboriginal or historic sites, relics or park facilities) which results from the activity or the presence of the Permit Holder in the Park or Reserve. If the Permit Holder fails to make good such damage to the satisfaction of the Department then the Department may cause to have the damage repaired and may recover the costs of so doing from the Permit Holder as a debt due to the Department.
  - Where in the Department's opinion the photographs or film produced as a result of this Permit are likely to increase public appreciation of the cultural or natural environment, the Executive Director may require that the Permit Holder publicly acknowledges the contribution of the Department in any credits for the photograph or film by inclusion of the statement, "Produced with the assistance of the Department of Conservation and Land Management, Western Australia" and the display of the Department's logo.
  - A copy of the final film product or scientifically important unedited sequence will be supplied at the Department's expense (production cost) if so required by the Department.
  - The Permit Holder will comply with any request by the Department to preview the final film product to ensure that the Department's policies, objectives and regulations have been met.
2. Safety
  - The Permit Holder shall provide appropriate safety equipment, and caution employees and other people participating in the filming/photography activity about the hazards likely to be encountered on CALM managed lands and waters.
3. Indemnity
  - The Permit Holder must sign the indemnity clause on this form.

**CONDITIONS (Cont'd)**

**4. Permit Operations**

- This Permit does not give the Permit Holder exclusive use or access to any site, facility or wildlife.
- The Permit Holder will:
  - \* remove all equipment and completely clear and clean the location/s by the date of expiry of this permit. All rubbish to be removed unless bins are provided;
  - \* erect no facilities or structures, whether temporary or permanent, without written approval;
  - \* pay park entry and camping fees where applicable;
  - \* light no fires other than in portable stoves or Department approved fireplaces.
  - \* drive vehicles in the Park or Reserve only on the designated roads or on such other areas as the officer-in-charge may approve;
  - \* use Park camping facilities if required and in accordance with conditions applying to the public;
  - \* carry a copy of this permit at all times during filming/photography;
  - \* report on arrival to commence taking photographs/filming to the following CALM Officer:

\_\_\_\_\_ Phone: \_\_\_\_\_

**5. Fees**

- The Permit Holder shall pay in advance to CALM the following fee: \_\_\_\_\_

**6. Special Conditions**

**CERTIFICATION AND INDEMNITY**

I, \_\_\_\_\_ (FULL NAME, BLOCK LETTERS PLEASE) certify that to the best of my knowledge the information provided within this application is true and correct in every detail.

The Permit Holder hereby indemnifies the Executive Director of the Department of Conservation and Land Management ("the Executive Director") from and against liability for all actions, suits, demands, costs, losses, damages and expenses (hereinafter called "claims") which may be brought against or made upon the Executive Director or which the Executive Director may pay, sustain, or be put to by any reason of damage to property or injury to persons (including death) caused by or arising in any way out of the conduct of the Permit Holder on any lands or waters managed by the Department of Conservation and Land Management ("CALM") or generally as a result of the presence of the Permit Holder, or the Permit Holder's agents or clients on lands or waters managed by CALM.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**OFFICE USE ONLY:**

APPROVAL:

Signed for Executive Director: \_\_\_\_\_ Date: \_\_\_\_\_

(Name and title of approving officer) \_\_\_\_\_

## **APPENDIX B**

### **FEE SCHEDULE**

#### **COMMERCIAL FILMING/PHOTOGRAPHY ON CALM-MANAGED LANDS AND WATERS**

Fees will be charged on the following basis (all prices include GST):

Filming Fee/Permit Charge :

Standard -

Non-stills photography:

\$550 for the first day or part thereof and \$220 for any subsequent day or part thereof (for any number of parks. (Parks to be visited must be specified on the permit application). These fees apply to advertising, feature films, documentaries and other educational and tourism films, except where non-standard fees or waiver or reduction of fees are deemed appropriate (see below).

Stills photography:

For commercial stills photography, a fee of \$275 for a full day or \$137.50 for a half day (5 hour period) will apply.

Non-standard -

(1) A fee higher than the standard fee can be negotiated by CALM on the basis of the scale of the production, the amount of supervision required, the level of expertise of staff required, the location of filming, and other factors. For example, a large scale advertising production which uses a well known or significant feature, eg. The Pinnacles, Bungle Bungles, etc. may attract a substantially higher fee than the standard fee. This fee will be negotiated by the Regional/District Manager or Manager, Corporate Relations and should include administrative costs of both Perth-based and local staff.

(2) A flat fee of \$1100 for small scale productions that will require more than three days access and where the subject matter will have some benefit for CALM's objectives, but may not qualify for waiver or reduction of fees (see below).

Waiver or reduction of fee - Fee can be waived or reduced at the discretion of the Regional or District Manager for educational and tourism films that are likely to increase appreciation, awareness and

understanding of the natural (or cultural) environment and which benefit CALM's objectives. This waiver or reduction of fees would apply to WA Tourism Commission sponsored productions on a case by case basis and some documentaries and television lifestyle programs, eg. *Talk to the Animals*, *The Great Outdoors*, *Holiday*, or where CALM is working closely with the film-makers on the script or CALM will gain community education benefits.

Supervision fee:

- Standard - \$55 per hour. This applies where a charge is made for management supervision in cases where the District Manager or ranger deems it necessary, eg. In sensitive areas, or where the film-maker requests the assistance of a ranger.
- Waiver of fee - Supervision fee can be waived at the discretion of the Regional/District Manager or Manager, Corporate Relations in consultation with the Region/District if the production will increase appreciation, awareness and understanding of the natural (or cultural) environment and will benefit CALM's objectives, or if the supervision costs are built into a non-standard filming/permit charge (see above), or if the filming/photography is sponsored by the WA Tourism Commission.
- Waiver of Park entry fees - Approved filming/photography groups will be given a waiver of entry fees if they are accessing parks where entry fees apply. They must show a copy of their permit at the entry point, if required, to be granted the waiver.