

DOCUMENT TYPE	Policy
TITLE	FILMING WITHIN THE SHIRE
NUMBER:	POL-1010

PURPOSE

To provide a consistent approach to the approval and conduct of commercial filming activities within the Shire of Wyndham East Kimberley. The Shire supports commercial filming on land under the management of the Shire of Wyndham East Kimberley which promotes a strong, positive image of the Shire and is carried out in a manner that does not compromise public activities or the day to day operation of the Shire.

The film policy and formal application will assist in:

1. Improving filming co-ordination and efficiency between Shire of Wyndham East Kimberley Directorates;
2. Enabling applicants to produce proof of permission on site for officer inspection;
3. Minimising Council's risk of litigation, insurance claims and loss of it's good reputation;
4. Measuring the level of film activity to monitor and ensure minimum impact on residential and trader amenity;
5. Promoting geographical, environmental, cultural and heritage assets of the Shire of Wyndham East Kimberley;
6. Documenting activities of the commercial filming and commercial still photography projects which will assist with event coordination and public enquiries;
7. Providing a mechanism to approve or not approve filming in public areas; and
8. Providing approval conditions to ensure that the activities of film crews do not damage the environment, conflict with the enjoyment of other users or cause public safety or traffic management issues, incorrectly present information or promote inappropriate activities.

DEFINITIONS

Commercial filming is filming "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 is still photography for advertisements, magazines and catalogues. All other still photography, including wedding photography will not require Shire of Wyndham East Kimberley approval or payment of fees.

Event Notification is a document completed for all public events held within the Shire of Wyndham East Kimberley. **Traditional Owners** is defined as the responsible body legally able to make decisions on behalf of the appropriate Traditional Owners of an area.

POLICY STATEMENTS

Council recognises that the Shire of Wyndham East Kimberley is popular as a film location.

Commercial filming requests can vary enormously in scale, locations and other requirements and each application will be assessed on an individual basis.

Applications that are submitted with less than the required notice may still be considered if they can be dealt with within the timeframe available.

Prior to filming, a Filming Permit Application form and/or an Event Notification form is to be completed and returned to the Shire of Wyndham East Kimberley.

Written approval from the Shire of Wyndham East Kimberley will be required prior to any filming commencing.

Application for Approval Process

1. Requests which do not form part of an Event Notification should be submitted on a Filming Permit Application form to the Shire.
2. The application must be submitted no fewer than 4 weeks prior to the commencement of filming unless there are extreme circumstances.
3. A permit to conduct commercial filming/photography will be granted only after approval is given by the CEO or an authorised officer. This will take place after a full application has been received, the applicable fees and charges have been paid and approval is granted.
4. A written decision will be issued within 2 weeks of the application being received by the Shire.

Conditions of Permit

The following are standard conditions of which all or any may be included in the issue of a Filming Permit:

1. Any permits or approvals required by any Government Department or Agency are to be obtained.
2. The Shire 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.
3. Insurance 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 Shire of Wyndham East Kimberley is jointly insured.
4. 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 an authorised officer.
5. The environment, its flora and fauna, including all marine life, are not to be adversely impacted upon.
6. All areas used are to be left in a clean and tidy condition.
7. The amenity of the public is not to be disturbed or adversely impacted upon whether by noise or any other manner.
8. All negotiations regarding the use of images of persons are the responsibility of the permit holder.
9. Filming/Photography on roads is to be carried out so as not to compromise road safety or unduly disrupt traffic and in accordance with a Traffic Management Plan approved by the Shire. In all instances the approval of the Western Australian Police Department is to be obtained.
10. The Shire is to be kept fully and immediately informed in writing of any alterations to the filming schedule.
11. 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 Shire the costs of the works undertaken are to be met by the permit holder.
12. The provisions of all Council's Local Laws are to be observed at all times.
 13. The permit or conditions of the permit may be altered, amended or revoked by the Shire at any time and for any reason.
 14. Where possible, Shire assistance in the production should be acknowledged in the end credits, or as mutually agreed. The acknowledgment will generally read "Filmed in the Shire of Wyndham East Kimberley region" or "Thanks to the Shire of Wyndham East Kimberley".
 15. The production company/producer will not portray the Shire of Wyndham East Kimberley 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 the Shire.
 16. The Shire of Wyndham East Kimberley 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 the Shire of Wyndham East Kimberley. Further consultation on this matter will be on a case-by-case basis.

Fees

Fees apply for filming in the Shire of Wyndham East Kimberley in accordance with the Shire's Fees and Charges, as adopted by the Council and amended annually.

Current affairs, news of the day (both print and television) and student productions, do not require Shire of Wyndham East Kimberley approval or the payment of fees unless a specific Shire venue is required. However, they will be encouraged to contact the Shire of Wyndham East Kimberley prior to filming as a courtesy.

Non-commercial still photography, such as wedding photography, is exempt from Shire of Wyndham East Kimberley approval and fees.

RISK

Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

Control: Review policies and procedures in accordance with review schedule.

DOCUMENT AND VERSION CONTROL

Responsible Directorate	Office of the CEO		
Responsible Officer	Executive Officer to the CEO		
Statutory References	<i>Shire of Wyndham East Kimberley Local Laws</i>		
Related Documents	DIR-3000 Public Events		
Amendment History (Adoption and last 3 amendments)			
Version	Date Issued - Resolution Number	Item #	Description of Change
1.0	26/04/2017 - 11654	12.2.1	Council Adoption
1.1	01/11/2023 – CEO015	--	Reference Updates as per POL-1014 Policy Management (previously CP-GOV-3107)
Date of Next Review	April 2019		