

Filming Approval Act 2014
No. 51 of 2014

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Victoria

Filming Approval Act 2014[†]

No. 51 of 2014

[Assented to 12 August 2014]

The Parliament of Victoria enacts:

1 Purposes

The purposes of this Act are—

- (a) to establish and promote film friendly principles for the issuing of film permits by public agencies; and
- (b) to reduce red tape by establishing a consistent approach to the approval of film permits; and
- (c) to provide for the making of film friendly guidelines; and

(d) to facilitate the approval of film permits by public agencies.

2 Commencement

- (1) Subject to subsection (2), this Act comes into operation on a day or days to be proclaimed.
- (2) If a provision of this Act does not come into operation before 1 March 2015, it comes into operation on that day.

3 Definitions

In this Act—

commercial filming means recording images by film, video, digital or other technology to broadcast or publicly exhibit for commercial purposes, but does not include photography;

committee of management means a committee of management appointed under the **Crown Land (Reserves) Act 1978**;

Council has the same meaning as in the **Local Government Act 1989**;

Court Services Victoria has the same meaning as in the **Court Services Victoria Act 2014**;

Department Head has the same meaning as in the **Public Administration Act 2004**;

film friendly guidelines means any guidelines made under section 6;

film friendly principles means the principles set out in Schedule 1;

film permit means a permit, licence, approval or other authority issued by a public agency to conduct commercial filming on public land;

Film Victoria has the same meaning as in the
Film Act 2001;

filming approval legislation means—

- (a) the **Cemeteries and Crematoria Act 2003**; and
- (b) the **Crown Land (Reserves) Act 1978**;
and
- (c) the **Forests Act 1958**; and
- (d) the **Geelong Performing Arts Centre Trust Act 1980**; and
- (e) the **Land Act 1958**; and
- (f) the **Libraries Act 1988**; and
- (g) the **Local Government Act 1989**; and
- (h) the **Melbourne and Olympic Parks Act 1985**; and
- (i) the **Melbourne Cricket Ground Act 2009**; and
- (j) the **Museums Act 1983**; and
- (k) the **National Gallery of Victoria Act 1966**; and
- (l) the **National Parks Act 1975**; and
- (m) the **Port Management Act 1995**; and
- (n) the **Road Management Act 2004**; and
- (o) the **Road Safety Act 1986**; and
- (p) the **Royal Botanic Gardens Act 1991**;
and
- (q) the **State Sport Centres Act 1994**; and
- (r) the **Transport Integration Act 2010**;
and

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- (s) the **Victoria Racing Club Act 2006**;
and
 - (t) the **Victorian Arts Centre 1979**; and
 - (u) the **Wildlife Act 1975**; and
 - (v) the **Zoological Parks and Gardens Act 1995**;

public agency means—

- (a) a committee of management; or
- (b) a Council; or
- (c) Court Services Victoria; or
- (d) a Department Head; or
- (e) a Minister; or
- (f) a public entity; or
- (g) the Secretary to the Department of Environment and Primary Industries being the body corporate established by Part 2 of the **Conservation, Forests and Lands Act 1987**; or
- (h) a trust established by legislation to manage Crown land; or
- (i) Victoria Racing Club Limited
A.C.N. 119 214 078;

public entity has the same meaning as in the **Public Administration Act 2004**;

public land means—

- (a) Crown land; or
- (b) land owned by or vested in a public agency.

4 Exemptions

- (1) Subject to subsection (2), this Act applies to public agencies.
- (2) On the recommendation of the Minister, the Governor in Council, by Order published in the Government Gazette, may exempt a public agency from any requirements of this Act.
- (3) An Order in Council made under subsection (2) may be subject to any terms or conditions.

5 Application of film friendly principles

So far as it is possible to do so consistently with the filming approval legislation, a public agency must comply with the film friendly principles when performing any functions or duties or exercising any powers under the filming approval legislation in relation to commercial filming on public land.

6 Film friendly guidelines

- (1) The Minister may make guidelines in relation to the film friendly principles.
- (2) Without limiting subsection (1), guidelines may be made for or with respect to any of the following matters—
 - (a) the promotion and facilitation of the film friendly principles across public agencies;
 - (b) any matters that may be taken into account by public agencies when considering an application for a film permit;
 - (c) how public agencies may receive, consider and approve or refuse applications for film permits in a timely manner, including requesting further information from applicants;

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- (d) how public agencies may effectively notify persons who apply for film permits, request further information from applicants and approve or refuse applications consistently with the film friendly principles;
 - (e) examples of grounds or criteria on which a public agency may refuse an application for a film permit, being grounds or criteria that may or may not be consistent with the film friendly principles;
 - (f) examples of terms and conditions that a public agency may apply to the approval of a film permit, either generally or in specific circumstances or locations;
 - (g) guidance as to how public agencies may provide information to film permit applicants, including the publication of application forms, application processing times, fees, contact details and the availability of locations for commercial filming;
 - (h) information about the different types of public land that will assist public agencies in considering applications for film permits on that land;
 - (i) information regarding how public agencies may share information in order to facilitate commercial filming involving more than one public agency.
- (3) The Minister must ensure that a notice of the making of guidelines under this section is published in the Government Gazette.
 - (4) The notice of the making of guidelines must specify where a person may obtain a copy of the guidelines.
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- (5) The guidelines take effect on the day the notice is published in the Government Gazette or on a later date specified in the notice.

7 Appointed days—Councils

- (1) The Minister, by notice published in the Government Gazette, may appoint a day or days on which the provisions of this Act relating to Councils apply to all Councils or any specified group of Councils.
- (2) Despite anything to the contrary in this Act, a provision of this Act relating to Councils only applies to a Council on and after the appointed day applying to that Council.
- (3) Despite anything to the contrary in the **Local Government Act 1989**, the amendments made to that Act by this Act only apply in relation to a Council and the local laws of a Council on and after the appointed day applying to that Council.
- (4) In this section—
appointed day means the earlier of—
- (a) the day specified in a notice under subsection (1); or
 - (b) 1 March 2016.

8 Effect of film friendly principles

The Parliament does not intend by the requirement of public agencies to comply with the film friendly principles to create in any person any legal right or to give rise to any civil cause of action.

9 Consequential amendments

On the coming into operation of an item in Schedule 2, the Act specified in the heading to that item is amended as set out in that item.

SCHEDULES

SCHEDULE 1

FILM FRIENDLY PRINCIPLES

1 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.

2 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.

3 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.

4 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.

5 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.

6 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.

7 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.

8 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.

SCHEDULE 2

CONSEQUENTIAL AMENDMENTS

1 Cemeteries and Crematoria Act 2003

1.1 In section 3(1) **insert** the following definitions—

"film friendly principles has the same meaning as
in the **Filming Approval Act 2014**;

film permit has the same meaning as in the
Filming Approval Act 2014;"

1.2 After section 3 **insert**—

"3A Filming Approval Act 2014

This Act is filming approval legislation
within the meaning of the **Filming Approval
Act 2014**."

1.3 After section 180(3) **insert**—

"(4) Any regulations made under this Act for or
with respect to the issuing of film permits
must not be inconsistent with the film
friendly principles."

2 Crown Land (Reserves) Act 1978

2.1 In section 3 **insert** the following definitions—

"film friendly principles has the same meaning as
in the **Filming Approval Act 2014**;

film permit has the same meaning as in the
Filming Approval Act 2014;"

2.2 After section 3B **insert**—

"3C Filming Approval Act 2014

This Act is filming approval legislation
within the meaning of the **Filming Approval
Act 2014**."

2.3 After section 13(9) **insert**—

"(10) Any regulations made under this Act for or with respect to the issuing of film permits must not be inconsistent with the film friendly principles."

3 Film Act 2001

3.1 In section 7(h), for "Victoria." **substitute** "Victoria;".

3.2 After section 7(h) **insert**—

"(i) any other functions conferred on Film Victoria by another Act."

4 Forests Act 1958

4.1 In section 3(1) **insert** the following definitions—

film friendly principles has the same meaning as in the **Filming Approval Act 2014**;

film permit has the same meaning as in the **Filming Approval Act 2014**;"

4.2 After section 3B **insert**—

3C Filming Approval Act 2014

This Act is filming approval legislation within the meaning of the **Filming Approval Act 2014**."

4.3 After section 99A(2) **insert**—

"(3) Any regulations made under this Act for or with respect to the issuing of film permits must not be inconsistent with the film friendly principles."

5 Geelong Performing Arts Centre Trust Act 1980

5.1 In section 2 **insert** the following definitions—

"film friendly principles has the same meaning as
in the **Filming Approval Act 2014**;

film permit has the same meaning as in the
Filming Approval Act 2014;"

5.2 After section 2 **insert**—

"2A Filming Approval Act 2014

This Act is filming approval legislation
within the meaning of the **Filming Approval
Act 2014**."

5.3 At the end of section 19 **insert**—

"(2) Any regulations made under this Act for or
with respect to the issuing of film permits
must not be inconsistent with the film
friendly principles."

6 Land Act 1958

6.1 In section 3(1) **insert** the following definitions—

"film friendly principles has the same meaning as
in the **Filming Approval Act 2014**;

film permit has the same meaning as in the
Filming Approval Act 2014;"

6.2 After section 4C **insert**—

"5 Filming Approval Act 2014

This Act is filming approval legislation
within the meaning of the **Filming Approval
Act 2014**."

6.3 After section 413(3) **insert**—

"(4) Any regulations made under this Act for or
with respect to the issuing of film permits
must not be inconsistent with the film
friendly principles."

7 Libraries Act 1988

7.1 In section 3(1) **insert** the following definitions—

"film friendly principles has the same meaning as in the **Filming Approval Act 2014**;

film permit has the same meaning as in the **Filming Approval Act 2014**;"

7.2 After section 4 **insert**—

"5 Filming Approval Act 2014

This Act is filming approval legislation within the meaning of the **Filming Approval Act 2014**."

7.3 After section 52(2) **insert**—

"(3) Any by-laws made under this section for or with respect to the issuing of film permits must not be inconsistent with the film friendly principles."

7.4 After section 53(2) **insert**—

"(2A) Any regulations made under this Act for or with respect to the issuing of film permits must not be inconsistent with the film friendly principles."

8 Local Government Act 1989

8.1 In section 3(1) **insert** the following definitions—

"film friendly principles has the same meaning as in the **Filming Approval Act 2014**;

film permit has the same meaning as in the **Filming Approval Act 2014**;"

8.2 After section 3AA **insert**—

"3AB Filming Approval Act 2014

This Act is filming approval legislation within the meaning of the **Filming Approval Act 2014**."

8.3 After section 111(4A) **insert**—

"(4B) A local law for or with respect to the issuing of film permits must not be inconsistent with the film friendly principles.

(4C) A local law for or with respect to the issuing of film permits is inoperative to the extent that it is inconsistent with the film friendly principles."

8.4 After section 243(8) **insert**—

"(8A) Any regulations made under this Act for or with respect to the issuing of film permits must not be inconsistent with the film friendly principles."

9 Melbourne and Olympic Parks Act 1985

9.1 In section 4 **insert** the following definitions—

film friendly principles has the same meaning as in the **Filming Approval Act 2014**;

film permit has the same meaning as in the **Filming Approval Act 2014**;"

9.2 After section 4 **insert**—

"4A Filming Approval Act 2014

This Act is filming approval legislation within the meaning of the **Filming Approval Act 2014**."

9.3 After section 22(2) **insert**—

"(2A) Any regulations made under this Act for or with respect to the issuing of film permits must not be inconsistent with the film friendly principles."

10 Melbourne Cricket Ground Act 2009

10.1 In section 3 **insert** the following definitions—

"film friendly principles has the same meaning as
in the **Filming Approval Act 2014**;

film permit has the same meaning as in the
Filming Approval Act 2014;"

10.2 After section 3 **insert**—

"3A Filming Approval Act 2014

This Act is filming approval legislation
within the meaning of the **Filming Approval
Act 2014**."

10.3 After section 33(2) **insert**—

"(2A) Any regulations made under this Act for or
with respect to the issuing of film permits
must not be inconsistent with the film
friendly principles."

11 Museums Act 1983

11.1 In section 2 **insert** the following definitions—

"film friendly principles has the same meaning as
in the **Filming Approval Act 2014**;

film permit has the same meaning as in the
Filming Approval Act 2014;"

11.2 After section 2 **insert**—

"3 Filming Approval Act 2014

This Act is filming approval legislation
within the meaning of the **Filming Approval
Act 2014**."

11.3 After section 31(2) **insert**—

"(2A) Any regulations made under this Act for or
with respect to the issuing of film permits
must not be inconsistent with the film
friendly principles."

11.4 After section 31A(2) **insert**—

"(3) Any by-laws made under this section for or with respect to the issuing of film permits must not be inconsistent with the film friendly principles."

12 National Gallery of Victoria Act 1966

12.1 In section 4(1) **insert** the following definitions—

film friendly principles has the same meaning as in the **Filming Approval Act 2014**;

film permit has the same meaning as in the **Filming Approval Act 2014**;"

12.2 After section 4A **insert**—

"4B Filming Approval Act 2014

This Act is filming approval legislation within the meaning of the **Filming Approval Act 2014**."

12.3 At the end of section 19 **insert**—

"(2) Any regulations made under this Act for or with respect to the issuing of film permits must not be inconsistent with the film friendly principles."

13 National Parks Act 1975

13.1 In section 3(1) **insert** the following definitions—

film friendly principles has the same meaning as in the **Filming Approval Act 2014**;

film permit has the same meaning as in the **Filming Approval Act 2014**;"

13.2 After section 4B **insert**—

"4C Filming Approval Act 2014

This Act is filming approval legislation within the meaning of the **Filming Approval Act 2014**."

13.3 After section 48(4A) **insert**—

"(4B) Any regulations made under this Act for or with respect to the issuing of film permits must not be inconsistent with the film friendly principles."

14 Port Management Act 1995

14.1 In section 3(1) **insert** the following definitions—

film friendly principles has the same meaning as in the **Filming Approval Act 2014**;

film permit has the same meaning as in the **Filming Approval Act 2014**;"

14.2 After section 3A **insert**—

"3B Filming Approval Act 2014

This Act is filming approval legislation within the meaning of the **Filming Approval Act 2014**."

14.3 After section 98(2) **insert**—

"(3) Any regulations made under this Act for or with respect to the issuing of film permits must not be inconsistent with the film friendly principles."

15 Road Management Act 2004

15.1 In section 3(1) **insert** the following definitions—

film friendly principles has the same meaning as in the **Filming Approval Act 2014**;

film permit has the same meaning as in the **Filming Approval Act 2014**;"

15.2 After section 5A **insert**—

"5B Filming Approval Act 2014

This Act is filming approval legislation within the meaning of the **Filming Approval Act 2014**."

15.3 After section 132(10) **insert**—

"(10A) Any regulations made under this Act for or with respect to the issuing of film permits must not be inconsistent with the film friendly principles."

16 Road Safety Act 1986

16.1 In section 3(1) **insert** the following definitions—

film friendly principles has the same meaning as in the **Filming Approval Act 2014**;

film permit has the same meaning as in the **Filming Approval Act 2014**;"

16.2 After section 3B **insert**—

"3C Filming Approval Act 2014

This Act is filming approval legislation within the meaning of the **Filming Approval Act 2014**."

16.3 After section 95(9) **insert**—

"(9A) Any regulations made under this Act for or with respect to the issuing of film permits must not be inconsistent with the film friendly principles."

17 Royal Botanic Gardens Act 1991

17.1 In section 3(1) **insert** the following definitions—

film friendly principles has the same meaning as in the **Filming Approval Act 2014**;

film permit has the same meaning as in the **Filming Approval Act 2014**;"

17.2 After section 3 **insert**—

"3A Filming Approval Act 2014

This Act is filming approval legislation within the meaning of the **Filming Approval Act 2014**."

17.3 After section 51(2) **insert**—

"(2A) Any regulations made or having effect under this Act for or with respect to the issuing of film permits must not be inconsistent with the film friendly principles."

18 State Sport Centres Act 1994

18.1 In section 3 **insert** the following definitions—

film friendly principles has the same meaning as in the **Filming Approval Act 2014**;

film permit has the same meaning as in the **Filming Approval Act 2014**;"

18.2 After section 3 **insert**—

"4 Filming Approval Act 2014

This Act is filming approval legislation within the meaning of the **Filming Approval Act 2014**."

18.3 After section 32(2) **insert**—

"(2A) Any regulations made under this Act for or with respect to the issuing of film permits must not be inconsistent with the film friendly principles."

18.4 After section 33(2) **insert**—

"(3) Any by-laws made under this section for or with respect to the issuing of film permits must not be inconsistent with the film friendly principles."

19 Transport Integration Act 2010

19.1 In section 3 **insert** the following definitions—

film friendly principles has the same meaning as in the **Filming Approval Act 2014**;

film permit has the same meaning as in the **Filming Approval Act 2014**;"

19.2 After section 4 **insert**—

"4A Filming Approval Act 2014

This Act is filming approval legislation within the meaning of the **Filming Approval Act 2014**."

19.3 After section 198(2) **insert**—

"(3) Any regulations made under this Act for or with respect to the issuing of film permits must not be inconsistent with the film friendly principles."

20 Victoria Racing Club Act 2006

20.1 In section 3 **insert** the following definitions—

"film friendly principles has the same meaning as in the **Filming Approval Act 2014**;

film permit has the same meaning as in the **Filming Approval Act 2014**;"

20.2 After section 3 **insert**—

"3A Filming Approval Act 2014

This Act is filming approval legislation within the meaning of the **Filming Approval Act 2014**."

20.3 After section 20(4) **insert**—

"(5) Any regulations made under this Act for or with respect to the issuing of film permits must not be inconsistent with the film friendly principles."

21 Victorian Arts Centre Act 1979

21.1 In section 3 **insert** the following definitions—

"film friendly principles has the same meaning as in the **Filming Approval Act 2014**;

film permit has the same meaning as in the **Filming Approval Act 2014**;"

21.2 After section 3B **insert**—

"3C Filming Approval Act 2014

This Act is filming approval legislation within the meaning of the **Filming Approval Act 2014**."

21.3 At the end of section 19 **insert**—

"(2) Any regulations made under this Act for or with respect to the issuing of film permits must not be inconsistent with the film friendly principles."

22 Wildlife Act 1975

22.1 In section 3(1) **insert** the following definitions—

"film friendly principles has the same meaning as in the **Filming Approval Act 2014**;

film permit has the same meaning as in the **Filming Approval Act 2014**;"

22.2 After section 4 **insert**—

"4A Filming Approval Act 2014

This Act is filming approval legislation within the meaning of the **Filming Approval Act 2014**."

22.3 After section 16A(3) **insert**—

"(4) Any regulations made under subsection (3) for or with respect to the issuing of film permits must not be inconsistent with the film friendly principles."

22.4 After section 87(8) **insert**—

"(9) Any regulations made under this section for or with respect to the issuing of film permits must not be inconsistent with the film friendly principles."

23 Zoological Parks and Gardens Act 1995

23.1 In section 3 **insert** the following definitions—

"film friendly principles has the same meaning as
in the **Filming Approval Act 2014**;

film permit has the same meaning as in the
Filming Approval Act 2014;"

23.2 After section 4 **insert**—

"4A Filming Approval Act 2014

This Act is filming approval legislation
within the meaning of the **Filming Approval
Act 2014**."

23.3 After section 41(2) **insert**—

"(3) Any regulations made under this Act for or
with respect to the issuing of film permits
must not be inconsistent with the film
friendly principles."

ENDNOTES

† *Minister's second reading speech—*

Legislative Council: 3 April 2014

Legislative Assembly: 28 May 2014

The long title for the Bill for this Act was "A Bill for an Act to establish film friendly principles for the approval of film permits by public agencies, to provide for the making of film friendly guidelines and to make consequential amendments to other Acts and for other purposes."