



# Filming in Western Australia

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## **CREW - HOURS OF WORK**

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On a drama shoot, a standard week consists of five x ten hour days = 50 hour week.  
Hours can be worked on any five days, Monday to Saturday.

### **CONTRACTED FEE**

Gross wages should include the ordinary hours of work in five consecutive days of 10 hours per day, exclusive of meal breaks. This is made up of 38 ordinary hours and 12 hours of scheduled overtime.

It does not include:

- Unscheduled overtime
- Reimbursements for expenses or hire equipment
- Late night/early morning penalties (Night loadings)
- Public holiday / Saturday / Sunday penalty rates

### **OVERTIME AND PENALTY RATES**

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Monday – Saturday = Time and a ½ for the 1<sup>st</sup> two hours / Double time thereafter  
Sunday = Double time (All time worked on a Sunday is overtime)  
Any day exceeding 12 hours = Triple time

- An employee may refuse to work overtime in circumstances which would result: in:
- Working hours that are unreasonable
- Any risk to employee health & safety
- The employee's personal circumstances (family responsibilities)
- The amount of notice given

### **SCHEDULED OVERTIME**

May be contracted where:

- A five day week is worked, scheduled overtime up to a maximum of two hours per day
- A six day week is worked, scheduled overtime up to a maximum of two hours per day Monday – Friday & up to a maximum of 10 hours on Saturday
- Due to the nature of their duties, employees engaged in nominated categories may be contracted to work extra scheduled overtime up to a maximum of two hours per day over and above any other scheduled overtime - Unit Manager / 2<sup>nd</sup> AD / Hairdresser / Continuity / Standby Costume

### **NIGHT LOADINGS**

Paid in addition to the contracted fee if worked the following hours:

- 8pm to midnight Monday to Friday = 25% of the hourly rate
- 8pm to midnight – Saturday = 50%
- 6am to 8pm – Saturday = 25%
- 12.01am to 6am Monday to Friday = 25%
- 12.01am to 6am – Saturday = 50%
- 12.01am to 6am – Monday = 100%

## **PUBLIC HOLIDAYS**

You are entitled to public holidays off (or the days observed) without loss of pay. If you work on a public holiday you are entitled to double time and a half (based on your contracted fee) for a minimum call of four hours.

## **CREW - TURNAROUND**

Crew are entitled to ten clear hours rest between the finish of one day's work (wrap time) and the commencement of the next (crew call).

## **ALLOWANCES**

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### **TRAVEL**

Hours of work begin & finish at the employers place of call. The place of call must be within 20 kilometres from the GPO or the employer's usual place of business. Time spent travelling beyond the 20 kilometres radius will be counted as time worked, at a rate of two minutes per kilometres.

### **MEAL BREAKS**

Catered breakfasts are 30 minutes long, but only 15 minutes is paid time, the other 15 is on the employee's own time. If breakfast is provided, no morning tea break is provided.

It is general to have a 45 minute lunch break which is not considered time on duty. This should commence no later than 5 hours from the start of work, or end of the last meal break (as in breakfast), whichever is the later. If a meal break is not provided within 6 hours, a delayed meal break (DMB) must be paid at the rate of single time additional for all time worked from the time the meal break became due until the time it actually commences.

Where an employee is required to work beyond the time of their 2<sup>nd</sup> meal break, that meal must be provided by the employer or the appropriate allowance paid.

Afternoon tea/supper is a paid 10 min meal break (in Western Australia). This can be taken on wrap if the crew agrees.

### **MEAL ALLOWANCE**

On location, meals must be provided or the following allowances apply:

- Lunch: \$11.55
- Dinner: \$17.73
- Supper: \$11.55

### **ACCOMMODATION ALLOWANCE**

Employees are entitled to be provided with reasonable accommodation when required to stay overnight from their place of residence. Where this is impossible, employees will be entitled to the following allowances:

- a) Accommodation provided at the standard of a private home, homestead, or hotel with share facilities or where unshared accommodation is not provided - \$7.95 per day
- b) Accommodation provided at the standard of air-conditioned caravans &/or sewerred mining camps - \$15.99 per day

- c) Accommodation provided at the standard of shearer's quarters, rough mining camps or camping - \$31.79 per day

## **RISK MANAGEMENT AND OCCUPATIONAL HEALTH AND SAFETY**

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All production companies should have an Occupational Health and Safety Policy and the production must undertake a Safety Report written by a graded Safety Consultant.

Stringent safety requirements apply to the screen industry, especially in regard to special effects, stunts, firearms and weapons. Only appropriately qualified people are permitted to operate in these fields. A Safety Supervisor should be present during all stunt/ hazardous action, or hazardous crew activity, special effects action and where significant location hazards exist.

It is incumbent on all screen production personnel to follow the direction of the Safety Supervisor, to read and understand the contents and required actions of the production Safety Report and to take responsibility for individual and collective safety.

Please note that all production companies are required to have Workers Compensation insurance and Public Liability insurance no less than \$20 million.

## **FILMING IN AND AROUND WATER**

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The Safety Report should specify whether sequences filmed on, in or near water require the services of a Safety Supervisor. If so required, the Safety Supervisor shall be experienced with working with boats and filming on/in/near water as appropriate for the particular circumstances.

The production must gather and make known all available information about possible threats related to the water where filming is about to take place. Whenever a potential safety hazard is found to exist, the production must take all necessary steps to mitigate or eliminate the risk. Safety lines, watch safety personnel and/or divers should be used when filming in a body of water where potentially hazardous conditions may exist (e.g. quick currents, thick underwater plant life or rocks, dangerous marine life, etc.).

Local knowledge must be acquired when filming on/in/near water or at sea to avoid any potential hazards from currents, flash flooding, sub-surface objects, dams, waste disposal sites, blue-green algae, chemical dumping regimes, sewerage, outfalls, storm water etc.

When filming in fast-moving rivers, downstream safety pickup personnel and equipment in rescue boats should be stationed for emergency rescue.

Any hazardous objects must be removed from the water or marked so they can clearly be seen. Only fully qualified divers are to be allowed to work underwater, provided they have a specific experience concerning the depth, time and water conditions of the shoot, as well as with the movements that are to be portrayed under water. One Safety Diver should be assigned to each person in the water.

Appropriately trained, experienced and licensed divers must be in position in the water whenever cast or crew members are working under the water. Adequate numbers of appropriately trained and experienced safety swimmers must be engaged whenever cast are required to swim or perform in the water.

A Dive Supervisor shall be engaged on any production that requires the use of breathing apparatus to supervise all diving work, and will not double as, or assume the duties of a Safety Diver, Stunt Diver, Safety Supervisor &/or Stunt Coordinator.

## **FILMING WITH BOATS**

All boats must be registered and sea worthy. All boat handlers must be appropriately licensed and have the necessary skills, experience & knowledge to perform the tasks required in the relevant vessel in a safe manner.

All boats must carry as a minimum the lifesaving equipment required by local laws and such additional equipment as may be appropriate for the particular circumstances of filming in first class working order. All boats must carry one life jacket for each person on board, and when operating in open water a minimum of 2 litres of fresh drinking water for each person. Reflectorised patches must be attached to clothing (for identification of persons in water) by all personnel, other than cast in costume. Safety harnesses must be provided for all cast & crew when filming on yachts.

Whenever cast &/or crew are working in water with or near boats, the boats must be fitted with propeller guards. Having regard to the numbers of cast & crew, sufficient crew members must be designated as spotters to ensure that the whereabouts of all personnel is known at all times. In any event, a spotter should accompany a camera operator on the boat when the camera is not stationary. Additional marine spotters should be employed, with one spotter observing from a vantage point on the shore.

Safety boats must be provided in adequate numbers and never used to double any other sort of boat engaged on the shoot unless another boat is nominated as the safety boat. There must be adequate radio contact from boat to boat and from boat to shore.

## **FILMING ON ROADS**

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The relevant local council &/or Main Roads WA must give written permission for any filming activities conducted on public roads / streets.

If filming activities are to be undertaken on a Private Road, or a road that will be *closed fully (blocked)*, then *WA Road Traffic Regulations* DO NOT apply. However, the activity and persons responsible for the activity are still subject to *WA OSH regulations*, the *Film & Television Safety Guidance Notes* and the *Film Industry Recommended Safety Code*.

Filmmakers must operate in compliance with applicable legislation, for example wearing seat belts, observing speed limits and traffic signs.

## **FILMING WITH VEHICLES AND VEHICLE MOUNTS**

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The new "*Film Industry Request for Department of Transport Exemption from Requirements of the Road Traffic Code 2000 During Filming Activities*", complies with Department of Transport requirements for issuing the exemption. Click [here](#) for *Department of Transport Exemption Application* form.

Recommended safety practices for filming activities involving vehicle mounts are also covered in the *Film & Television Safety Guidance Notes* and the *Film & Television Recommended Safety Code*. Failure to comply with relevant regulations could expose the production to criminal prosecutions, may affect the production's insurance coverage, and should an incident occur, Worksafe WA along with WA Police may instigate an investigation.

Permissions required for the following mounts on vehicles:

- **Bonnet Mount**– *Department Of Transport Exemption Required. Traffic Control Required* (TMP & Traffic Controllers, or Police or Licensed Pilot Escort)
- **Side Mount (hostess tray)** – Maximum protrusion less than 150 mm from side of vehicle – NO DEPARTMENT OF TRANSPORT EXEMPTION REQUIRED. NO TRAFFIC CONTROL REQUIRED.
- **Side Mount (hostess tray)** – Maximum protrusion greater than 150 mm from side of vehicle – *Department Of Transport Exemption Required. Traffic Control Required* (TMP & Traffic Controllers, or Police or Licensed Pilot Escort)
- **Rear/front Mount** - Maximum protrusion less than 1200mm from front or rear of vehicle – NO DEPARTMENT OF TRANSPORT EXEMPTION REQUIRED. NO TRAFFIC CONTROL REQUIRED.
- **Rear/front Mount**- Maximum protrusion greater than 1200mm from front or rear of vehicle – *Department Of Transport Exemption Required. Traffic Control Required* (TMP & Traffic Controllers, or Police or Licensed Pilot Escort)
- **Roof Mount** (properly secured). Overall height (vehicle + roof mount) up to 4.3 m are allowed without DEPARTMENT OF TRANSPORT EXEMPTION.

Please refer to the ScreenWest document *Report on Current WA Road Traffic Regulations* [here](#).

## **WEAPONS AND SPFX**

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The firearm industry in WA is regulated by the *Firearms Act 1973*, *Firearms Regulations 1974*, the *Weapons Act 1999* and *Weapons Regulations 1999*.

All firearm owners and users must be licensed with the WA Police, Licensing Services Division, Firearms (Branch).

WA Police requires notification of any screen production activity that involves special effects, firearms, weapons or mock firearms and mock weapons that have the potential to create public concern within local communities. It is the responsibility of the Producer to provide that notification. The local police station in the area the activities are being conducted must be advised so they can notify the Police Communications Branch of your filming activities. It is the responsibility of the Producer to provide that notification.

Imitation firearms (longarms and handguns) are treated as controlled weapons in the State of WA and regulated under the *Weapons Act 1999* and *Weapons Regulations 1999*.

The supply, handling and management of firearms in screen production must be undertaken by an appropriately licensed person known as “theatrical armourer”, “armourer”, or “on- set armourer”. Firearm safety in screen production is the legal responsibility of the on-set armourer. The on-set armourer has a legal responsibility for the safety of cast and crew when firearms are used on a film set whether that set is in a studio or on location. The on-set armourer will establish a safe operating procedure on set for the safe use of firearms and prohibited weapons. The on-set armourer has the legal responsibility to train the actors to a safety standard suitable for the use of firearms and controlled weapons in a screen production.

## **FILMING WITH CHILDREN AND BABIES / AND ANIMALS**

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### **FILMING WITH CHILDREN**

Production companies are legally bound to comply with The Western Australian Child Welfare Act 1974.

Before employing a child under the age of 15, employers need to apply for and be issued a child employment permit. This permit may set out both general and specific conditions to ensure that suitable facilities and special health and safety measures are provided for the child employed. There are special provisions for employing children in the entertainment industry which are set out in the *Mandatory Code of Practice for the Employment of Children in Entertainment*. In particular check that the proposed Supervisor of Children has a current *Working with Children Check Card*.

Children under six must be accompanied by a parent, guardian or responsible person nominated by the parent. Where the child is less than 16 years old, the producer must ensure that suitable safe arrangements are made for travel between home and work.

The child should get a 10 minute break every hour and a one hour break every four hours. No child should commence a working shift unless 12 hours has expired from the end of the previous shift. Children who are employed for extended periods should receive education tutoring from a qualified tutor away from the immediate set.

No child shall perform stunts or be involved in stunt car sequences.

### **FILMING WITH ANIMALS**

If planning to work with animals, an appropriately experienced animal supervisor must be employed, and all relevant permits are obtained.

There is no specific code relating to film and television in WA but producers are strongly advised to abide by the Victorian Code of Practice - [Link](#)

### **LOCATIONS PERMISSIONS**

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Access and use of land in WA comes under various forms of control.

#### **PUBLIC LAND:**

This falls under various forms of public ownership and stewardship. Some public land is owned by State agencies, for example land used for hospitals, schools, railway land, power utilities, public reserves and National Parks. Access to land may be restricted, for example in water catchment area or wilderness areas. Roads are public land, controlled by Main Roads WA or councils (local and regional roads) or the Department of Lands (Crown roads).

Council owned land is either operational (depots, waste facilities, council buildings) or community land (parks, playing fields and lands not identified as operational).

The nature of approvals required is determined by the status of the land, the owner or steward of the land, and a variety of legislative requirements. Responsibility for approvals for use of land is determined by a range of factors. Many of these may be within the authority of council to grant. The following points may assist in understanding.



- The nature of the land may determine what filming is possible.
- Filming is excluded from some land, such as wilderness areas, and approval may not be granted for the use of land where public safety is compromised.
- News and current affairs filming does not require approval on public land.
- Other filming and associated activities may be subject to approvals depending on the nature of the land and the nature of the activities.
- Local councils (and other government agencies) may require approvals in their role as regulator of the land, for example to ensure environmental protection, public safety or management of traffic.
- Filmmakers may need a licence or approval to film on public land in some circumstances, for example when to ensure exclusive use of public land or where a government agency requires formal approval to undertake activities on its land.
- Whether the location is particularly sensitive, for example because of the presence of an item of Aboriginal significance, heritage issues, or because it is a critical habitat for a threatened species, and whether council may therefore withhold approval.
- *Indigenous approvals*– In most places it is polite to request permission to film from traditional owners, who may also agree to carry out a welcome ceremony. This permission will be required for any filming on land controlled by indigenous people or containing sites or items of significance. Filmmakers are encouraged to consult the Indigenous Unit of Screen Australia on issues of indigenous content and locations well in advance of filming.

## **PRIVATE LAND**

Filmmakers are very familiar with the need to seek agreement from owners to film on private land such as homes and business premises. This agreement – a licence – usually takes the form of a location agreement spelling out the terms, conditions and fees for the filming, if required.

Filmmakers must notify council when filming is entirely contained within private land, and are under an obligation to notify surrounding residents and businesses. However a formal application is not necessary.

If filming is primarily on private land but associated activity occurs on public land, then it may be necessary, subject to legislative requirements, for a filming approval to be sought for these associated activities. Conditions to ensure public safety, and relevant fees and charges may be applicable for such approvals, for example, running a cable across the footpath from the private property to a generator or management of reserved vehicle parking.

## **PERMITS ON SITE**

The filmmakers should have a copy of the written approval on location at all times. This would normally be held by the Unit Manager and all the production crew should be able to identify this person and direct enquiries to them.

## **LOCAL COMMUNITY NOTIFICATION**

Filmmakers should make arrangements to minimise inconvenience or disadvantage to businesses, residents or the general community, and should do a letter drop to residents and the local community with the details of the filming, with a copy to council for information. The letters should be delivered with enough lead time for people to make further inquiries. The letter should indicate the times and nature of the shoot, conditions of council approval, and provide a contact name and number for the production. In some instances where the impact is substantial, such as where filming is late at night, alternative accommodation may need to be provided for affected residents, or where trade for a business is significantly impaired, arrangements made to mitigate the effects.

The production should have a strategy for managing community concerns and/or complaints. If filming permission is sought at especially short notice, for example a sudden schedule change, additional time and effort may be needed to inform affected residents, for example door knocking as well as letter boxing.

## **TRAFFIC MANAGEMENT**

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If traffic is being stopped, held or diverted, or if filming is to take place on roads, the filmmakers need to have appropriate approval from the local council, Police and Main Roads. They may also need to inform the State Transit Authority, private bus companies, tour operators and emergency and essential services. If filming takes place on the roads or interferes with traffic flow it will often be necessary to submit a traffic management plan (TMP) to council.

## **TRAFFIC CONTROL**

Must be carried out by individuals authorised by the Main Roads Department. In some cases, police are used, at cost to the production company. In metropolitan locations traffic controllers are usually booked through an experienced traffic management firm, and in rural locations the local council will often provide authorised traffic controllers, at cost, as required.

## **PARKING**

The filmmakers must comply with council parking regulations and may also need to consult with Police, Main Roads and the local community.

Filmmakers are required to comply with normal parking regulations. If trucks are legally parked Councils must be notified but additional fees may not be charged. Essential costs incurred for traffic management may be recovered. However, parking may be provided through partial temporary road closures and Main Road guidelines need to be followed.

Fees for such a service may be charged and may include foregone revenue in locations where metered parking exists.

## **EMERGENCY AND ESSENTIAL SERVICES ACCESS:**

Access to utilities (e.g. electricity, water, telephone lines, and gas) and emergency vehicle access must be available at all times and fire exits must not be blocked.

## **DEPARTMENT OF IMMIGRATION AND CITIZENSHIP**

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Non-residents seeking to enter Australia to work in any capacity on a screen production will be required to obtain the relevant entertainment visa prior to entering Australia. Information about entertainment visas can be obtained from the Department of Immigration and citizenship.

[www.immi.gov.au](http://www.immi.gov.au)

## **TAXATION**

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Foreign producers or non-residents seeking to enter Australia to work on a screen production should familiarise themselves with their obligations and responsibilities under Australian Tax Laws.

## **International Tax Essentials**

The Australian Taxation Office (ATO) provides information for tax professionals on individuals who are Australian residents for tax purposes who earn foreign income, and individuals who are not Australian residents for tax purposes who earn Australian income. This advice is entitled 'International tax essentials' and is available on the ATO website at: [www.ato.gov.au/General/International-tax/](http://www.ato.gov.au/General/International-tax/)

## **Goods and Services Tax (GST) & Cast/Crew Withholding Tax Guide for Foreign Producers**

Money Penny Services in conjunction with the Screen Producers Australia (SPA) has produced a guide entitled *Goods and Services Tax (GST) and Cast/Crew Withholding Tax Guide for Foreign Producers*. This guide can be sourced as a fact sheet on the Ausfilm website at: [www.ausfilm.com.au/faq](http://www.ausfilm.com.au/faq)

## **SOURCES**

ScreenWest acknowledges the following sources:

- Motion Picture Production Certified Agreement 2010-2012 (Rates & Conditions as at 1 July 2013)
- Broadcasting and Recorded Entertainment Award 2010.
- Film & Television Safety Guidance Notes
- Film Industry Safety Code
- Road Traffic (Vehicle Standards) Regulations 2002
- Road Traffic (Vehicle Standards) Rules 2002
- Australian Design Rule 42/04 – General Safety Requirements
- Occupational Health and Safety Act 1984 (WA)
- Occupational Health & Safety Regulations 1996 (WA)
- Road Safety (Vehicles) Regulations 2009 (VIC) incorporating amendments as at 30 March 2013
- [www.alliance.org.au](http://www.alliance.org.au)
- [www.ohs.alliance.org.au](http://www.ohs.alliance.org.au)
- [www.ohs.film.vic.gov.au](http://www.ohs.film.vic.gov.au)
- [www.depi.vic.gov.au](http://www.depi.vic.gov.au)
- [www.motionpicturearmourer.com](http://www.motionpicturearmourer.com)
- [www.commerce.wa.gov.au/worksafe](http://www.commerce.wa.gov.au/worksafe)
- [www.business.vic.gov.au](http://www.business.vic.gov.au)
- [www.slp.wa.gov.au](http://www.slp.wa.gov.au)

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