

## Second Reading

**The Hon. PENNY SHARPE** (Parliamentary Secretary) [5.56 p.m.], on behalf of the Hon. Michael Costa: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

### Leave granted.

More than 1,100 film and television related businesses are located in New South Wales, employing more than 9,000 people and generating income in the vicinity of \$1 billion per annum. The multiplier effects of this industry are very large and can provide substantial economic benefits to this State. New South Wales dominates the Australian feature film and television drama production industry, attracting almost 50 per cent of total production expenditure in Australia over the last five years. The industry is, however, a competitive one and to retain its competitive edge and the benefits which flow from the skill and experience developed here we need to ensure that the environment in New South Wales is one that encourages the screen industry.

Investment in this industry is a strong economic multiplier and it generates income, jobs and opportunities for our most talented young people. It also provides an opportunity to market the State internationally. Most of us are aware of the screen industry through the movies and television shows we see, but this is only a small part of the vibrant industry in New South Wales. The industry encompasses a wide range of activities, including feature films, telemovies and miniseries, television series, documentaries, corporate and music videos, television commercials, digital content for mobile and other portable devices, digital effects and animation and post-production—for example dubbing, subtitling and editing.

The industry is one that relies on high levels of professionalism and technical skill. Assistance to one part of the industry will have flow-on benefits to other related parts of the industry. The creative media sector is an important area for innovation—a means of improving productivity and increasing business investment in New South Wales. Although the New South Wales Government is strongly supportive of this industry, it has become evident that the processes for undertaking on-location filming could be streamlined. The Government is committed to providing support to the industry. Last year it announced an additional \$1.8 million over four years to support the Sydney Film Festival with a new international film prize. This bill is another demonstration of practical support.

Unnecessary administrative obstacles and red tape can impede film production and place New South Wales at a competitive disadvantage compared with other States and internationally. The bill removes unnecessary red tape affecting the New South Wales film and television industry. It builds on the reforms implemented by the Labor Government in 2000. Those reforms introduced a single application system for council approvals related to filming. It also allowed for the development of a Local Government Filming Protocol under the Local Government Act 1993. The Filming Protocol sets out a framework for councils, filmmakers and the community about how applications are determined, with guidance on fees, matters for consideration and standard definitions. Councils are currently required to take the Filming Protocol into consideration when determining applications or setting fees.

A filming project may involve a number of different council approvals, for example, relating to traffic regulation and parking or use of council-managed land. The bill will require all local councils to comply with a revised Local Government Filming Protocol when determining applications or setting fees, rather than simply taking it into consideration. The revised Filming Protocol will be developed in consultation with local councils, government agencies and the film industry to ensure that New South Wales remains film friendly while maintaining a proper balance between community and economic concerns. The revised Filming Protocol will apply to all local councils except those councils that have adopted another filming protocol that has been approved by the Director General of the Department of Local Government. The director general will consult with appropriate stakeholders before giving approval to the councils' filming protocols.

Where a council has discretion to set a fee relating to a filming project, the bill will require the council to set the fee in accordance with the Filming Protocol. The bill also allows regulations to be made to set a maximum cap on such fees. This will prevent possible price gouging by individual councils, particularly in relation to parking and location charges. There have been complaints from film producers about parking charges by councils which add up to \$4,000 to \$5,000 for a day's shoot, and council charges such as a \$15,000 fee to film outside a particular location. These types of charges can prevent small and medium budget films from shooting in those council areas. Arbitrarily set and excessive fees discourage investment by the screen industry in New South Wales. The changes being made by the bill will ensure that fees associated with filming projects are set in a transparent manner and that they will be set on a cost-reflective basis.

The bill and revised Filming Protocol will ensure that councils are able to recover expenses related to filming approvals and services provided, but it will prevent councils from charging excessive fees by ensuring that cost recovery principles are applied. The bill will also create a presumption that councils will grant approvals relating to filming projects, unless there are exceptional circumstances or legislation requires the council to refuse to grant the approval. The Filming Protocol will assist in identifying such circumstances but, as an example, the holding of a major public event at the location at the same time or management of high-demand locations such as Bondi Beach where several filmmakers may be competing for access at the same time are possible examples of rare exceptions that might arise.

The bill creates a presumption that councils will grant a lease or licence over most types of community land to allow a

filming project to be carried out, unless there are exceptional circumstances or the plan of management for the land clearly prohibits the use of the land for filming projects. Certain types of particularly sensitive community land will not be affected by this presumption. For example, the presumption will not operate in relation to community land that has been declared to be of cultural significance because of the presence of an item considered to be of Aboriginal significance, or community land that has been declared to be a critical habitat under the Threatened Species Conservation Act 1995 or Fisheries Management Act 1994.

Councils should generally be able to deal with community concerns by imposing conditions on the approval. Conditions might, for example, impose restrictions on noise or hours of operation, ensure other types of environmental protections are in place, or require the film producers to letterbox neighbours to let them know about the filming activities. Where a council has refused to grant the approval the council will need to inform the applicant as soon as practicable after it has made the decision. The council must give written reasons for the refusal within three business days. The bill will also simplify the planning process for filming projects under the Environmental Planning and Assessment Act 1979. The bill expands the types of development that do not require development consent.

The changes will mean that certain temporary structures and alterations or additions to buildings or works will be exempt development where the development is for the sole purpose of filming. This will be available only for short-term filming projects where the development will not remain in place for more than 30 days within a 12-month period. Also, the development must not be accessible to the public.

The bill will amend State environmental planning policy No. 4 and the Standard Instruments (Local Environmental Plans) Order 2006 to incorporate these changes. This will ensure that the planning processes followed by council in relation to these types of development will be consistent across the State. These planning law changes will not affect filming within national park estate, which in general will continue to be assessed under part 5 of the Environmental Planning and Assessment Act 1979. Filming within the national park estate is currently allowed under the Filming Approval Act 2004, subject to the imposition of strict environmental conditions.

In determining whether to grant a filming approval under that Act, the Minister needs to be satisfied of a number of matters affecting the environment, cultural heritage and public enjoyment of the land. The bill creates a presumption that filming activities will be allowed in national park estate unless filming activities are expressly prohibited by the plan of management for the land. The bill will ensure that approvals are not refused where concerns affecting the environment, cultural heritage or public enjoyment of the land can be adequately addressed by imposing conditions on the approval. The bill does not affect current restrictions relating to filming in wilderness areas or on Aboriginal land managed under part 4A of the National Parks and Wildlife Act 1974.

The bill will ensure that our national park estate continues to be protected while encouraging filming. This will enhance public appreciation of national parks and promote tourism. The bill also amends the Crown Lands Act 1989 and the Western Lands Act 1901 to enable the carrying out of filming projects on Crown reserves or on Crown land held under a lease, despite any provisions that would otherwise prevent it. The changes to the Crown Lands Act 1989 enable a lessee to grant a sublease, licence or sublicense to allow the carrying out of a filming project. The amendments to the Crown Lands Act 1989 will also ensure that a reserve trust can grant a lease or licence for a film project whether or not the project is in accordance with the plan of management for the reserve or is consistent with the declared purpose of the reserve.

The amendments to the Western Lands Act 1901 enable a lessee to grant a sublease or licence to allow the carrying out of a filming project. The bill is one part of a package of measures designed to remove unnecessary red tape affecting the New South Wales screen industry. The Government strongly supports the screen industry and, as part of the package of measures, government agencies will be asked to support film industry requests in a number of ways. Government agencies will be asked to process filming applications properly and should not unnecessarily refuse access to public locations. Each government agency should nominate a film contact officer who will assist filmmakers in obtaining the necessary approval, support and access to agency services, and government agencies should have their film access policies available on their websites.

Another part of the package will include changes to regulations to exempt large vehicles used for filming from current one-hour parking restrictions and simplify road rules regulating temporary road closures and traffic management associated with filming. The bill provides an important platform for enhancing business opportunities and reinvigorating the screen industry in New South Wales. I commend the bill to the House.