
Approved:	<i>original approved by Christine Houghton, Director, Visitor Services Branch, BC Parks, Ministry of Environment</i>
Effective Date:	28-June-2011
Relationship to Previous Policy:	This policy replaces all previous policy regarding commercial film permits

Park Use Permits

Permits for Commercial Filming

Purpose

The purpose of this policy is to provide clear and consistent provincial direction to staff and potential Permittees regarding commercial filming in parks. In support of the British Columbia film industry, BC Parks will permit film productions which do not adversely affect:

- the natural and cultural heritage, recreation, use and appreciation values of the Park;
- the public right to free and reasonable access to parks for their inspiration, use and enjoyment;
- an asserted or proven aboriginal right (including aboriginal title) or treaty right, that is recognized and affirmed by section 35(1) of the *Constitution Act, 1982*; and,
- the rights of existing Permittees.

Proposed commercial filming activities must be consistent with the management direction for the park.

Scope

This policy applies to park use permits and resource use permits (PUPs) within parks, protected areas, conservancies and recreation areas. Under the provisions of the *Park Act* all commercial film productions taking place in a park must be authorized by a valid park use permit. Under the *Ecological Reserve Act* and the *Ecological Reserve Regulations* there is no authority to issue an ecological reserve permit for commercial film production except for films pertaining to ecological research or educational purposes. This policy does not apply to the issuance of an ecological reserve permit for commercial filming. Filming for news purposes does not require a park use permit.

Definitions

“**commercial filming**” means the use of a defined area to carry on, with the intent of monetary return, commercial filming using still or motion photography

“**major shoot**” means all commercial filming that is not considered a minor shoot

“**minor shoot**” means commercial filming taking one day at one location with no disturbance to park users or natural resources. The following criteria are also used to determine what is considered a minor shoot:

- limited number of vehicles (five or less);
- no sets or major equipment;
- no alteration to park facilities, furniture, signs, etc.;
- ten or less persons;
- use of hand held photographic equipment (includes a tripod); and,
- minimal or no monitoring required by BC Parks

“**news purposes**” means filming or photography that has as its subject an unexpected current event, is undertaken during or soon after the event as an urgent response to the event and is for the express purpose of inclusion in a television news bulletin, newspaper, news magazine or similar topical publication.

"**park**" for the purpose of this policy means Crown land established or continued as a park, protected area, recreation area, or conservancy under the *Park Act*, the *Protected Areas of British Columbia Act*, or the *Environment and Land Use Act*, and does not include ecological reserves

“**permit fee**” means the fee established by Order in Council pursuant to section 20 and 21 of the *Park Act* and charged by BC Parks for the Permittee’s use or occupancy of park lands

“**term**” means a fixed and definite period of time during which a permit is issued or the period of time between the start of the commencement date and the end of the expiration date

Policy

1.1.1 Accreditation

The Ministry reserves the right to require major filming productions to display a credit line identifying the park used as the site location:

Filmed in _____ Provincial Park/Recreation Area, British Columbia, Canada

The exception to this requirement is television commercials.

1.1.2 Applicant eligibility

Applicants for park use permits must be:

- 19 years of age or older; or
- Corporations which are incorporated or registered in British Columbia* (under the *Business Corporations Act* (BC)); or
- Registered partnerships, cooperatives, and non-profit societies (a society incorporated under the *Society Act* (BC) which are formed under the relevant provincial statutes; or
- Educational Institutions; or
- First Nations peoples applying through band corporations or Indian Bands and Tribal Councils. Band or Tribal Councils require a Band Council Resolution a) authorizing the council to enter into the permit, and b) giving the signatories of the permit document the ability to sign on behalf of the Band; or
- Municipalities, regional districts, other government entities, and associations.

*Where applicants are not registered to do business within BC they will be informed at the time of permit validation that it is their responsibility to register with the Province.

1.1.3 Applications

All commercial filming park use permit applications must be submitted in writing to the Permit and Authorization Service Bureau and if complete, as per provincial policy, will be processed within Five (5) business days.

The application form requests the basic information required to do a Level 1 Preliminary Screen as part of BC Parks' Impact Assessment process. Depending on the outcome of the Level 1 Preliminary Screen, a higher Level (2 or 3) impact assessment may be required. Costs associated with the Level 2 or 3 Impact Assessments are the responsibility of the applicant.

1.1.4 Cancellation

Permits may be cancelled for any of the following reasons, provided that provisions for such actions are included in the park use permit:

1. permit fees, rental payments or other monies due to the Province are in arrears
2. insolvency
3. unacceptable acts performed by the Permittee
4. failure to comply with the terms and provisions of the park use permit
5. the Park or permit area is closed
6. the permit area is damaged or destroyed
7. wilful misrepresentations
8. mutual agreement

1.1.5 Designated Representative

The film company must appoint one legally Designated Representative from the company who will be responsible for all film company activities within a park. The Designated Representative must:

- be present at the film site during all filming activity;
- provide BC Parks with a 24 hour contact number;
- be responsible to ensure the film company staff and contractors are informed of and abide by applicable Acts and Regulations, the park use permit and BC Parks' Commercial Filming Policy and Filming Guidelines;
- be responsible to ensure that no filming activities beyond what has been approved in the permit is undertaken without prior approval from BC Parks; and,
- be fully responsible for carrying out all instructions and orders verbal or written received from the BC Parks Representative/ Location Monitor.

1.1.6 Insurance

Film companies must maintain and pay for Commercial (General) Liability Insurance, with insurers licensed in British Columbia, in an amount not less than \$2,000,000 per occurrence during the term of the park use permit. The minimum coverage may be increased if deemed necessary. Other coverages may be required for specific uses such as, but not limited to, aircraft and marine vessels.

The Province is to be added as an additional insured under the policy and the policy must contain a cross liability clause. Proof of insurance shall be provided by a completed "Province of British Columbia Certificate of Insurance" form.

1.1.7 Financial Guarantee

Prior to the commencement of a major film shoot, the Permittee must post a minimum \$5,000 financial guarantee with the Province. At the discretion of the Regional Manager (as designated to make decisions on behalf of the Minister of Environment), the financial guarantee may be increased depending on the impact, risk or term of the film production to reflect the estimated cost to the Province should the park suffer any modifications or damage from filming activities. The financial guarantee is required to ensure diligent bona fide use, site restoration, clean up, payment of monies owing and compliance with the provisions of the park use permit.

The financial guarantee for a minor film shoot may be set at a lower amount or waived at the discretion of the Regional Manager.

The financial guarantee will be refunded to the film company after all invoices have been paid and after satisfactory clean up and restoration of the permit area.

1.1.8 Permit and Administration Fees

The application fee for all commercial filming is \$500 plus applicable taxes (e.g., HST). The permit fee for a minor shoot is \$100 and a major shoot is \$500 or \$100 per day, whichever is greater, plus applicable taxes. Depending on the commercial filming activities, other fees may apply.

1.1.9 Other Fees

Over and above the permit and administration fees for commercial filming, the following fees may also be applied depending on the requirements of the production:

- use of provincially owned structures;
- use of provincial equipment;
- use of provincial supplies;
- consumption of metered water and electrical power;
- parking fees;
- cost-recovery of location monitoring; and,
- cost for services provided by or set aside in a Park Facility Operator's Operating Area.

1.1.10 Cost of Location Monitoring

Permits issued for film productions usually require a considerable amount of time to supervise and inspect the activity. Depending upon the size of the production, film companies will be required to pay all costs for a Location Monitor appointed by BC Parks. Charges will be calculated using the Director's Guild of Canada-BC District Council daily rates for "Location Manager" or in the case of a BC Parks staff person, costs will be calculated using the employee's current wages as set out in the B.C. Government and Service Employees' Union (BCGEU) Collective Agreement.

1.1.11 Refunds

Refunds for commercial filming application fees and permit fees will be considered using BC Parks' refund policy.

1.1.12 Renewal

Film permits are not renewable.

1.1.13 *Suspension or Halt to Film Production*

BC Parks reserves the right to suspend or order the cessation of any or all of the film production activity if it is in default of the permit.

BC Parks also reserves the right to suspend or order the cessation of any or all of the film production activities for any risks posed to public safety (i.e., fire, other natural hazards, etc.).

In any of these circumstances, no further film production can be undertaken without written approval from the Province.

The Permittee will not be entitled to any compensation from the Province, in damages or otherwise, if any film production activity under the permit is suspended or ceased.

1.1.14 *Term*

The term for film permits is variable but finite. After considering the application, the term will be determined granting a reasonable amount of time to conduct the requested filming activities. A specific number of filming days will be granted within a range of dates to account for weather conditions and scheduling.

1.1.15 *Compliance with Laws*

In the performance of the Permittee's obligations under the permit, the Permittee must comply with all applicable laws.

Without limiting the generality of the foregoing, the Permittee must comply with, and must ensure that any subcontractors comply with, all applicable occupational health and safety laws in relation to the performance of the Permittee's obligations under the permit, including the *Workers Compensation Act* in British Columbia or similar laws in other jurisdictions.

The Permittee must apply for and maintain personal optional protection insurance (consisting of income replacement and medical care coverage) during the term of the permit at the Permittee's expense if:

- (a) the Permittee is an individual or partnership of individuals and does not have the benefit of mandatory workers compensation coverage under the *Workers Compensation Act* or similar laws in other jurisdictions; and
- (b) such personal optional protection insurance is available for the Permittee from WorkSafeBC or other sources,

unless such requirements are excepted in the permit.

If the Province determines that the Permittee will be the prime contractor, as defined in the *Worker's Compensation Act*, at a film site, the permit will include additional terms describing the Permittee's obligations as prime contractor.

Related Guidance/Considerations

This policy is supported by BC Parks' commercial filming guidelines:

http://www.env.gov.bc.ca/bcparks/film/docs/film_guidelines.pdf

More information regarding locations, background information and commercial filming in provincial parks may be accessed through BC Parks' website:

<http://www.env.gov.bc.ca/bcparks/film/>

BC Parks honours the British Columbia Film Location Policy which may be accessed on the BC Film Commission's website:

http://www.bcfilmcommission.com/production/production_guide.htm

APPROVED AMENDMENTS:

Effective Date:	Summary of Changes:
YYYY-MM-DD	

Glossary

“**natural resource**” means land, water and atmosphere, their mineral, vegetable and other components including the flora and fauna on and in them.

"**park use permit**" means a licence, issued under the *Park Act*, authorizing an activity or a course of behaviour or conduct, or the occupancy, use, development, exploitation or extraction of a natural resource on or in a park or conservancy.

“**permit area**” means that part or those parts of a park, conservancy or recreation area identified in the park use permit as the area in which permission is granted to enter upon and use in order to conduct certain activities authorized within the permit.

“**Permittee**” means the entity or person identified on a given permit entering into an agreement with the Province of British Columbia to which rights and responsibilities are granted as per that permit.

"**resource use permit**" means a licence, issued under the *Park Act*, authorizing an activity or course of behaviour or conduct or the occupancy, use, development, exploitation or extraction of a natural resource on or in a recreation area.