



**FILMING & PHOTOGRAPHY POLICY**  
SOUTH AFRICAN NATIONAL PARKS  
MARCH 2008

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## **1. PURPOSE OF FILMING & PHOTOGRAPHY POLICY**

The purpose of this policy is to assist South African National Parks in regulating commercial filming and photography in national parks.

## **2. BACKGROUND**

There is an enormous demand locally and internationally for wildlife and landscape photographs and footage for film, television, books, advertising etc. This demand has resulted in national parks under SANParks management being inundated with requests for commercial filming or photography permits.

These production companies very often work with large budgets and create substantial revenue from the broadcast and sale of their product. Sole operators also stand to make a return from footage secured in national parks. As custodians of this natural heritage, and as a conservation organisation with a need to develop alternative streams of revenue in order to bring the organisation closer to self sustainability, SANParks must regard this as a source of revenue for the organisation.

However, this does not take into account tourists who come into the park and take films or photographs for recreational purpose. What is increasingly clear is that because of advances in technology and the accessibility of such technology it is increasingly difficult to regulate the activities of patrons in national parks as the distinction between commercial and recreational photographers and filmmakers has become increasingly blurred.

It is in light of this that a policy was approved in 2004 to ensure better regulation of this and to give the organisation an opportunity to benefit from the commercial proceeds of this venture. The policy was based on the National Parks Act 57 of 1976 (as amended) and the National Parks Regulations of 1978 which have since been repealed with the promulgation of the National Environmental Management: Protected Areas Act (NEMA:PAA) 57 of 2003 as amended.

## **3. OBJECTIVE**

3.1 The first objective of this policy is to provide a regulatory framework for SANParks in managing filming and photography in national parks.

3.2 The second objective of this policy is to provide a basis for charging rates for commercial filming and photography.

## **4. LEGISLATIVE FRAMEWORK**

Section 50 of the National Environmental Management: Protected Areas Act (NEMA:PAA) 57 of 2003 as amended deals with commercial activities in national parks and refers to the following:

Regulation 20(1) provides that a person may not undertake any of the following activities in a special nature reserve, national park or world heritage site except pursuant to a license, permit or agreement and subject to the payment of the appropriate fees between that person, or some other person, and the management authority:

- (i) Subsection 20(1)(a) – the filming and simultaneous transmitting of photographic images by the use of a webcam or other image recording or transmitting device;
- (ii) Subsection 20(1)(e) – the provision of, or the offering to provide, any service for a fee or a reward;
- (iii) Subsection 20(1)(h) - an activity of any kind for the purpose of fund raising, personal gain or making a profit.

## 5. DEFINITIONS

**Applicant** is any person who is applying for a filming or photography permit, as an individual or on behalf of a company.

**Commercial activity** refers to anyone intending to gain financially from the production of a film or photograph produced in a national park, excluding those falling under 6.3 below.

**Film-maker/Photographer** is a professional or amateur who is seeking permit to film or photograph in a national park for commercial purposes.

**Service Provider** is a Film and Photography Permit Management Service Provider who has been contracted by SANParks to manage the issuing of permits and arrangement for entry into a national park of applicants.

**Permit official** refers to a SANParks official in the Communications Division, at national park or corporate level, who has been tasked with the responsibility of regulating filming or photography in a specific national park where a service provider has not been appointed.

## 6. APPLICATION OF THE FILMING & PHOTOGRAPHY POLICY

- 6.1 Where material is taken by individuals for private use and personal enjoyment, such as tourists/members of the public taking photographs or videos, SANParks cedes the rights to such material.
- 6.2 However if the material is secured professionally or by amateurs within a National Park for use or with the intention for use for commercial or broadcast purposes or for resale, marketing, advertising, the film producers (local & international) will be charged a location fee, as well as a fee for any other services, resources or special concessions required of SANParks.
- 6.3 Footage or photographs taken in national parks and submitted to competitions and third parties without a commercial agreement (such as a photography competition or television programme) will be considered to be for personal use and not for commercial gain.

## ADMINISTRATION

- 6.4 In a case where there is an appointed Film and Photography Permit Management Service Provider to manage the process on behalf of SANParks, the appointed service provider will handle all commercial filming and photography request and billing for the stated national parks.
- 6.5 In a case where there is no appointed service provider to manage the process on behalf of SANParks, a permit official will be appointed to handle all commercial filming and photography request and billing for the relevant national park.
- 6.6 The service provider or permit official will apply to the relevant Park Manager, Senior Conservation Official and/or Communications Manager for approval of the request to film, before issuing a permit.
- 6.7 Filmmakers and photographers should apply for permission to film/photograph at least one month in advance of their intended visit.
- 6.8 All filmmakers and photographers should be required to complete and sign an application form (see Appendix A) which includes the following:
  - 6.8.1 Agreement between SANParks and the filmmaker/photographer including:
    - 6.8.1.1 Conditions of filming or photographing in a national park.
    - 6.8.1.2 Provision of a copy of the finished production or publication to SANParks. SANParks agrees to use this only for educational and information purposes and not for public broadcasting.
    - 6.8.1.3 Suitable acknowledgment of SANParks (or the individual national park, whichever is appropriate) in the published/broadcast version.
  - 6.8.2 Purpose for which the film/photograph is being recorded and will be used.
  - 6.8.3 Type of production, e.g. feature film, television movie or series, advertisement (broadcast or print), editorial, etc.
  - 6.8.4 Expected target audience of production/publication
  - 6.8.5 Contact details of film/photography crew.
  - 6.8.6 Number of people in crew and their roles.
  - 6.8.7 Number of vehicles and registration numbers on set.
  - 6.8.8 Proposed itinerary of the filmmaker/photographer during shoot including locations that will be used
  - 6.8.9 Resources and special access required e.g. guide/ranger, permission to leave vehicle, access to non-tourist areas of the park, work at night, use of SANParks vehicle, off-road access, etc.
  - 6.8.10 Interviews required with SANParks staff and interview topic.
  - 6.8.11 Expected impact on environment (e.g. use of bait and lights to take footage of predators);
- 6.9 All filmmakers and photographers should be required to complete and sign a Code of Conduct for filmmakers/photographers (see example Appendix B)
- 6.10 Film/photography crews (including those that have special permit, i.e. a waiver of filming or photography fees) should make their own provisions and bookings for accommodation within national parks when required.
- 6.11 Film/photography crews will supply their own food and drinks.
- 6.12 In situations where shoots or photographers need to be supervised or guided, such parties will need to be supplied by the national park, unless a recognized and park approved Environmental Control Officer is supplied by the service provider or SANParks.

## 7. FILMING & PHOTOGRAPHY FEES

- Fees should be set out per day, or part thereof, of filming.
- Additional fees will be levied for the use of SANParks resources such as staff, (guides), vehicles, equipment.
- Fees will be discounted during off-peak seasons to encourage filmmakers/photographers to use SANParks resources during these times.
- Fees will be determined every three years, based on market related standards and will be approved by the Executive Management.

## 8. WAIVING OF FILMING & PHOTOGRAPHY FEES

8.1 Filming or photography fees can be waived where the value to SANParks in publicity gained far outweighs the value gained by the levy of permit fees.

8.1.1 This will be at the discretion of the Park Manager, in consultation with the relevant Communications Manager at a national park or corporate level.

8.2 Fees will be waived for news crews, registered journalists and domestic television broadcasters.

8.3 Waiver of this fee will only apply if such designated groups or individuals make the necessary arrangements through the relevant Communications officials.

8.3.1 Should the permit fee be waived, the film/photography crew will still be required to sign the agreement (thus agreeing to conditions of filming) as mentioned above.

8.4 This should be administered by the relevant SANParks staff.

8.4.1 SANParks will consider entering into a co-production agreement with a production company only where SANParks stands to gain more from sharing the resultant royalties than the location fee.

## 9. ATTACHMENTS:

- Process of Application for Filming or Photography in a National Park
- Application Form for Filming and Photography
- Code of Conduct for Film-makers and Photographers

	RECOMMENDED BY	SUPPORTED BY	APPROVED BY	RATIFIED
<b>DESIGNATION</b>	HEAD OF COMMUNICATIONS	CHIEF OPERATING OFFICER	CHIEF EXECUTIVE	BOARD CHAIRPERSON
<b>SIGNATURE</b>				
<b>DATE</b>				

# **ANNEXURE A**

## **PROCESS OF APPLICATION FOR FILMING OR PHOTOGRAPHY IN A NATIONAL PARK**

### **1. EVALUATION**

The filming proposal must be evaluated by the service provider/permit official, the relevant Park Management, relevant officials in the Corporate Communications Division (at national park or corporate level), a relevant member of Scientific Services (where deemed relevant) or Conservation Services (in the case of KNP).

#### **1.1 Evaluation by Corporate Communications**

##### **1.1.1 Material or topic to be filmed:**

1.1.1.1 Any material or topic that is of a journalistic or public relations nature, or is a sensitive issue for SANParks, will be evaluated by the Head of Communications, or by the GM: Media Relations and Events.

##### **1.1.2 End Product**

1.1.2.1 All film crews filming footage for commercial use by the production company will be charged a location fee.

1.1.2.2 Commercial use is the selling of any part of the footage for financial gain. This includes programming made for resale to South African and international broadcasters; documentaries made by local and international production companies; advertising agencies shooting advertisements at any SANParks locations; still photography used for books, publications, magazines and any other commercial use.

1.1.2.3 If the end product is for educational or non-commercial reasons, SANParks senior management will consider a reduction in the location fee.

##### **1.1.3 No Disruption to National Park Activities**

1.1.3.1 No filming requests may disrupt the normal tourist and management activities of SANParks.

1.1.3.2 No activities that have a negative impact on the natural environment will be permitted.

#### **1.2 Evaluation by Park Management**

1.2.1 The filming proposal must be evaluated in terms of its impact on

1.2.1.1 Staff

1.2.1.2 Park Management projects

1.2.1.3 Research products being conducted in the Park

1.2.1.4 Number of other film crews already in the Park

1.2.1.5 Principles or regulations contained in the management plan

1.2.1.6 The environment

1.2.1.7 All other operations that might or might not be happening in that area

#### **1.3 Evaluation by Scientific Services**

- 1.3.1 If the material to be filmed concerns the scientific research of a member of Department of Scientific Services or conservation staff members, the permission of the member of staff is required before the filming proposal is accepted.
- 1.3.2 Only one filming crew may accompany a scientist at a time, unless the scientist expressly permits another film crew to accompany him or her.

#### **1.4 Recommendation by Park Management**

- 1.4.1 The Park Manager must make a final recommendation regarding the ability of Park Management to accommodate the film project.

#### **1.5 Park Contact Person**

- 1.5.1 The Park Manager may appoint a contact person, other than him/herself, in the park that will work in conjunction with the service provider, where applicable, to co-ordinate the filming or photography project.

#### **1.6 Recommendation for involvement of specialist park officials**

- 1.6.1 If the assistance of a member of Scientific Services or other specialist personnel is required (for specialist support or interviews), a recommendation must be made to the park management regarding the filming proposal.

#### **1.7 Negotiations with Applicant**

- 1.7.1 If the filming request is accepted by all parties involved, the service provider, where applicable, or relevant permit official will conduct any negotiations necessary with the applicant, as regards the location fee and any additional SANParks services required.

#### **1.8 Approval**

- 1.8.1 An authorisation permit for the filming proposal, once agreed by Park Management will be issued by the service provider or relevant permit official.
- 1.8.2 The location agreement and financial arrangements for any filming project in the Kruger National Park will be agreed and issued by the park's public relations department.

#### **1.9 Authorisation Permit**

- 1.9.1 After approval by the Head of Communications or relevant national park or corporate official, the applicant must sign the authorisation permit and forward a copy to the service provider or permit official.
- 1.9.2 A copy of the authorisation permit will be forwarded to the Park Manager. The authorisation permit will serve as the applicant's permit for filming in the national park.

#### **1.10 Payment**

- 1.10.1 To ensure adequate control of payment and debt collection, all payments for filming projects on behalf of SANParks will be regulated by the service provider or permit official.

- 1.10.2 Payment of the location fee and any other services utilised by the film crew or photographer must be made before filming begins.
  - 1.10.2.1 No filming can take place without prior payment.
- 1.10.3 Payment for filming must be made by direct deposit into the appropriate SANParks bank account.
  - 1.10.3.1 A copy of the deposit receipt must be faxed for the attention of the service provider or designated official.
- 1.10.4 All location fees will be allocated to the national park where the filming took place.
- 1.10.5 The Park Manager must indicate to which cost centre the location fees must be allocated.
  - 1.10.6 The Park Management must notify the service provider or permit official about any extra services utilised by the film crew.
    - 1.10.6.1 The service provider will bill the applicant for these services.
    - 1.10.6.2 The Producer must make payment within two weeks of invoice.
    - 1.10.6.3 The service provider or permit official is responsible for all debt collection and correct allocation of location fees.

### **1.11 Confirmation of Filming Project**

- 1.11.1 Once the location agreement is signed and payment has been received from the applicant, the service provider or permit official will confirm the project with the Park Manager, the park contact person and any other relevant parties.
- 1.11.2 Dates and logistics of the filming project are discussed and finalised with all parties involved.

### **1.12 Report Back**

- 1.12.1 After the completion of the filming project, the Park Manager, park contact person and all other SANParks staff involved must report any problems encountered, concerns or suggestions to the Park Manager.
- 1.12.2 A finished copy of the final product must be supplied to SANParks.
  - 1.12.2.1 These copies may not be used for commercial purposes by SANParks, unless otherwise negotiated with the producer.
  - 1.12.2.2 The service provider or permit official must ensure that the copy is delivered to SANParks.
  - 1.12.2.3 If no delivery is received, the service provider or permit official must bill the applicant R10 000 for failure to deliver.

## **2. FILMING TARIFFS**

- 2.1 All Filming Tariffs will be approved by SANParks management every three years, no later than the end of the relevant financial year.
- 2.2 Filming Tariffs will be available from the service provider, permit official and the SANParks website.
- 2.3 Unless waived and funded by a relevant SANParks authority, all filming parties will be required to pay Accommodation and Conservation Fees.
  - 2.3.1 All film crews will be required to pay for accommodation and conservation fees at the standard tourist's rate.
  - 2.3.2 Accommodation & entry will only be waived in exceptional circumstances. (See 8 in Filming & Photography Policy)

### **3. GUIDES**

- 3.1 National Parks are only obligated to supply a guide to a filming crew if a guide is available.
  - 3.1.1 The guiding tariff will be required as this entails redeployment of SANParks staff from their normal course of duty.
- 3.2 In all Parks, the Park Manager must be consulted with regard to allocating a guide to a film crew.
- 3.3 In the Kruger National Park, a guide will be allocated by Conservation Services Department.
- 3.4 No SANParks vehicles will be used by film crews unless by special arrangement.
  - 3.4.1 Related costs will be charged in such cases unless there is a specifically motivated waiver.

### **4. FILMING OR PHOTOGRAPHY IN CONCESSION SITES**

- 4.1 Concessionaires will be allowed to secure photographic or film material shot within their respective areas for the purpose of promoting visitors to their location.
- 4.2 The Concessionaires are however contractually bound to all SANParks rules and regulations.
  - 4.2.1 They can thus not permit filming activity within their concession area without prior permission from SANParks.
- 4.3 Similarly SANParks or SANParks service provider cannot authorise filming within a concession area without consultation with the concessionaire.
- 4.4 Any revenue raised through filming in a concession area will be split equally between SANParks and the Concessionaire.

# **ANNEXURE B**

## **APPLICATION FORM FOR FILMING OR PHOTOGRAPHY IN A NATIONAL PARK**

I/We the undersigned

..... (the applicant)

represented by (full names)

.....

apply for filming/recording/photography rights in

.....National Park, managed by South African National Parks (SANParks), and hereby agree that these rights, once granted, are strictly subject to the conditions and regulations set out by SANParks and by the relevant legislation.

We also agree that SANParks reserves the right not to agree to any or all of the assistance or requests applied for.

We agree to provide one copy, free of charge, of the finished production or publication in which the said national park has been featured to SANParks for the purposes of education and information only. SANParks will not use this production or publication for public broadcast and will not charge a fee for the viewing of such a production.

We agree to acknowledge the national park above-mentioned, or South African National Parks, whichever is deemed appropriate by SANParks officials, in the published or broadcast version of the product created with this footage/material.

We agree to abide by the conditions set out in the National Environmental Management: Protected Areas Act 57 of 2003 and regulations made in respect of this Act, as well as any rules and regulations made by the Park Management. In particular the following shall apply:

- The instruction of SANParks staff shall be complied with.
- No damage shall be permitted to any natural vegetation, environment or property.
- No form of wildlife may be injured, fed or disturbed in any way.
- The SANParks normal activities or business operations are not to be interfered with in any way.
- The use of accepted roadways only shall be permitted. Please ensure that the indicated speed limits are not exceeded. No off-road driving will be allowed.
- No parking shall be permitted in entrances to access roads. All vehicles parked in the rest camps shall be parked legally i.e. within demarcated parking bays and shall do not disrupt the use thereof by the general public.
- Strictly no fires, smoke machines or audible generators will be permitted.
- Visitors to the area may not be hindered in any way.

- The areas under the control of SANParks are used entirely at your own risk and SANParks shall not be liable for any claims, accidents, injuries or loss, etc. arising from such use.
- You are subject to Section 86(1) of the National Environmental Act; Protection Areas Act (Act 57 of 2003) for the duration of your filming in the National Park.

***Please fill in the following details:***

<b>Name of company</b>	
<b>Address of company</b>	
<b>Contact Telephone No</b>	
<b>Email Address</b>	
<b>Fax No</b>	
<b>Name of representative authorised to sign agreement</b>	
<b>Names and role of each principal crew member</b>	
<b>Vehicles to be used in park: description and registration number</b>	
<b>Purpose for which footage or photographs are being recorded (name of production if relevant)</b>	

<p><b>Type of production</b> e.g. feature film, tv series, advertisement, magazine feature</p>	
<p><b>Target audience</b> (approx number) and country</p>	
<p><b>National Park in which footage will be recorded</b></p>	
<p><b>Proposed itinerary including dates, times and locations to be used (or attach separate itinerary)</b></p>	
<p><b>Full details of resources needed: specify if and when guide, vehicle, getting out of vehicle, off-road access, access to non-</b></p>	

<b>tourist areas, night work, equipment or any other required</b>	
<b>Interviews needed with SANParks staff and topic of interview</b>	

Note: Each page of agreement to be signed by applicant and witness.

**Please submit this form to: ..... (name and contact details of relevant service provider or permit official as supplied by the park)**

## **ANNEXURE C**

### **Code of Conduct for Filmmakers/Photographers in National Parks**

- 1 Never cause any physical harm or anxiety to any wild creature.
  - 1.1 Avoid using sound recordings to attract certain species for prolonged periods.
  - 1.2 Accept that the welfare of subjects is more important than the sequence.
  - 1.3 Ensure that filming does not result in the consequential predation or lessened reproduction success of the species involved.
  - 1.4 Vacate a scene immediately should subjects show signs of abnormal stress.
  - 1.5 Report the inhumane and illegal treatment of wild animals to the relevant authorities whenever it is encountered.
  - 1.6 In the case of predators, care should be taken not to disrupt its hunting techniques for prolonged periods so that it becomes impossible for the animal to feed itself adequately.
- 2 Endeavour to leave the environment as it was found.
  - 2.1 Minimise interference in and the disruption of natural processes as far as possible.
  - 2.2 Cause minimal damage to the habitat.
  - 2.3 Stick to recognised roads and bush tracks wherever possible and not cause unnecessary vehicle damage to the bush.
  - 2.4 Do not traverse ecological sensitive areas in a vehicle.
- 3 Research their subjects properly before entering an area so that they fully understand the consequences of their actions on their surroundings.
  - 3.1 Strive to portray as accurately as possible authentic and natural behaviour.
  - 3.2 Make sure that all information included in films is accurate and scientifically justifiable.
- 4 As far as possible enlist the help and heed the advice of experts when dealing with natural history films.
  - 4.1 Possible after dark filming should be accomplished with no artificial lights and using only the latest approved technology in wildlife filming & photography.
  - 4.2 Spotlights for night filming should be covered with infra-red filters.
  - 4.3 Illumination of a subject at night should not result in the subject being killed or maimed by predators in unnatural or unethical circumstances.
- 5 Forge good relationships with all officials and conservation bodies they have contact with.