

# **ACOFS - The Australian Council of Film Societies**

## **Film Society Handbook**

### **Chapter 6: INSURANCE AND LEGAL**

[Dec 2009]

#### **Film loss and damage**

A film society is liable for material loss or damage to any borrowed film from the time it leaves until it is received back at the film library. This includes loss in transit, theft, damage by fire, etc. as well as damage while being fed through the projector. Insurance cover is supplied automatically when a film society joins a Film Federation, although an "excess" applies to all claims. Some 16mm film libraries include an insurance charge to cover loss or damage during transit but this charge can be reversed if a society proves membership with a Federation.

#### **Return freight**

There is nothing worse than being told by a film library that the film you have borrowed has not arrived back. Film libraries have been known to swear black & blue that they have checked the shelves and that a film has not been received — until you can produce a copy of the consignment note from the freight company with a recognizable, signature of a receiving officer at the film library. The moral of the story is that you should always consign films back to the library via a goods carrier who can track the goods and has a policy of not delivering the goods without a signature. If using Australia Post, use the registered mail service.

#### **Damage to projection equipment**

Societies that own equipment strongly advised to insure it against accidental damage, theft, fire, etc. Some State Federations offer a voluntary insurance policy at competitive rates through their "umbrella policy" to assist societies with their equipment insurance.

Societies that borrow equipment should make sure that the policy held by the owner applies while the society is using it. If it does not, then you are advised to take out your own insurance policy.

A commercial risk policy protects the film society's equipment against fire and theft and should include place of use, place of storage and transport in between.

**The following definitions are helpful;**

#### **Public liability insurance**

The owners or managers of the cinema or hall where you screen may have a public liability policy, but it is likely that it only cover aspects related to the venue

attributable to hall equipment and fittings. Film societies are recommended to consider purchasing a public liability policy in which they are covered for matters relating to the running of the screening and crowd behaviour, which is their responsibility. Examples would be; accidental bodily injury to any of its members or guests, or for loss or damage to property of members or guests occurring to or on the premises due to the negligence of the film society. It is recommended that you contact your hall/theatre operator to check out the extent of their coverage and their expectations of the film society. Get a response in writing.

Some State Federations offer a voluntary public liability policy at competitive rates, through their own "umbrella" policy to assist film societies in this regard.

A public liability policy protects the film society against public liability litigation to the limit of the policy (usually \$10Million).

### **Voluntary workers insurance**

Most work done by a film society is by volunteers — either committee members or other members of the society. If these volunteers are injured or are involved in an accident while carrying out their duties, the society may be liable. It is unusual for film societies to take out this insurance however.

### **Workers' compensation**

If you employ someone for a fee (e.g. a projectionist) you may have to insure them for worker's compensation in case of injury. Check your legal responsibility.

### **Incorporation**

To give the office bearers of the Society some protection against damages it is possible to become 'incorporated'. This means that you register with a State Government body and become a legal entity. This has a cost and also an annual premium. Incorporation limits any liability to the film society organisation. Any expenses or claims against the society are limited to the assets of the society and the individual committee or members are not held financially liable.

It is not essential that a film society be incorporated, but it is highly recommended that any film society once set up and running, seriously consider all the benefits of incorporation and insurance






Refer to your Federation for guidance and who to contact in your state.

### **Copyright**

Copyright law in Australia is contained in the Copyright Act 1968 and in decisions of courts. It includes protection of the moving images and sounds in a film or video. This is dealt with fully in a separate chapter.

## Film Classification (Censorship Board)

All film societies are bound to observe the regulations relating to film classification. For example, if you screen a G feature with an R support, children must not be admitted to the screening. Film Classifications are:

	General — Suitable for all ages
	Parental Guidance — Parental guidance recommended for persons under 15 years
	Mature — Recommended for mature audiences 15 years & over
	Mature Accompanied — Restrictions apply to persons under the age of 15 years
	Restricted — Restricted to adults 18 years and over

Most film libraries should advise you of the ratings of their films. An R rated film can only be shown to an audience 18 years or older.

If you have any doubts about the classification rating of a film you can find whether it has been rated by going to the Office of Film and Literature Classification website <http://www.oflc.gov.au>

Any film which has not yet been classified by the censor should be described as “Unrated” and treated as an “R” film.