

# ACOFS Fact Sheet

## Australian Council of Film Societies

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### NUMBER 02

#### Borrowing from the NFSA

This document was updated in May 2015 by the Australian Council of Film Societies (ACOFS) following a presentation by the deputy CEO of the Canberra-based NFSA (National Film and Sound Archive).

The NFSA manage the Screens Loan Collection (SLC), which was previously known as the Non-Theatrical Lending Collection (NTLC). Before that it was known as the National Film and Video Lending Service (NFVLS) and managed by ACMI in Melbourne. Before that it was managed by National Library in Canberra.

#### **BORROWING BY FILM SOCIETIES FROM THE SLC – Screen Loans Collection at the NFSA**

During 2014 and 2015 the NFSA undertook a complete review of their policies regarding the loan of visual material under their control, partly due to their budget constraints but also in recognition that the existing material is getting older and more fragile and much of it may be irreplaceable. The main outcomes as far as borrowing of material by member film societies are as follows:

- **16mm:** 16mm prints are becoming rare and fragile, and need to be handled with care. All 16mm titles will be moved to the main archive collection where they will be examined and evaluated, although this might not happen until later in 2015. Valuable or rare titles may become “Archival prints” and not available to borrow. Most of the 1300 titles which have life-of-print licences will still be available to authentic users who have a confirmed record of “responsible handling” of 16mm prints. Those titles without a current screening licence will remain in the Archive but the borrower will be required to arrange the screening rights. The price for borrowing a 16mm feature will increase to \$60 plus freight both ways from July 2015. (This is half the fee charged to regular borrowers).
- **VHS:** Will not be available for loan in future.
- **DVD & BluRay:** The NFSA will cull titles that are available from commercial distributors in Australia, but plan to expand the collection with more curated items from Australia and selected international titles that are not available commercially here, are archive controlled, with the Goethe Institut or in the public domain. The NFSA will also consider copying some of their licenced 16mm films onto DVDs for inclusion in the SLC and would welcome suggestions of titles that might be copied. Rights for current holdings could be renewed subject to the above guidelines. DVD loan prices are still \$22 but are likely to increase with CPI in future, although unlikely to change before July 2016.
- **Booking System:** Will continue with the current system for now, and is in a position to take bookings beyond the end of 2015.

Loans of most items from the SLC catalogue include the right to screen in a non-theatrical situation. NFSA will continue to loan SLC titles to approved film societies, educational institutions, cultural organisations, community groups, businesses and government departments that wish to screen DVDs for non-commercial purposes.

When acquiring 16mm prints or DVDs, the NFSA has, in the past, negotiated with distributors to acquire lifetime non-theatrical rights for those films making it possible to lend them non-theatrically to film societies who screen to members only. For these DVDs film societies do not need to clear copyright for their normal screenings. Some items have screening rights that last just a few years and these rights are not likely to be renewed. DVDs in this category will be removed from the catalogue when the rights expire.

Most 16mm films will still be available but only from the NFSA general catalogue. Many will have associated screening rights but if not, the film society will be responsible for seeking those rights from the rights owner.

The following are implications of the new NFSA procedures.

1. The borrower (the film society) must agree to the conditions outlined by the NFSA in accordance with the conditions of use on the NFSA website.
2. To register to borrow from the NFSA a film society needs to complete a *Client Registration Form* and satisfy NFSA registration requirements.
3. 16mm films will in future only be available to registered operators who have a proven track record for caring for 16mm films.
4. Film societies are encouraged to become members of the relevant Federation of Film Societies, which should make it easier for them to register with the NFSA.
5. A film society should operate non-theatrically and the conditions of membership of a film society should be defined in the society's constitution. A film society should offer an annual membership, or alternately a half-year or three-month membership. Individual admission is not permitted and should not be offered.
6. A film society must keep a register of its members. It is also recommended that names and addresses of guests be retained.
7. No charge may be made for admission to any screening at which an NFSA film or DVD, loaned under a non-theatrical licence, is screened. This extends to any charge that could be construed as a charge for admission such as a donation or a compulsory charge for supper.
8. Any non-member should not be admitted more than three times in any year. It is in the society's interest that non-members be invited to become financial members of the society at the earliest opportunity. A film society may choose not to admit any non-members or to limit visits to fewer than three times.
9. Any publicity for a film society, where NFSA films are screened, should promote the program as a whole, rather than individual titles, and emphasise that admission to screenings is "by membership" and invite people to join the society. To encourage new members a society can also use the phrase "new members and guests welcome".
10. In any advertising, screening notes or printed matter connected with the showing of films from the NFSA, due acknowledgment should be given to the NFSA as the source of each film or DVD.
11. Film societies are required to comply with the legal requirements of classification regarding film and video ratings; e.g. the R18+ rating is legally restricted to adults 18 years and over.
12. If a film society wishes to hold a special public screening, e.g. a special film weekend (possibly away from its usual venue) or any other screening that is not part of its regular program, the film society should check whether a clearance is needed from the rights holder of the films. In the case of films from the NFSA always contact the NFSA as

early as possible so that any necessary clearances may be obtained before the program is announced publicly.

13. Films or DVDs may not be copied in whole or in part, as this is a breach of copyright – unless permission of the copyright owner is obtained.
14. Borrowers may not re-lend films or DVDs to other persons or organisations.
15. If films or DVDs are damaged or lost in transit to the NFSA, borrowers may be held responsible for part or all costs of repair or replacement, as determined by the NFSA. NOTE: Any film society with current membership of a State Federation of Film Societies that is an ACOFS member is automatically covered by insurance against loss of or damage to a film or DVD. In the interests of other borrowers, any damage must be reported promptly to the NFSA and their State Federation.

To contact the responsible officer at the NFSA (Steph Carter as at June 2015) call on 02 6248 2175 or better still use the free call on 1800 012 175.

Or by email to [screeningloans@nfsa.gov.au](mailto:screeningloans@nfsa.gov.au)

NOTE: Titles held in the SLC that are restricted to “Educational/On-site use only” are not licensed by the NFSA for public screenings. The ‘Educational’ use of otherwise unlicensed titles is allowed through exemptions in the Copyright Act (s10 & s28) which provide for defined Educational Institutions to use material for curriculum use. Another Copyright Act exemption allows for Archives (including the NFSA) to provide access ‘on-site’ without further clearance.

The NFSA is currently aiming to further develop the DVD collection, by expanding the Australian content, striking DVDs from material already in the NFSA archive collection, and by obtaining DVD copies through their relationship with other Archives internationally.

Does your film society know of any DVD not available commercially in Australia or with no Australian rights owner, which you would borrow if added to the NTLC with rights included?

Please send your list of titles to [johnturner10@bigpond.com](mailto:johnturner10@bigpond.com) and he will follow up with the NFSA. Otherwise please send John individual titles as you come across them.