
Photography Policy

1. OBJECTIVE

Melbourne Theatre Company regularly takes photographs of performers, creatives and people who engage with the Company. This policy details the variety of contexts in which photographs are taken and the way in which MTC can use them.

2. SCOPE

This policy and associated procedural principles apply to all Melbourne Theatre Company (MTC) employees and contractors including creatives and performers as well as attendees at MTC events, workshops or special programs.

3. BACKGROUND

MTC takes photographs in a variety of contexts that include:

- Season brochures
- Marketing images
- Rehearsal photographs
- Production photographs
- Event and social photographs
- Archival photographs of productions
- MTC employees in the workplace

Images taken in these contexts are used in a variety of ways, across channels including but not limited to:

- MTC website
- Facebook, Twitter, Instagram and other social media
- Theatre displays (e.g. foyer and sponsor acknowledgement posters)
- E-communications (e.g. audience eDMs, invitations)
- MTC publications (e.g. programmes, Education brochure, Corporate Partnership brochure, donor reports, Company history books)
- Media – supplied to editors and journalists for publicity purposes
- Award submissions (e.g. Helpmann, Green Room)
- Company reports (annual report, grant acquittals)
- Public lectures, workshops and presentations
- Archival purposes
- Exhibitions and retrospectives produced and displayed by MTC

3.1 Use of images that feature performers

MTC engages performers under the Performers Collective Agreement 2017 and, where necessary, the Live Performance Award 2020.

In the application of this policy, the following clause from the Performers Collective Agreement 2017 must be considered in relation to the use of all photographs featuring any performers engaged by MTC:

25.1.5 The Employer shall use his/her best endeavours to ensure that still photographs of the Employee taken in accordance with the provisions of this clause shall not be published for any purpose other than publicity for, or advertisement of, the play or live entertainment ...

In addition to the clause above, MTC has a supplementary agreement and release form which is provided to performers at the time contracts are issued. Upon signing the agreement, the individual grants MTC permission to also use images of them appearing in MTC productions to demonstrate the artistic work of the Company, in accordance with this policy, beyond the lifespan of a production season for an indefinite period of time.

Therefore, MTC can use photographs of performers performing or rehearsing in its productions in all markets local, national and international and across all promotional channels as it deems fit and at its discretion as long as it is illustrating the particular production or representing the artistic output of the Company.

4. USES AND APPROVALS

4.1 MARKETING IMAGES

At the beginning of each season, photographs are taken to represent each production in the season brochure, on the MTC website and subsequent marketing campaigns. This image is referred to as the **marketing image**. Ideally the photographs include members of the cast, however, on occasion it is necessary to use models, illustration or other imagery to depict the production due to the advanced timeline of brochure production and season launches.

At the time of a production's single ticket campaign, and as more details about a production become available, a reshoot may take place in order to have a marketing image that more accurately depicts the play and features additional cast who may have been engaged since the season launch. The decision to reshoot is at the discretion of the Marketing & Communications Department, in consultation with the Artistic Director & Co-CEO and Executive Director & Co-CEO.

If a reshoot takes place then the resulting image replaces any marketing image previously in use for the production in all future collateral. However, despite best efforts, the original image will remain in market across some channels (e.g. in collateral produced at the time of the season launch).

Marketing images are used in all marketing and publicity collateral for a production. This includes but is not limited to:

- Production posters
- Flyers
- Rock posters
- Advertisements (newspaper and digital)
- Event listings (online and in print)
- MTC publications (e.g programmes and special publications)
- Articles or broadcast by the media
- Media releases
- MTC website

Marketing images are used throughout the duration of a campaign and may also be used in instances beyond the life of the campaign where the play is being featured in a historical capacity to demonstrate the artistic output of the Company.

4.1.2 Marketing image concepts and final artwork

The Marketing & Communications Department, in consultation with MTC's Artistic Director & Co-CEO and Executive Director & Co-CEO, are responsible for the creation of the key marketing image which is featured in the season brochure or reshot to feature in the marketing material for the single ticket campaign. Where possible the production's Director will be consulted at concept stage for feedback.

As a courtesy, the final image will be supplied to the Director as well as the cast featured (via their agents if it is before rehearsals begin, or via the production's Director/Stage Manager if the production is in rehearsal).

Due to tight design and print deadlines, often this may only be within a short timeframe (for example 48 hours' notice before the artwork is scheduled to go to print).

Once a marketing image is finalised there will be no fundamental changes to the image, however, MTC can apply graphic treatment and crop images as necessary for marketing and publicity purposes (e.g. to fit a particular frame or specs of an ad).

MTC's Marketing & Communications Department will always defer to any contractual obligations regarding image use and approval by cast or creatives involved.

4.1.3 Approval for use of marketing images

Cast and creatives do not have official approval of marketing images unless stipulated otherwise in their contracts.

In the instance that there are contractual obligations regarding photograph approval, the Casting Department is to inform Marketing & Communications at the time a contract is signed. This information is then to be included in the relevant billing document.

The final marketing image is approved by the Marketing & Communications Director, Artistic Director & Co-CEO and Executive Director & Co-CEO before it is used in any collateral.

4.2 REHEARSAL PHOTOGRAPHY

Rehearsal photographs, usually taken in the first or second week of rehearsals, are primarily used in MTC programmes, on the MTC website and on social media. These images can also be used in other MTC publications and may be supplied to media for publicity purposes.

Rehearsal images are used throughout the duration of a campaign promoting the production and may also be used in instances beyond the life of the campaign where the play is being featured in a historical capacity to demonstrate the artistic output of the Company.

The Marketing & Communications Department are responsible for selecting the images for use.

Cast and creatives are given advance warning of upcoming rehearsal photoshoots.

4.2.1 Approval for use of rehearsal images

Cast and creatives do not have official approval of rehearsal images, unless stipulated otherwise in their contracts.

As a courtesy, cast and creatives are given the opportunity to see the selection of rehearsal images chosen by MTC Marketing & Communications and if they have strong concerns about a particular photograph it can be raised with Marketing & Communications within the given timeframe. Any image that may not be used is discarded from the suite.

In the instance that there are contractual obligations regarding photograph approval, the Casting Department is to inform Marketing & Communications at the time a contract is signed. This information is then to be included in the relevant billing document.

4.3 PRODUCTION PHOTOGRAPHY

Production photographs are taken during the dress rehearsal (or, if the dress rehearsals is cancelled, at a technical rehearsal, or the first preview of a production) and are most commonly used on the MTC website and social media, supplied to the media to accompany reviews and printed in MTC publications.

A selection of production images are chosen by the MTC Marketing & Communications Department that become the **Official Suite of Images** for that particular production. The suite of images is not shown in advance to cast, creatives or directors unless contractually obligated.

These photographs capture all visual elements of a production (i.e the cast in costume, set and lighting design). In addition to choosing images that are suitable to accompany reviews, the Marketing & Communications Department select images that detail the set, costumes and profile each performer in the production for archival purposes.

Internally, the Official Suite of Images is accessible by the Marketing & Communications, Development, Artistic and Education Departments and photographs from within the suite may be used for purposes in accordance with this policy.

Production images are used throughout the show's season and may also be used in instances beyond the life of the campaign where the play is being featured in a historical capacity to demonstrate the artistic output of the Company.

4.3.1 Approval for use of production images

Cast and creatives do not have approval of production images, unless otherwise stipulated in their contracts.

In the instance that there are contractual obligations regarding photograph approval, the Casting Department is to inform Marketing & Communications at the time a contract is signed. This information is then to be included in the relevant billing document.

4.3.2 Provision of production photographs to performers and creatives

As stated in their contracts; performers and creatives can gain access to the Official Suite of Images for personal use upon request to the Marketing & Communications Department (either direct, or via MTC Company Management).

These images will be supplied with the photographer's credit details along with the below conditions of use statement:

Conditions of Use: *The images supplied are for personal use only (e.g. prints for family and friends and your personal records). The images may also be used for portfolio purposes, however it is your responsibility to ensure that permission for use has been granted by your fellow cast and creative team. They are not to be used for any published materials without prior written consent from Melbourne Theatre Company and the photographer, who maintains copyright of all imagery. For the avoidance of doubt, published materials include but are not limited to: theatre programmes, commercial websites, advertising, handbills, billboards, public broadcast such as a visual for television or any other electronic medium available now or in the future. The images cannot be reproduced as a print for sale or hire, or used in any form of merchandise whether for sale or personal use.*

This protocol is in accordance with section 25.1.5 of the Performers Collective Agreement 2017 which states:

25.1.5 ... *images from the show shall not be used by the Employee anywhere, without the express written consent of the Employer provided that it is understood, in accordance with industry custom and practice, that an employee may, with the consent of the Employer, use such material for the purposes of the Employee's show reel or portfolio and the Employer will not unreasonably withhold consent for such use.*

If a performer or creative requests an image outside the Official Suite of Images it is at MTC's discretion whether additional images are released. MTC will not unreasonably deny a request (e.g. a set or lighting designer may request an image that captures their work from different perspectives such as wide shots or darker images that may not have been selected for the Official Suite of Images) but use must comply with the conditions of use as described above.

4.4 EVENT PHOTOGRAPHY

MTC hosts a range of events including but not limited to:

- Opening nights
- Season and program launches
- Corporate entertaining dinners and cocktail parties
- Donor functions
- Schools performances and Education programs
- Pre and post show parties
- Pre and post show talks and Q&As

MTC takes photographs at these events for use including on social media, on our website and in marketing, corporate and company publications. They are used to document the event and may also be used in future instances in a historical capacity, to promote upcoming events or to demonstrate activity at MTC.

4.4.1 Approval for use of event photography

MTC does not need to seek official approval for use of event and social photographs, unless they are of children (see section 4.4.2). However, when planning to photograph an event, guests must be informed through pre-event communications or at the event by way of clear signage. For the avoidance of doubt, this includes ticketholders attending a performance where they may be photographed. In the instance that someone does not wish to be photographed, it is up to the individual to inform MTC staff or the photographer. This should be indicated on signage or pre-event communications.

Therefore, unless individuals indicate otherwise, by attending the event it is deemed that approval to be photographed is granted. This applies whether people are specifically asked to pose for photographs or captured as part of a crowd at the event. Where people are easily identifiable in a photo, the image should only be used in relation to the event they attended. All reasonable efforts should be made to seek permission for other uses (i.e as the face of a ticketing campaign such as under 30s prices).

4.4.2 Event photographs that feature school groups or children and families

Permission to photograph children and to use the images must be sought prior to photographs being taken.

MTC has two processes for seeking approval depending on the size of the event and how many children are attending. Under this policy, people under the age of 18 are classified as children.

a) For groups of fewer than 30 children (e.g. workshops or other participatory programs):

Parents and guardians will be provided with information about their children being photographed and asked to sign a release form.

It is the responsibility of the department organising the photographer to ensure release forms are provided, signed, collected and filed in the Photography & Video Release folder on the shared drive as a record of permission. Additionally, it is the responsibility of the department who wish to use the images to check that appropriate permissions have been granted before using the photographs for any means.

b) For groups of 30 children or more (e.g. schools attending performances):

Prior to their visit, the person in charge of the group is to be informed via written communication that photographs will be taken and that by attending the event/performance permission to be photographed and for the photographs to be used by MTC is granted. MTC must communicate that it is the responsibility of the person in charge of the group to inform parents and guardians that the event will be photographed. MTC must also have clear signage at the venue informing groups that a photographer is present.

If any parents or guardians do not want their children to be photographed they need to advise MTC prior to the event or inform an MTC staff member at the venue. These individuals will be issued with a wristband or recognisable accessory that will allow the photographer and MTC to easily identify them and discard any photographs they are featured in.

4.5 PHOTOGRAPHS OF MTC EMPLOYEES IN THE WORKPLACE

Photographs of MTC employees (i.e staff, performers, creatives, contractors) may be taken at HQ or Southbank Theatre for a variety of reasons including but not limited to use on social media, featuring in MTC publications, publicity photoshoots, or to accompany articles on our website. For performers and creatives, this is separate and in addition to the marketing, rehearsal and production photography otherwise outlined within this policy, and may include ad-hoc photography taken in the workplace for inclusion in online articles for the MTC website, or other uses as outlined above.

MTC will endeavour to provide advance warning of photographs being taken and this notice may be verbal or written. Where advance warning is not possible, relevant employees will be made aware at the time the photographer is present. In the instance that someone does not wish to be photographed, it is up to the individual to inform appropriate MTC staff or the photographer.

4.6 GENERAL USE OF PHOTOGRAPHS IN MTC COLLATERAL

Marketing, rehearsal and production images may be used in general MTC marketing collateral and publications, as long as it complies with section 3.1 of this policy (including clause 25.1.5 of the Performers Collective Agreement 2017) and does not warrant the need to seek approval from those depicted (refer to section 4.7).

4.7 ALTERING IMAGES OR CONTEXT

MTC can apply graphic treatment and crop images as necessary for marketing and publicity purposes (e.g. to fit a particular frame or specs of an advertisement) without requiring further permission from the performer/s appearing in the photo.

If a photograph is to be used in a way that infers a performer is endorsing a particular action or activity, beyond the production itself, or it has been edited beyond standard practice (described above) which changes the context of the photograph, approval must always be obtained from the performer (refer to section 4.7.1). This includes instances where the image is coupled with text that implies endorsement from the performer/s pictured.

This is in compliance with clause 25.1.5 in the Performers Collective Agreement 2017 which states that photographs of actors *'shall not be published for any purpose other than publicity for, or advertisement of, the play or live entertainment'*.

Examples of instances where approval to use an altered image is required include:

- Using a production image to promote a fundraising campaign, e.g. an actor as the face of the annual appeal campaign.
- Turning a photograph into a Christmas card whereby it is edited to include additional elements, e.g. adding Santa hats and reindeer antlers on a production image.

4.7.1 Approval for use of altered images

Any photographs that are altered to include additional elements not related to a production (e.g. Santa hats on production images at Christmas) or used to endorse a particular activity that falls outside promoting the production itself must be approved in the form of written communication by everyone featured in the image before it can be used.

The person responsible for obtaining approval of the edits and use of the new image is the person in charge of the project. Contacts for relevant performers, creatives or their agents are to be obtained from the Casting Department but it is the responsibility of the person in charge of the project to make contact with all parties, to ensure that approval is sought from all stakeholders and that record of the approval is kept on file in the Photography & Video Releases folder on the shared drive..

For ease and consistency, standardised photography approval templates are available in the Photography & Video Releases folder on the shared drive.

4.8 Photography in the Auditorium

MTC allows audiences to take photos in the auditorium and/or of the set pre-show, during interval and post-show. Should this need to be revised due to the nature of a particular production, the request must be made in advance by the show's director for consideration by MTC Management.

Photography or recording of any kind is not permitted during a performance.

5. GUIDING PRINCIPLES

MTC takes very seriously its duty to ensure photographs of its productions, performers, creatives and audiences are used responsibly. The following guiding principles are designed to ensure that any photograph taken by MTC is used and distributed appropriately and in accordance with this policy.

5.1 SELECTING PHOTOGRAPHS

In all instances where photographs are selected for publication, care and sensitivity is taken to ensure the photograph does not represent those featured in an unflattering or inappropriate way.

As an additional safeguard, all publications featuring photographs whether hard copy or digital are to be sighted by the Marketing & Communications Department for consistency with MTC branding, billing and photography policy.

Where there is knowledge about image sensitivity of particular individuals, appropriate members of the Marketing & Communications Department are to be informed before photoshoots take place so photographers and those being photographed can be briefed.

In the instance that there are contractual obligations regarding photograph approval, the Casting Department is to inform appropriate members of the Marketing & Communications Department at the time a contract is signed. This information is then to be included in the relevant billing document.

When putting together the Official Suite of Images (refer to section 4.3 for definition) for a production, the Marketing & Communications Department must ensure that all cast members are represented.

Similarly, when choosing photographs for inclusion in a production's programme or digital publication the full cast should be represented amongst the selection of photos where appropriate and where space allows. For example, foyer displays and programmes should contain at least one image of each cast member.

5.2 CREDITS AND CAPTIONS

5.2.1 Crediting photographers

Anytime a photograph is published by MTC (in print, digital or on social media), the photographer's name must be supplied and credited in an appropriate location. The exception to this is when images are used in MTC marketing collateral for digital advertisements and outdoor campaigns. In these instances, photographers do not need to be credited.

When supplying any images to approved third parties (e.g. media) MTC will take all reasonable measures to ensure the photographer is credited.

Contracts with photographers should always be cross referenced in case of specific billing requirements.

5.2.2 Crediting actors and productions

In accordance with the following clauses in the Performers Collective Agreement 2017, MTC will credit actors and productions as required.

25.4.3 The Employer shall ensure, where there are three or less Employees in a photo (except where the photo is situated in a program) the Employees shall be credited in such photos.

25.4.7 Where photographic material is reproduced in printed material (other than newspapers), the Employer shall use its best endeavours to credit the Production.

MTC will make every effort to ensure that all photographs in its publications, on its website or social media platforms are captioned appropriately and the event or production featured is acknowledged.

5.3 PROVISION OF PHOTOGRAPHS TO THIRD PARTIES

Provision of photographs to third parties is at the discretion of MTC and can be done without seeking approval from performers or creatives whose work is displayed in the photographs provided it is for the purpose of promoting or representing the specific production or examples of MTC's artistic output, in line with section 3.1 of this policy. Permission from photographers may need to be sought. See 5.3.1 and 5.3.2 for further direction.

Photograph requests from third parties must be referred to the Marketing & Communications Department for consideration. It is at the discretion of the Marketing & Communications Department, in consultation with MTC's Executive Director & Co-CEO, whether or not photos are released, unless contractual arrangements stipulate otherwise.

5.3.1 Provision of photographs to third parties for non-commercial use

The marketing images and photographs included in a production's Official Suite of Images (refer to section 4.3 for definition) can be provided to third parties for non-commercial uses when showcasing the production or MTC's artistic output. In these instances, the photographer's approval is not needed provided it does not breach the initial agreement terms with the relevant photographer.

Examples of this include:

- Award submissions
- Academic papers
- Publicity (print and broadcast)
- Funding body or Corporate Partner reports (publicising the production or MTC's artistic output. Excludes any usage that infers endorsement of the Corporate Partner by those photographed, or otherwise changes the context of the image. See section 4.7)
- Special Occasions (e.g. Industry events, obituaries/memorials of actors or creatives)

The Official Suite of Images for a particular production can also be supplied to performers and creatives for personal use upon request. Please refer to section 4.3.2 for details regarding provision of production photographs to performers and creatives.

5.3.2 Provision of photographs to third parties for commercial use

MTC is occasionally asked to provide photographs to third parties for commercial use, e.g. for inclusion in books or publications that will be sold for profit.

MTC will consider each request on a case by case basis, provided the intended use complies with MTC's photograph policy and appropriate permissions from all relevant stakeholders (performers, creatives, photographers, MTC) has been obtained. Permission from photographers must always be sought in these instances.

For commercial use of photographs by third parties, written permission from the photographer as well as the performers and creatives whose work is displayed in the photograph must be sought. MTC's Marketing & Communications Department will provide the relevant agents' details but it is the responsibility of the third party to obtain the required permissions. Once the third party supplies MTC's Marketing & Communications Department with the required written permissions the image can be released.

MTC and the photographer must be credited as appropriate by the third party in all instances where the photograph appears. At their discretion, a royalty fee may be charged by both MTC and the photographer for commercial use of an image.

5.3.3 Provision of photographs to third parties who are remounting an MTC production

In the instance that a company remounts an MTC production as a 'buy-in', photographs will be provided as per contractual arrangements between MTC and the presenting company. As required, an additional license must be sought from the photographer to cover usage by the presenting company.

5.4 COPYRIGHT

MTC and the photographer maintain copyright and usage rights of all photographs, in accordance with individual agreements between both parties.

6. RELATED DOCUMENTS

- Performers Collective Agreement 2017
- Live Performance Award 2020

7. RESPONSIBLE OFFICERS

- Marketing & Communications Director
- Senior Manager, Communications & External Relations

8. REVIEW

This policy is to be reviewed every two years.

9. VERSION HISTORY

Effective Date: March 2016
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