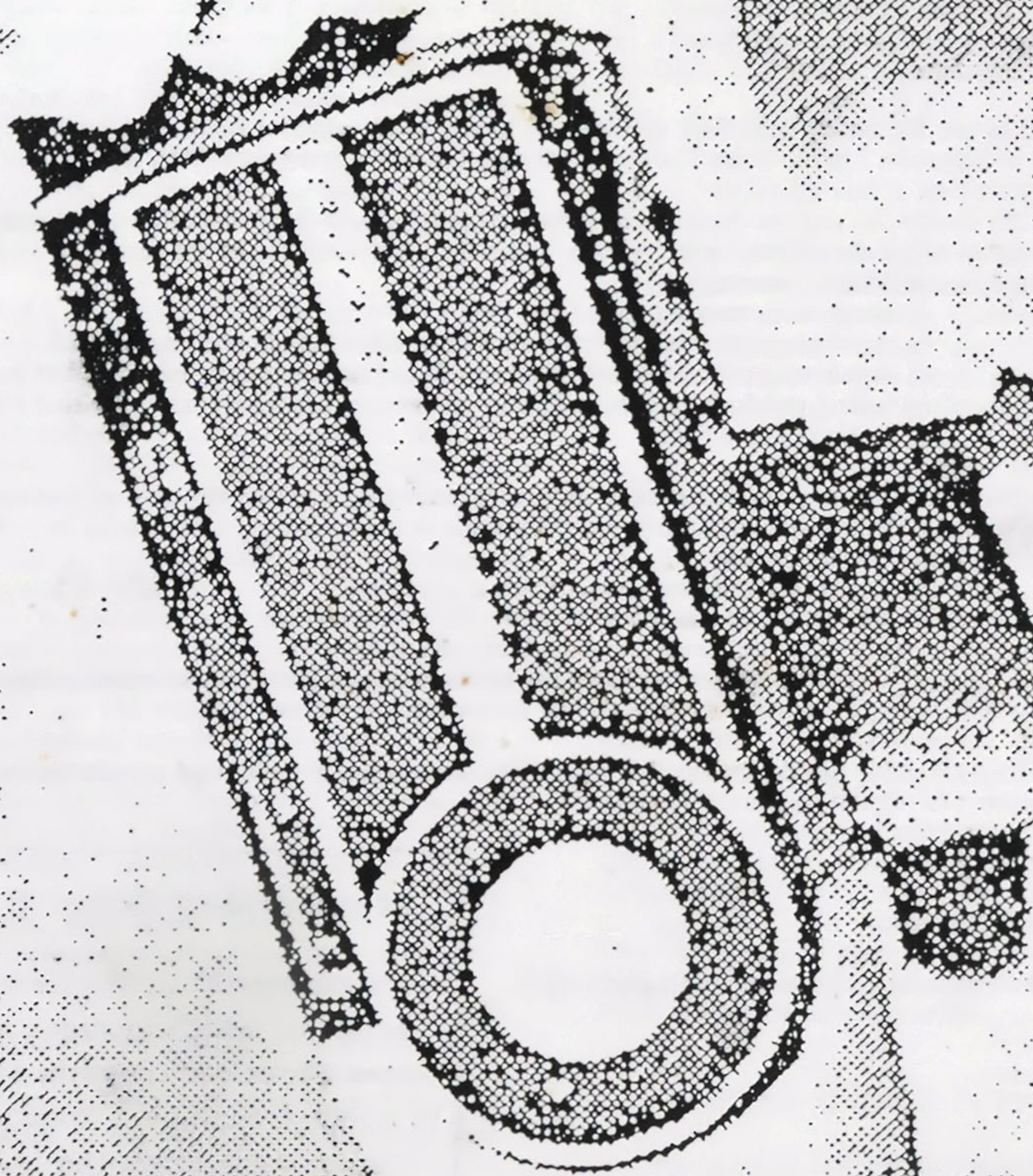
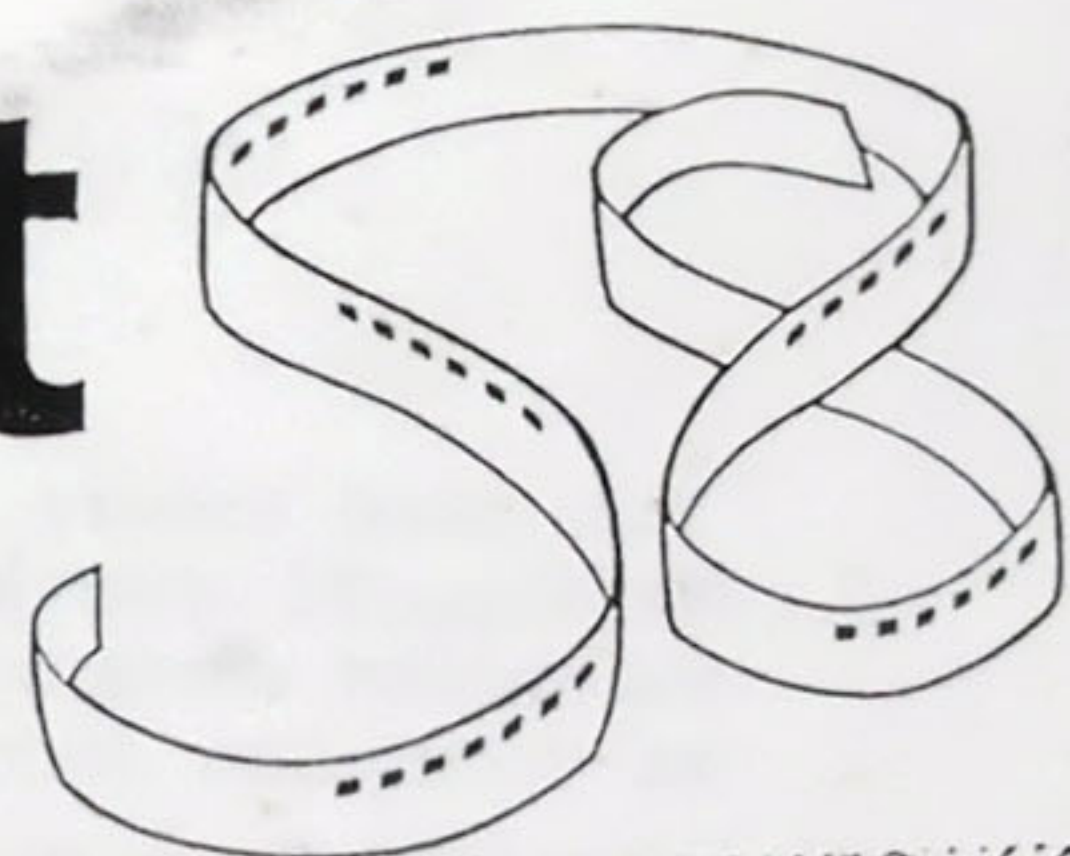


Issue 82 July 1993

Super Eight

Newsletter of the Melbourne Super 8 Film Group



Sales Tax Assessment Act 1992
QUOTATION OF EXEMPTION DECLARATION
to the Commissioner of Taxation under section 86

WARNING

You must ensure that all the information you supply in this form is correct. Section 91 provides for a penalty of \$2000 where a person quotes an exemption declaration when not entitled to, or in any other way falsely quotes an exemption declaration.

Supplier's name and address:

Description of goods:

Date of transaction:

I intend to use the goods described above so as to satisfy Exemption Item.....(* see below) in Schedule 1 to the Sales Tax (Exemption & Classifications) Act 1992.

***Item 25:** Goods for use, for business or industrial purposes, in the production of motion picture films (other than films for the private, domestic or personal use of the person by or for whom they are produced), namely:

- a) unexposed cinematograph film;
- b) cinematograph film that has been exposed but has not been developed;
- c) negatives, positives and reversals produced on cinematograph film; but not including goods that, without further processing, are for use as exhibition copies of motion picture films.

***Item 26:** Goods for use, for business or industrial purposes, in the production of motion picture films (other than films for the private, domestic or personal use of the person by or for whom they are produced), namely:

- a) cinematographic cameras, parts and accessories;
- b) apparatus and materials for use by the person mainly in reproducing or recording sound or editing sound recordings;
- c) apparatus and materials for use by the person mainly in developing, editing or otherwise processing goods that are covered by exemption Item 25.

Accordingly, I quote this declaration; or I quote this declaration as authorised representative for the business or organisation mentioned below.

Quoter's signature:

Quoter's full name:

Name of business or organisation (if applicable):

Address:

Telephone Number:

Membership Super 8 Group

Cost only \$15, \$10 Concession annually, which includes a copy of **Super Eight** each month, opens doors to open screenings, a wide selection of equipment hire, the invaluable experience of our long standing members as well as contact with other film makers.

SUPER 8 FILM PRACTICE: ART BUSINESS v. EXPENSIVE HOBBY

By Michael Agar
Chartered Accountant

Okay, so ever since you were a kid you wanted to make films and now you're doing it. Well sort of...the budgets are lower than a black snake's oesophagus, the wages have been deferred from here to eternity and everything you own belongs to the bank. So, what kind of business is this anyway, or is it?

Many people start out very small, believing that small scale operations allow them to maintain greater control over a production. In these types of situations, the question arises over when the obsessive hobby becomes a bona fide business activity in the eyes of the Taxation Office. It is often beneficial to organise small-scale film activities into a "business activity" for three very simple reasons:

1. to take advantage of tax losses when a film production loses money. This can then be used to offset against other income;
2. to establish a "business" status in the eyes of the Tax Office for your filmmaking activities as soon as possible; and
3. to take advantage of Sales Tax exemptions allowed only for "business" activities.

Taxation legislation has gone a long way in avoiding any definition for the carrying on of a business. The last hundred years of court cases in both England and Australia have given us a number of clues, nay even guide-lines. In Australia, the most interesting cases dealing with the Hobby v. Business dilemma involved "professional" gamblers. The plight of the punter and any windfall gains or gambling losses has shed some light on that "twilight zone" between pleasurable, but passionate, pastimes and committed business activities.

In examining the Hobby v. Business legal question, it is important to realise that this issue only affects activities undertaken by individuals. If the activity is undertaken in a traditional business structure, like a company or trust, then the legal question is hardly likely

to arise without some rather unusual circumstances.

The following issues, sometimes called "the badges of business", are important in determining the elements of a business:

1. Nature of a business
2. Profit-making purpose
3. Repetition and regularity of activities
4. Organisation of activities
5. Concurrent carrying on of another business
6. Scale of operations and capital employed

1. NATURE OF A BUSINESS

The type of business activity as well as the experience and qualifications of the operator are important in assessing whether an activity is treated as a business for tax purposes. Obviously, these details need to be considered in the light of the other "badges of business".

A good example where the nature of the activity may create difficulties is for the Super-8 filmmaker. The gauge is popularly regarded as one for amateurs and "home movie" enthusiasts. This attitude has even been institutionalised into "Industry Guidelines" distributed by the Federal Government Department of Art, Sport, Environment, Tourism and the Territories (DASET), who assess 10BA applications for the Taxation Office.

Yet, many serious and established filmmakers chose to make Super-8 films for public exhibition. In this situation, the other "badges of business" will most likely overcome concerns surrounding the "amateur" nature of the gauge (eg. where it is part of a multimedia installation created by an artist)

2. PROFIT-MAKING PURPOSE

It is not essential that a business be set up with the sole purpose that it make a profit...although it does help. On the other hand, a film made

purely for pleasure would imply a "hobby" purpose. In this situation, it would be hard to justify the activity as "carrying on a business", without reference to some of the other "badges of business". In an extreme hypothetical situation, an amateur filmmaker could make a very successful non-commercial film and not pay tax on the income.

Some activities have a profit-making purpose amongst their aims, yet never make profits. This will not automatically deem the activity as a mere indulgent pastime. In fact, many businesses and many filmmakers never get out of the red. Whilst this may not be an ideal financial situation, tax concessions are available to loss businesses.

3. REPETITION AND REGULARITY OF ACTIVITIES

Business activities tend to take place in regular patterns. A one-off small film is less likely to be seen as a bona fide business activity, unless it is followed by other similarly related work. It is understood that every business has to start sometime and to this end, even isolated activities can be seen to be the commencement of carrying on business.

Carrying on a business does not necessarily mean that the principals have to "be busy" all the time. For instance, most filmmakers sometimes wait a long time between projects. This time may be necessary for script development or money reasons.

4. ORGANISATION OF ACTIVITIES

Business activities are characterised by organised and systematic operations with hierarchical structures, aims and objectives, plans, schedules and budgets, determined procedures, documentation and financial records which are appropriate for the size and type of business. For a short film, a script, small crew, cast, shooting schedule and a list of production costs might be more than adequate.

5. CONCURRENT CARRYING ON OF ANOTHER BUSINESS

If you happen to be like many people in the Australian film (cottage) industry, it is unlikely

that you eke out a serious living from films. This will not, however, jeopardise the hard-earned "business" status of your filmmaking activities, even if it is part-time. Many smaller filmmakers earn the bulk of their income from sometimes unrelated activities, while still claiming tax losses from film productions.

6. VOLUME OF OPERATIONS AND CAPITAL EMPLOYED

The size and scale of a project will help determine a business activity, but by no means is it a conclusive factor.

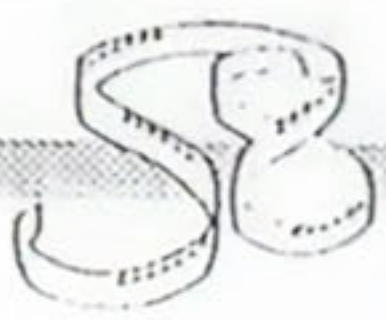
Conceivably, a proud parent could spend tens of thousands of dollars producing a film of an offspring's wedding. This De Mille-style extravaganza could be a very well organised affair, but based on the facts, it would still be a very expensive hobby irrespective of the cost.

On the other hand, most businesses start small and this, in itself, would not force an ultra low scumbag film budget into the realms of hobbydom.

7. TIPS ON ENSURING YOUR FILM ACTIVITIES APPEAR BUSINESS-LIKE

The following list of suggestions will improve the credibility of any business claims by small filmmakers:

- * An easy solution is to set up the business using a company or trust structure. This, however, is not always convenient or appropriate due to higher costs and loss of flexibility in tax planning.
- * Ensure that the film activity produces income from exhibition fees, grants, hiring, door takings, royalties, sales, or prize winnings, for instance. This will go a long way to establish your business status. On the other hand, a film which earns no income at all will not be able to claim its expenses as tax deductions (under the general deduction section of the Income Tax Assessment Act s.51).
- * Establish a regular pattern of filmmaking activity as soon as possible. If you earn income from other film or artistically related activities, like working on other



people's productions, this will reflect business activity.

- * Present yourself to the public as a professional filmmaker. This can be done via registering a business name, printing letterheads, business cards, and establishing a business address (even if it's your home). Make your activity accessible to the public and even indulge in a little bit of self-promotion. For instance, send information about your productions to film publications, that report on current production slates.
- * In practical terms, all these "badges of business" and associated issues will only arise, if you have disclosed them in a Tax Return, which is ultimately audited by the Taxation Office. In this situation, your "badges of business" arguments will be important in convincing the Tax Auditor.

CONCLUSION

Based on a variety of factors, you should have a fair idea now whether you are a dead set business animal or just another obsessed hobbyist. This decision can only be made on the unique facts in each situation. But if your situation is so difficult that this process has left you with a headache "and if pain persists" see a business specialist who understands tax issues.

In reality, it is up to the taxpayer to decide whether the activities constitute carrying on a business. It is also unlikely that the Tax Office will dispute this decision until the tax auditor knocks on your door.

The importance of determining whether your filmmaking activities constitute the carrying on of a business will only be relevant if you envisage your film earning some kind of income. This could come in the form of exhibition and hire fees, commission income, sales, pre-sales or royalties.

Businesses are taxed on assessable income after allowing for deductions on business expenses. Hobby income is usually exempt from tax, but then so are all the related expenses. Since, so many smaller films don't break even, it is advantageous and relatively easy to treat it as a business. This is certainly a lot easier than trying to turn a financially successful film into a hobbyist's fluke.

Michael Agar is a Melbourne-based chartered-accountant and film producer, who operates a small arts-based accounting practice. He can be contacted at: 6 Gore St Fitzroy Vic 3065 (Ph: 417-3391).



DRAWINGS BY
STEPHEN MORRISSEY

APCS

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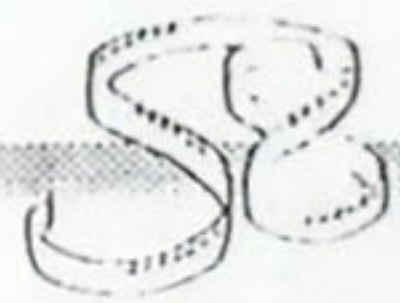
"Der Yiddisher Cowboy, a Film in English" by Ronald Al Robboy and Warren Burt, super 8, 2 hours 10 minutes, 1979, was shown in a video dub at the June 8th open screening of the Melbourne Super 8 Film Group. Here Warren Burt writes about some developments in the Yiddisher Cowboy mythos that have occurred since the films making.

As a footnote right at the beginning, I should mention that this is being written while listening to the tune "El Cahon" by Stan Getz, from his 1987 album, "Anniversary." The film "Der Yiddisher Cowboy" was made by Ronald Al Robboy and myself in 1979 in San Diego, Lakeside, Ramona, and Mt. Tecate, California. To get from San Diego to any of the other mentioned locales, you usually drive through the suburb of El Cajon. The spelling on the European produced album is different, but the liner notes alert us that the suburb of San Diego is indeed being referred to. Now in the cynical and rationalist present, this sort of coincidence is more often than not sneered at, but for Robboy and myself, and increasingly so since the time of making the film, this sort of coincidence is the very essence of our compositional method. The wildest coincidences form the basis for further researches and investigations. And if further coincidences flow on from the work, they are incorporated as parts of an ongoing body of research.

For example, after the initial Melbourne screenings of "Yiddisher Cowboy" in 1979-80, I met a woman named Tate, who was intrigued by the name of our Trotsky character in the film, Lev Tait. It turns out her grandfather had also been named Lev Tate, and had been mayor of South Melbourne briefly in the teens of this century. Further, her boyfriend at the time was a film critic for the Melbourne leftist press: he wrote under the pen name of Alan Dwan. Alan Dwan, of course, was the pioneering Hollywood film director, whose 1911 film, "The Yiddish Cowboy" was one of our sources.

For another example, after making the film, Ron Robboy continued his researches about A. Raboy, the author of the 1942 novel "Der Yiddisher Cowboy," which was our major source for the film. Raboy's novel recounts his experiences working on a ranch in North Dakota in 1911-12, where he was indeed a yiddish cowboy. In 1990, Ron traveled to North Dakota to see if any of the sites mentioned in Raboy's novel, and in his earlier 1916 novel "Herr Goldenbarg," also set in North Dakota, actually existed. It turned out that "Herr Goldenbarg" was mildly autobiographical, and the "Der Yiddisher Cowboy" was highly so. Many of the scenes in the 1942 novel were set in actually existing places and buildings. Robboy met and talked with a 100 year old neighbor of Raboy's who remembered him, and actually featured as a character in "Herr Goldenbarg." As well, he uncovered many other amazing events that occurred subsequent to Raboy's move back to the East Coast of the USA, which will be recounted in his forthcoming book on the subject.

It should also be mentioned at this point that Raboy's



novel is now available in English. "Jewish Cowboy" by Isaac (the current English spelling of the Yiddish Aisaac) Raboy, translated from the Yiddish by Nathaniel Shapiro, 1989, Tradition Books, PO 2668, Westfield, NJ 07091, reveals Raboy as a politically committed writer with both strong realist and romantic streaks. (Parenthetically, it should also be mentioned here that it is probably no coincidence that the book should be published in New Jersey. The Baron de Hirsch had set up the Jewish Agricultural College in Woodbine, New Jersey, and Raboy had studied at this school in 1909-1911 before embarking on his Western adventures.) A brief excerpt from p. 151 of Raboy's cowboy novel gives its flavour:

"Isaac knew from his experience with employers in the New York City sweatshops, that workers had to fight tooth and nail for every little bit. He and his fellow workers had gone out on strike over the issue of a nickel in piece-rates. They had lost the strike and Isaac's name went on the shopowners' blacklist.

"So now, here was another one of the bosses, sitting side by side with him in the buggy, and this man wants to provide for Isaac's welfare. What's more, he wants so badly to do this for Isaac that he has taken him away from the harvesting in the middle of a work day at the peak of the season, to transport him in a fancy buggy to look at a homestead!

"Isaac totally mistrusted him, and he strained every nerve to avoid saying or doing anything that would throw him into the net Hildenberg was holding out for him."

Another coincidence with the novel came to light in May 1989 when in Budapest, I visited my mother's cousin Elizabeth Egresci, whom we had not had any contact with since the 1950s. In the novel, Ellen, the cook, who Raboy forms a close friendship with, is also a migrant, of Hungarian gypsy ancestry. In 1989, the same year of the publication of the novel into English, the genetic reasons for my attraction to this project became clear when Elizabeth told me that our family was not Magyar, but was of Hungarian gypsy descent. The family had come from the Vinograd region in what is now the Ukraine, just a little to the northwest of Bessarabia, (where Raboy and the Robboy family had come from) and that further, every year the family (my mother's ancestors) had migrated between this area and the Black Sea, looking for agricultural work, a path that would have taken them through Moldavia, if not Bessarabia itself. And of course, less than coincidentally, the Stan Getz album has now advanced to the track "Blood Count." So maybe blood does count, and the YC film is yet another reification of a possible historical Hungarian gypsy-Bessarabian Yiddish alliance.

At the time of making the film, with youthful exuberance, we described our research methods as "inspiration in the incompetent." What we now know, with the hindsight of a few more years, is that our reliance on wild and absurd coincidence as a basis for activity is a way of tapping into areas of knowledge not easily available through more conventionally rationalist research methods. And that these methods may lead one into a never ending and exhilarating series of intellectual discoveries.

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Rodney Bourke writes...

I've been a member of the Victorian 3D Society for 4 years, the Australian Widescreen Society for 2 years and the Melbourne Super 8 Film Group for nearly 1 year. Because I love film so much I want people to keep it going especially the younger generation.

To test the interest I have been attending photographic conventions like the one in March '93 and the big Record & Memorabilia Convention in the Exhibition Building.

I had a stall selling cameras, projectors, movie films, reels, splicing tape. The response was good, so now I intend to offer a service soon with all these things at a cheap price for filmmakers like myself.

I used to make movies on Standard 8 (Regular 8) but since there has been nothing left for 2 years I changed over to video using Sony Beta camera and editing to VHS but for some reason it just did not seem the same. I believe that video projectors can not yet meet the Super 8 or Single 8 standard.

So I gave up video after 6 months and got into Super 8 and have been using this for 3 years. Super 8 sound is great but silent can become a challenge just like Standard 8 you have to sound stripe it yourself. Solution I found another alternative: Fuji Single 8. It can go places unlike Super 8, the Standard 8 and Single 8 I can expose again and again for trick exposures like titles. The Fuji looks like a cassette and can be rewound like one. I've only been using the Fuji in the last few months myself and had great results.

SUPER 8 EQUIPMENT HIRE

Equipment	Per Day	Per Week (7 days)
Sankyo Sound Camera	\$ 5	\$ 30
Silent Cameras Various	\$ 2	\$ 10
Editor Viewers	\$ 1	\$ 5
Wurker Splicers	\$ 1	\$ 5
Miller Tripod Junior	\$ 2	\$ 10
Elmo St-180 Projector sound, twin track	\$ 5	\$ 30

In a shock result in the recent bidding for satellite pay TV licences the Melbourne Super 8 Group has suprised and amazed both media commentators and the public with it's gaining ^{of} one of these much desired items. The group outbid the Packer/Murdoch package by over \$100,000,000.

Group When asked by suspicious reporters just how the group would make good it's offer, spokesman Steven Ball replied "We at the Super 8 feel that it's very necessary to keep the spirit of the eighties alive in Australia - did people like Alan Bond let a little thing like not actually having any proper money get in the way of their business dealing's? We at the Super 8 group have a certain affection for the eighties. I ~~am~~ mean ... "Eighties!"... it has a nice ring to it."

When pushed for further details Ball did finally reveal that the group intends to ~~finance~~ finance it's bid by the Public floating of stock in the Super 8 Group. "We aren't worried at all about competition from the Woolsworth float, we feel that investing in Super 8 Pay TV ~~is~~ is a much safer bet. I mean... people can live without food and clothing, but can they live without Super 8?"

Ball announced that Nick Ostrovskis will be in charge of programming for the new Channel 8; as it will be known.

A talk to Nick showed that the group is already making good progress with it's design of a daily program grid. "Channel 8 will begin transmiss~~ion~~ion at 8.00 o'clock (obvi~~ously~~ously) each morning with a show called "Good MORning Super 8". This show will be hosted by Jennifer Pignataro and Mark La Rosa. They will talk to guests, have a regular ~~band~~ eight-piece band in the studio and offer traffic reports to super 8 film makers on their way to early morning shoots."

"The noon time 12 o'clock movie will be hosted by Mathew Rees." Nick told us, "Due to the short length of many super 8 films Matthew will ~~also~~ also host the 12.11 movie, the 12.17 movie, the 12.22 movie, and the 12.31 movie."

The 8 o'clock news each night will be ~~read~~ read by Bill Mousoulis. Steven Ball said, "In looking for someone to be our newsreader we don't think we could have come up with anyone better than Bill. He has the weight of opinion and presence that people have come to respect. Also the guy ~~wears~~ wears glasses which always makes a newsreader look more intelligent - as if they do actually read."

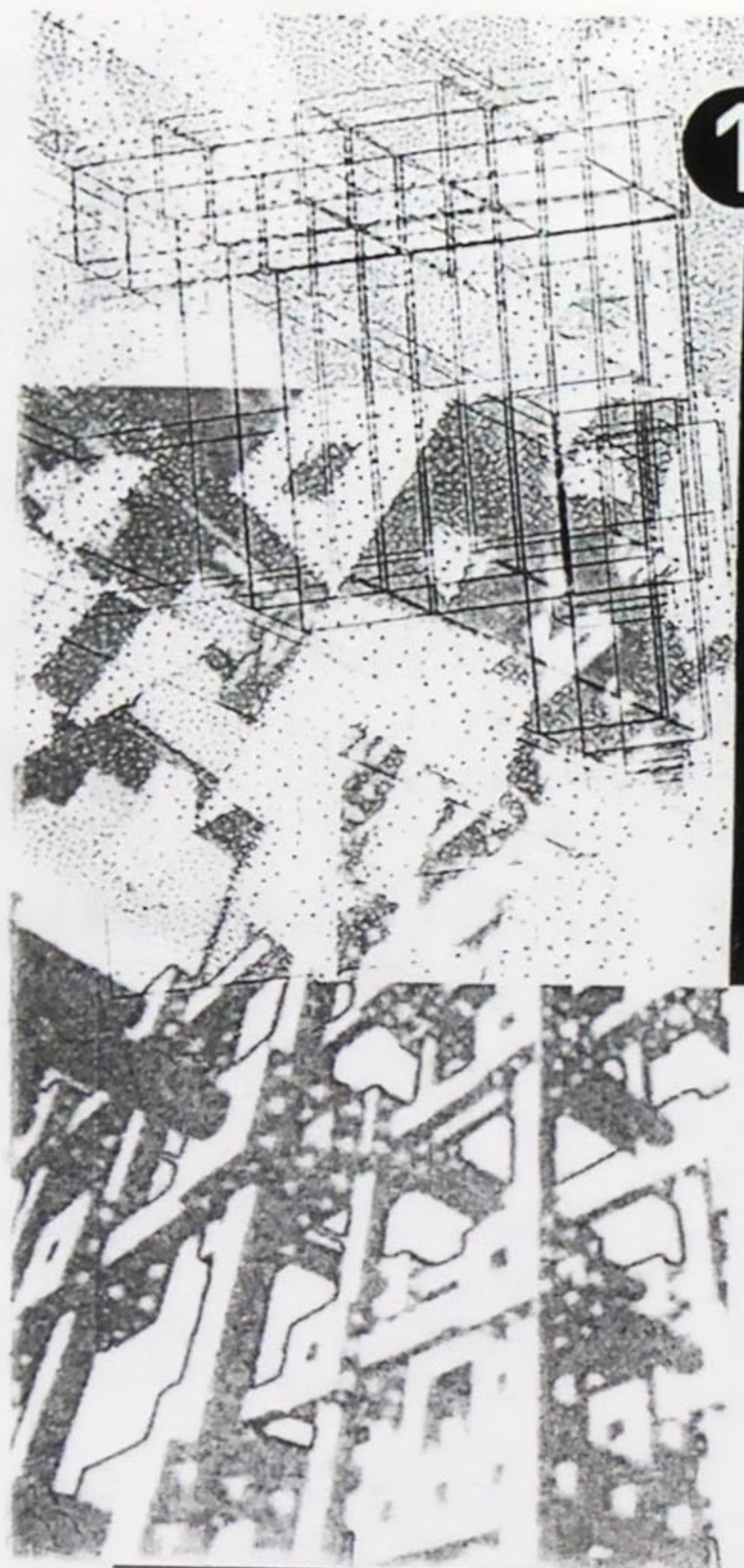
The new super 8 channel will also have special late night programs for insomniacs. Says Nick Ostrovskis: "We feel we have come up ~~with~~ ^{with} after midnight programming which is 100 ~~per~~ per cent guare~~ntee~~nted to put people to sleep. Readings by Pete Spence of his poetry will alternate with A.& C. Cantrill films."

Asked for his opinions on the Super 8 Group's sucessful bid Prime Minister Pau~~l~~ Keating replied, "Well, I think it's a very good thing, a real step forward for Australian television." Mr. Keating also denied rumours that he was offering ~~him~~ his own super 8 films, shot at cabinet meetings over the last ten years, as raw footage for a series of documentaries, "Paul Keating's Funniest Home Super 8's", to be screened by the new Channel 8.

Steven Ball could not as yet give us any firm date for a beginning to transmission by the new station but told us, "Don't you worry about the date, Super 8 ~~is~~ won't be late."

Reported by Ian Kerr.

MELBOURNE SUPER 8 GROUP WINS PAY TV LICENSE.



1

film+arc

1 9 9 3

The festival **film+arc** intends to explore the multiple correlations between first and seventh art by means of a series of events:

An **International Competition of Films on Architecture** will present recent film and video productions dealing with architecture, urbanism, landscape architecture and design. **film+arc** intends to establish an international forum for artistic works in this genre; cinematic explorations of architecture, and experiments with spacial structures, may be found in films of various kinds (documentary, report, poetic works...), and will be presented to a critical audience, in Graz.

"Bordeaux Reel" In cooperation with FIFARC Bordeaux (Biennale Internationale du Film d'Architecture et d'Environnement Urbain), we will organize a public screening of outstanding film and video productions of the last decade. Furthermore, a **Students' Forum** will be installed and representatives of several architectural schools will be invited to present their works.

"Visionary Space in Film History", a comprehensive **Film Retrospective**, will investigate the contributions of set design to the cinema.

Accompanying programmes will include an interdisciplinary **Conference** on coherences, dissimilarities and analogies between film and architecture, and an **Exhibition** on media-architecture.

artimage cordially invites you to its Festival **film+arc** 1 to be held at Graz, Austria, 2nd to 5th December, 1993.

This festival accepts Super 8 films. Call the office for details & entry forms.....





Tunis, le _____ 19__

Editorial

Meetings are held each month in the ADA building. Telephone for details should you wish to visit... next month we learned that submission has been made to the AFC for a general purpose grant for 1993/94. Next month there will be more decisions made about new format and timetable for Festivals. The NEWSLETTER will have informateurs

Dear friend,

We are pleased to inform you that the 16th session of the International Festival of Amateur Film (FIFAK 93) will be held from the 31st of July to the 7th of August 1993 in the sea side city of Kelibia - Tunisia.

The FIFAK is considered as one of the most important cinematographic event in its kind, during which more than 200 movies, coming from about 50 countries are projected.

The festival contributes in the edification of national cultures through the diffusion and the encouragement of movies representing their national patrimony and social reality. In addition, it aims at bringing to light the films of the national liberation movements, and allows to explore the different types of experimentation and research in the cinematographic field.

The goals of the festival include the promotion and the diffusion of amateur films, the confrontation of independent and non-professional filmmakers experiences through the debate consacred to the movies participating in the festival, and the consolidation of the contacts between the representatives of various cultures.

Three official competitions are scheduled in the festival, the first one is for Super 8 films, the second for 16 mm movies, and the third concerns the students' movies (presented at the end of their studies). The films should not pass 30 mn.

The program of the festival includes, also, an information section for movies chosen for thier cultural and artistic quality, a homage to a national cinema, a special program consacred to a particular theme, a symposium, a refresher workshop and conferences on the practice of cinema.

Moreover, we would like to inform you that the enclosed application form should be sent before the 15th of June 1993..

The films should be sent before the 30th of June 1993, in order to make the selection of the movies according to the ctegrory and the quality, and to elaborate the projection program.

We remain at your disposal for any further information.

Looking forward to hearing from you the soonest.

Sincerely yours,

The Director of the festival
Taoufik ABID

j'aime ma caméra

parce que

j'aime

vivre

j'enregistre les
meilleurs moments
de l'existence

je les ressuscite
à ma volonté
dans tout leur éclat

The above arrived too late for entry. Possibly next year there will be more timely warning!



OPEN SCREENING

LAST OPEN SCREENING

at 6pm:

Der Yiddisher Cowboy
Ronald Robboy & Warren Burt/130 mins 1979

at 8.30pm

Wattism '93 Tony Woods/3.5 mins
Before the Plastic Bag: A Short History of
Shopping Carriers Michael Kelleher/15 mins
Katoomba Gary O'Keefe/4 mins
Gold Coast Rodney Bourke/6 mins
Landrover Maniac Rodney Bourke/1 min
Things I Can Do With My Toes
Moira Joseph/3 mins
Fly Animation Moira Joseph/5 secs
In Transit Ooni Peh/6 mins
Ro-Manx Harry G./6 mins
Car Paul Laird/3 mins
Vicar Atlantis Jack & Perry Alexander /3 mins
Space Case Atlantis Jack & Perry Alexander
/3 mins

NEXT OPEN SCREENING

AT 7.30pm:



p+ors Open Screening

By now you should have completed your *p+ors* film. Bring it along by 7.30 and put it in the special *p+ors* film box.

followed by a regular style Open Screening. BYO Super 8 films- all shown.

Tuesday 13th July,
211 Johnston Street,
Fitzroy.

Editorial & Layout By: MAEVE WOODS

Contact Number: 03 417 3402

This newsletter is published monthly by the Melbourne Super 8 Film Group.
Contributions are welcome (deadline 4th Monday of each month).
Membership of the group \$15 (\$10 concession) annually.

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Super Eight

The logo for 'Super Eight' features the words 'Super Eight' in a large, bold, sans-serif font. To the right of the text is a stylized graphic of a Super 8 film strip, showing the sprocket holes and the frame edges.

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