



ANALYSIS

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1967, No. 133

An Act to amend the Cinematograph Films Act 1961

[24 November 1967]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Cinematograph Films Amendment Act 1967, and shall be read together with and deemed part of the Cinematograph Films Act 1961 (hereinafter referred to as the principal Act).

2. Interpretation—(1) Section 2 of the principal Act is hereby amended by inserting, after the definition of the term “current exhibitor’s licence”, the following definition:

“‘Drive-in theatre’ means any premises within which facilities are provided to enable patrons to view exhibitions of cinematograph film while seated in motor vehicles, whether or not other forms of accommodation are also provided for the audience.”.

(2) Section 2 of the principal Act is hereby further amended by omitting from the definition of the term "projection" the words "and 'project' has a corresponding meaning", and substituting the words "and 'to project' and 'projectionist' have corresponding meanings".

(3) Section 2 of the principal Act is hereby further amended by inserting in the definition of the term "trailer", after the word "used", the word "primarily".

3. Films to be censored—Section 11 of the principal Act is hereby amended by adding to subsection (3) the following additional proviso:

"Provided also that the Censor shall not be obliged to examine any trailer before he has examined the film that it is intended to advertise."

4. Powers of Censor—(1) Section 12 of the principal Act is hereby amended by adding to paragraph (c) of subsection (1) the word "; or".

(2) Section 12 of the principal Act is hereby further amended by adding to subsection (1) the following paragraph:

"(d) Refuse to approve the film for exhibition until such alterations as he directs have been made."

5. Procedure for registration of films—Section 25 of the principal Act is hereby amended by adding to subsection (5) the following proviso:

"Provided that where the applicant is unable to comply with the provisions of this subsection but is able to supply evidence that the film, although not yet registered as a British film by the United Kingdom Board of Trade, fulfils the requirements for such registration, the Registrar may provisionally register the film as a Commonwealth film on the condition that evidence of British registration is supplied to the Registrar as soon as practicable after provisional registration has been granted."

6. Special provisions as to certificates of registration and censorship—(1) Section 28 of the principal Act is hereby amended by repealing the proviso to subsection (3), and substituting the following proviso:

"Provided that—

"(a) Where it is not practicable to attach to the film the prescribed particulars in the prescribed form those

particulars shall be exhibited in such other manner as may be prescribed:

- “(b) This subsection shall not apply to any film with a screening time not exceeding thirty-three minutes in respect of which the Censor’s approval is absolute without any recommendation, or to any film which the Censor has exempted from examination.”

(2) Section 28 of the principal Act is hereby further amended by adding to subsection (4) the following proviso:

“Provided that where it is not practicable to attach to the trailer the prescribed particulars in the prescribed form those particulars shall be exhibited in such other manner as may be prescribed.”

7. Issuing or exhibiting film without certificate of Censor—
Section 29 of the principal Act is hereby amended—

- (a) By inserting in subparagraph (i) of paragraph (a) of subsection (1), after the words “incorporated as aforesaid”, the words “, or, where it is not practicable to incorporate those particulars in the film, in respect of which arrangements have not been made to exhibit those particulars in some other prescribed manner at the time of each exhibition of the film”:
- (b) By inserting in subparagraph (ii) of the said paragraph (a), after the words “incorporated as aforesaid”, the words “, or, where it is not practicable to incorporate those particulars in the trailer, in respect of which arrangements have not been made to exhibit those particulars in some other prescribed manner at the time of each exhibition of the trailer”:
- (c) By inserting in paragraph (b) of subsection (1), after the words “time of exhibition”, the words “, or, where it is not practicable to incorporate those particulars in the film, without exhibiting those particulars at that time in some other prescribed manner”:
- (d) By adding to paragraph (c) of subsection (1) the words “, or, where it is not practicable to incorporate those particulars in the trailer, without exhibiting those particulars at that time in some other prescribed manner”:
- (e) By inserting in subsection (2), before the words “the proviso”, the words “paragraph (b) of”.

8. Exhibition of Group 1 films in premises other than cinematograph theatres—Section 35 of the principal Act is hereby amended by omitting from paragraph (g) of subsection (1) the words “a Group 1 film”, and substituting the words “Group 1 films”.

9. Exhibition of films in drive-in theatres—The principal Act is hereby further amended by inserting, after section 48, the following section:

“48A. The Licensing Authority shall not grant or issue an exhibitor’s licence or exhibitor’s permit for the exhibition of films in any drive-in theatre before a date to be fixed in that behalf by the Minister and notified in the *Gazette*.”

10. Right of appeal from decision of Censor—Section 96 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) Every person who submits a film to the Censor for examination shall have a right of appeal to the Censorship Board of Appeal from the whole or any part of any decision of the Censor in relation to the film.”

11. Hearing and determination of appeal—Section 98 of the principal Act is hereby amended by repealing subsections (1) and (2), and substituting the following subsections:

“(1) On any appeal under subsection (1) of section 96 of this Act, the Censorship Board of Appeal shall take into consideration the matters required to be considered by the Censor under section 14 of this Act, and may—

“(a) Uphold the decision or the part of the decision of the Censor, as the case may be; or

“(b) Reverse the decision or the part of the decision of the Censor, as the case may be; or

“(c) Cancel any recommendation that qualified the Censor’s approval or substitute for any such recommendation any other recommendation specified in paragraphs (b), (c), and (d) of subsection (1) of section 13 of this Act; or

“(d) Make any conditional approval absolute (whether with or without any of the recommendations specified in the said paragraphs (b), (c), and (d)); or

“(e) Make any absolute approval subject to either of the conditions specified in paragraphs (e) and (f) of the said subsection (1); or

- “(f) Vary the conditions attached to any conditional approval within the limits specified in the said paragraphs (e) and (f); or
 - “(g) Vary any alterations or excisions that the Censor has made or ordered to be made; or
 - “(h) Itself require excisions or alterations to be made from or to the film.
- “(2) On any appeal by the Minister or by any person authorised by the Minister under subsection (2) of section 96 of this Act, the Censorship Board of Appeal may exercise any of the powers conferred on it by subsection (1) of this section and, in addition, may disallow the Censor’s approval of the film.”
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This Act is administered in the Department of Internal Affairs.
