



## ANALYSIS

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1980, No. 159

**An Act to abolish the licensing of exhibitors and renters, and to make other changes to the Cinematograph Films Act 1976**  
*[23 December 1980]*

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 and commencement**—(1) This Act may be cited as the Cinematograph Films Amendment Act 1980, and shall be read together with and deemed part of the Cinematograph Films Act 1976 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of January 1981.

**2. Interpretation**—(1) Section 2 of the principal Act is hereby amended by omitting the definition of the term “exhibitor”, and substituting the following definition:

“‘Exhibitor’, in relation to any film, means a person who, otherwise than by broadcasting under the

Broadcasting Act 1976, screens or arranges or organises the screening of, or assists any other person to screen or arrange or organise the screening of, the film—

“(a) To the public, or any section of the public; or

“(b) To any group or class of persons otherwise than in a private residence,—

whether or not a charge is made for admission to the premises in which the exhibition is held; and ‘exhibit’ and ‘exhibition’ have corresponding meanings:”.

(3) Section 2 of the principal Act is hereby further amended by omitting the definition of the term “film festival”, and substituting the following definition:

“‘Film festival’ means a programme of films that demonstrates the technical, artistic, social, or cultural aspects of film-making, and that is intended to be exhibited within a period not exceeding 4 weeks, with no one film in the programme being exhibited on more than 4 occasions:”.

(4) Section 2 of the principal Act is hereby further amended by inserting in the definition of the term “poster”, after the words “to the public”, the words “, whether or not the dates and places of exhibition are displayed”.

(5) Section 2 of the principal Act is hereby further amended by omitting the definitions of the terms “cinema”, “current exhibitor’s licence”, “exhibitor’s licence”, “Licensing Authority”, “licensing year”, “release”, “renter’s licence”, and “standard film-hiring contract” or “standard contract”.

**3. Functions and powers of Board—**(1) Section 10 (1) (a) of the principal Act is hereby amended by omitting the words “the Licensing Authority or to such other person”, and substituting the words “such persons, bodies, or organisations”.

(2) Section 10 (2) of the principal Act is hereby amended by adding the words “, and any such levy shall be recoverable in any Court of competent jurisdiction from the renter or exhibitor as a debt due to the Board”.

**4. Abolition of exhibitor and renter licensing—**(1) The principal Act is hereby amended by repealing Parts II and IV, and sections 49 to 75 and 89 to 92.

(2) Section 99 (1) of the principal Act is hereby amended by omitting the words “Parts III to V”, and substituting the words “Part III”.

(3) Section 99 of the principal Act is hereby further amended by repealing subsection (3), and substituting the following subsection:

“(3) Without limiting the foregoing provisions of this section, every Inspector who discovers any person exhibiting any film that has not been approved for exhibition by the Chief Censor may seize the film and deliver it to the Secretary for Internal Affairs.”

(4) Section 101 of the principal Act is hereby amended—

(a) By omitting the words “or of any Disputes Committee constituted under Part II of this Act or of the Licensing Authority”:

(b) By omitting the words “or Committee”:

(c) By omitting the words “, Committee, or Authority” in both places where they occur.

(5) Section 102 (b) of the principal Act is hereby amended by omitting the words “licence or”.

(6) Section 106 (d) of the principal Act is hereby amended by omitting the word “licences,”.

(7) The Cinematograph Films Amendment Act 1977 is hereby consequentially repealed.

**5. No exhibition of films in drive-in cinemas before date to be fixed**—The principal Act is hereby amended by inserting, after section 97, the following section:

“97A. (1) No person shall exhibit any film in a drive-in cinema before a date to be fixed by the Governor-General by Order in Council made on the recommendation of the Minister.

“(2) Before recommending the fixing of a date for the purposes of subsection (1) of this section, the Minister shall confer on the matter with the Film Trade Board.

“(3) Every person commits an offence against this Act who exhibits any film in contravention of subsection (1) of this section.

“(4) In this section the term ‘drive-in cinema’ means any premises within which facilities are provided to enable patrons to view exhibitions of films while seated in motor vehicles, whether or not other forms of accommodation are also provided for the audience.”

**6. Powers of Inspectors**—Section 99 (2) of the principal Act is hereby amended by repealing paragraph (b), and substituting the following paragraph:

“(b) An Inspector may require the production for his inspection of any certificate or other document relating to the classification of a film issued under or required by this Act, and may demand any information that he may reasonably require for the purposes of the inspection.”

**7. Regulations**—Section 106 of the principal Act is hereby amended by adding, as subsection (2), the following subsection:

“(2) Any regulations made under subsection (1) (d) of this section may provide that any fee that would otherwise be payable in full in respect of the approval for exhibition and classification of a film, or its exemption from examination, shall be reduced by or to such amount as may be specified in the regulations if that film is to be exhibited only—

“(a) By an approved film society, or any other incorporated body approved for the purpose by the Minister having for its objects anything other than private gain; and

“(b) As part of a film festival.”

**8. Consequential amendments in respect of film hire tax**—(1) Section 42 of the Finance Act 1930 (as substituted by section 114 of the Cinematograph Films Act 1961) is hereby amended by omitting the words “Cinematograph Films Act 1961”, and substituting the words “Cinematograph Films Act 1976”.

(2) Section 44 of the Finance Act 1930 is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) Film hire tax shall be payable by every person who rents any sound picture film.”

(3) Section 44 (3) of the Finance Act 1930 is hereby repealed.

(4) Section 45 (1) of the Finance Act 1930 is hereby amended by omitting the word “licensed”.

(5) Section 46 of the Finance Act 1930 is hereby amended—

(a) By omitting from subsection (2) the words “the holder of an exhibitor’s licence”, and substituting the words “an exhibitor”:

(b) By omitting from that subsection the word “licensed”:

(c) By omitting from subsection (3) (as substituted by section 25 (2) of the Finance Act 1954) the words “the holder of an exhibitor’s licence”, and substituting the words “an exhibitor”.

(6) Section 47 of the Finance Act 1930 (as substituted by section 26 (1) of the Finance Act 1954) is hereby amended by omitting from subsection (2) the word “licensed”.

(7) Section 49 (2) of the Finance Act 1930 is hereby amended by omitting the word “licensed”.

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This Act is administered in the Department of Internal Affairs.

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