

CINEMATOGRAPH FILMS AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Cinematograph Films Act 1961.

Clause 1 relates to the Short Title.

Clause 2: Subclause (1) amends section 2 of the principal Act by inserting a new definition of the term "drive-in theatre". The term is defined for the purposes of the new section 48A of the principal Act which is inserted by *clause 9* of this Bill.

Subclause (2) amends section 2 of the principal Act by providing that the term "projectionist" has a meaning corresponding to the existing definition of the term "projection".

Subclause (3) amends the definition of the term "trailer". The present definition is "a short film used for advertising any forthcoming film". The new definition will be "a short film used primarily for advertising any forthcoming film".

Clause 3 amends section 11 of the principal Act to provide that the Censor is not obliged to examine any trailer before he has examined the film that it is intended to advertise.

Clause 4 amends section 12 of the principal Act. At present, after examining a film, the Censor has the power to approve or refuse to approve it or to approve it subject to such excisions as he thinks proper.

The amendment will give the Censor the additional power to refuse to approve the film until such alterations as he directs have been made.

Clause 5 amends section 25 of the principal Act by providing that a British film may be provisionally registered under the principal Act as a Commonwealth film subject to evidence of British registration being supplied as soon as practicable after provisional registration has been granted.

At present there is no provision for such provisional registration.

Clause 6 amends section 28 of the principal Act which provides that particulars of the censorship classification are to be attached to and form part of every film or trailer.

The amendment will allow the particulars of the censorship classification to be exhibited in such other manner as may be prescribed by regulation where it is not practicable to incorporate the particulars in a film or trailer.

Clause 7 amends section 29 of the principal Act which relates to the offence of issuing or exhibiting a film or trailer that does not have the particulars of censorship classification incorporated in it.

The amendment will make the provisions of the section conform to the changes proposed to be made by *clause 6* of the Bill.

Clause 8 makes a minor drafting amendment to section 35 (1) (g) of the principal Act.

Clause 9 inserts a new section 48A in the principal Act to ensure that the Cinematograph Films Licensing Authority may 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 of Internal Affairs.

It was thought that such a licence or permit could not be granted before the relevant provisions of the Cinematograph Films (Open-air Theatres) Regulations 1958 come into force, i.e., on a date to be fixed in that behalf by the Minister of Internal Affairs.

However, doubts have arisen as to whether this is the case and the new section 48A will place the matter beyond doubt.

Clause 10 amends section 96 of the principal Act (relating to the right of appeal from the Censor's decisions) to enable an appeal from any part of a decision as well as the whole of a decision.

Clause 11 amends section 98 of the principal Act (which relates to the powers of the Censorship Board of Appeal on any appeal) to conform to the change made by *clause 10* of the Bill.

In addition, the Board of Appeal may now make any absolute approval of a film conditional and any conditional approval absolute on any appeal from the Censor's decision. At present these powers are exercisable only on an appeal by the Minister of Internal Affairs or by a person authorised by the Minister.

The Board's existing powers are also set out more fully.

Hon. Mr Seath

CINEMATOGRAPH FILMS AMENDMENT

ANALYSIS

Title	
1. Short Title	8. Exhibition of Group 1 films in premises other than cinematograph theatres
2. Interpretation	9. Exhibition of films in drive-in theatres
3. Films to be censored	10. Right of appeal from decision of Censor
4. Powers of Censor	11. Hearing and determination of appeal
5. Procedure for registration of films	
6. Special provisions as to certificates of registration and censorship	
7. Issuing or exhibiting film without certificate of Censor	

A BILL INTITULED

An Act to amend the Cinematograph Films Act 1961

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same,
5 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).

10 **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:

*1961, No. 59
Amendment: 1962, No. 60

“‘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:” 5

(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”. 10

(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: 15

“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”. 20

(2) Section 12 of the principal Act is hereby further amended by adding to subsection (1) the following paragraph: 25

“(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: 30

“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.” 35

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:

5 “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:

10 “(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.”

15 (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
20 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—

25 (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”:

30 (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”:

35 (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”:

40

(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 part of the decision of the Censor, as the case may be; or

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

“(c) Substitute for any recommendation that qualified the Censor’s approval 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
- 5 “(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
- 10 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.
- 15 “(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
- 20 of the film.”