

Serial Number 1939/244.



THE PHOTOGRAPHY EMERGENCY REGULATIONS 1939.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 15th day of
November, 1939.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Emergency Regulations Act, 1939, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS.

1. These regulations may be cited as the Photography Emergency Regulations 1939.

2. In these regulations, unless inconsistent with the context,—

“Aerodrome” has the meaning assigned to it by the Air Navigation Act, 1931—that is to say, it means any definite and limited ground or water area intended to be used, either wholly or in part, for the landing or departure of aircraft :

“Air Board” means the Air Board established under the Air Force Act, 1937 :

“Aircraft” has the meaning assigned to it by the Air Navigation Act, 1931—that is to say, it includes all balloons, whether fixed or free, kites, gliders, airships, and flying-machines :

“Army Board” means the Army Board established under the Army Board Act, 1937 :

“Director of Publicity” means the person for the time being holding that office under the Censorship and Publicity Emergency Regulations 1939 :

“Graphic representation” includes a photograph, photographic plate, photographic film, or other sensitized article which has been exposed in a camera, whether developed or not, and includes also a sketch plan or other representation whether original or copies or produced by any mechanical, chemical, or other mode of production or reproduction, and includes a copy or reproduction made after the coming into force of these regulations from an original previously existing :

“ Naval Board ” means the Naval Board of New Zealand established under the Naval Defence Amendment Act, 1936 :

To “ publish ” means to communicate to the public or to any person or persons ; and “ publication ” has a corresponding meaning :

“ Telegraph station ” has the meaning assigned to it by the Post and Telegraph Act, 1928--that is to say, it means any station or place in New Zealand at which telegraphic messages are received from or transmitted to any place outside New Zealand, and includes all cables or wires connected with that station and all things necessary for the efficient working thereof.

3. No person shall, except in pursuance of a written permit granted by an officer of His Majesty's Forces authorized in that behalf by the Naval Board, Army Board, or Air Board, make any graphic representation of any object of the following descriptions, that is to say :—

- (a) Any fortification, battery, searchlight, listening-post, or other work of defence :
- (b) Any aerodrome :
- (c) Any barracks, encampment, or building occupied or in course of preparation for occupation by any of His Majesty's Forces :
- (d) Any arsenal, factory, magazine, or store for munitions of war, arms, equipment, or supplies for any of His Majesty's Forces, whether completed or in course of construction :
- (e) Any telegraph station :
- (f) Any dock, caisson, or dockyard controlled by His Majesty's Government :
- (g) Any vessel of war either complete or under construction, or any vessel exclusively engaged upon the service of His Majesty, or any defensively equipped merchant vessel :
- (h) Any aircraft or the wreckage of any aircraft :
- (j) Any building structure, vessel, or other object damaged by enemy action or as a result of steps taken to repel enemy action :
- (k) Any riotous or disorderly assembly, or premises or other objects damaged in the course of such an assembly :
- (l) Any roads exclusively connected with works of defence.

4. Upon any proceedings for a breach of the last preceding regulation, the allegation of the informant that any person made a graphic representation otherwise than in pursuance of a written permit granted as aforesaid shall, till the contrary is proved, be sufficient evidence that no such permit was granted.

5. Any such permit may be granted subject to such conditions as the issuing officer thinks fit to impose, including a condition that a copy of any print or reproduction of a photograph or other original graphic representation be delivered to the issuing officer ; and any person to whom a permit is granted who commits a breach of any such condition, or causes or permits a breach of any such condition to be committed, or fails to comply or to secure compliance with any such condition commits an offence against these regulations.

6. (1) Any such permit may contain an official reference mark consisting of such letters or numerals or both as the issuing officer may specify.

(2) In the case of a cinematographic film, such reference mark shall be photographically incorporated in the film to which it relates by means of exposures aggregating not less than 2 ft. in length.

(3) In the case of any other photographic representation, such reference mark shall be imposed in reverse on the negative forthwith after development in such a way that it shall appear in every print or reproduction thereof.

(4) In every other case, such reference mark shall be placed on the original upon its completion in such a way that it shall appear in every print or reproduction thereof.

(5) Any person to whom a permit is granted and who fails to comply or to secure compliance with the requirements of this regulation commits an offence against these regulations.

7. No person shall publish any graphic representation made in pursuance of a permit granted under these regulations unless and until it has been approved for publication by writing under the hand of the Director of Publicity or some person acting on his behalf :

Provided that the developing of a photographic negative for submission of a proof to the Director of Publicity or some person acting on his behalf and for no other purpose, and the making of a proof for that purpose and for no other purpose, shall not be deemed to be an offence against these regulations.

8. Any approval given by or on behalf of the Director of Publicity may be subject to such conditions as may be deemed necessary in the interests of the defence of New Zealand ; and any person to whom such approval is given who commits a breach of any such condition, or causes or permits a breach of any such condition to be committed, or fails to comply or to secure compliance with any such condition commits an offence against these regulations.

9. The fact that an officer of His Majesty's Forces grants a permit under the powers conferred by Regulation 3 hereof, or that any person gives approval on behalf of the Director of Publicity under the powers conferred by Regulation 7 hereof, shall be conclusive evidence that he is duly authorized so to do.

10. Nothing in these regulations shall apply to any graphic representation made by any person in the service of the Government acting in the course of his duty as such.

11. The provisions of these regulations shall be in addition to and not in derogation of the provisions contained in section 61 of the Defence Act, 1909.

C. A. JEFFERY,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 16th day of November, 1939.

These regulations are administered by the Naval, Army, or Air Boards according to whether the object or place which it is desired to photograph or make a sketch or design of is within the jurisdiction of the Naval, Military, or Air Force authority.