

## CINEMATOGRAPH FILMS AMENDMENT BILL

### EXPLANATORY NOTE

THIS Bill makes miscellaneous amendments to the Cinematograph Films Act 1928.

#### *Provisions Relating to Censorship and Registration of Films*

*Clause 2:* Section 2 of the Cinematograph Films Amendment Act 1934 specifies the types of certificate that the Censor may give after examination of a film. His approval may be absolute or may be a qualified one. Where he gives a qualified certificate, he may recommend the film as unsuitable for children or suitable for adult audiences only or his approval may be conditional on the film being shown only by approved film societies or to specified classes of persons. *Subclause (1)* of this clause confers a wider discretion on the Censor as to the type of recommendatory certificate he may give, and allows him to approve a film with a recommendation that it is suitable only for specified classes or descriptions of persons. For instance, the amendment would permit the Censor to recommend a film as unsuitable for nervous children.

*Subclause (2)* amends the provision that the Censor's approval may be conditional on the film being shown only to specified classes of persons, and provides that his approval may be conditional on the film being shown only to specified classes or descriptions of persons.

*Clause 3* provides that regulations under the principal Act may authorize the Censor to exempt from examination for censorship certain specified classes of films. At present the Censor has no discretion to dispense with the examination of films and must examine all films. This involves the examination of 16 millimetre copies of 35 millimetre films already censored, technical films intended to be shown to restricted classes (such as medical students), and so on, and the amendment will give the Censor some discretion in specified cases. *Subclauses (2) to (5)* provide for amendments which are consequential on the power of exemption given to the Censor.

*Clause 4:* Section 14 (4) of the principal Act provides for the automatic registration as a British film of any film already registered as a British film by the Board of Trade under the Cinematograph Films Act 1927 (U.K.). That Act has now been replaced by later legislation. The amendment to this subsection brings this provision up to date, and provides that any film registered by the United Kingdom Board of Trade as a British film or as a Commonwealth film within the previous two years is to be entitled to registration in New Zealand as a Commonwealth film (which, by the amendment to section 2 of the principal Act made by *clause 9* of the Bill, is the term

now used in place of the term "British film"). The Registrar must require evidence as to registration in the United Kingdom, and he may require satisfactory evidence that the film complies generally with the requirements of the definition of "Commonwealth film" in section 2 of the principal Act, as substituted by *clause 8* of this Bill. Films registered as Commonwealth quota films are to be deemed Commonwealth quota films only in respect of the year of registration in New Zealand, and films reissued do not count as part of the quota.

*Clause 5:* Section 16 of the principal Act requires a reproduction of the certificates of the Censor and the Registrar to be included in every film, and section 17 requires that reproduction to be shown whenever the film is exhibited to the public. Under this provision, where a trailer is shown advertising a forthcoming film, the certificates issued in respect of the trailer must be shown, but there is no requirement that the Censor's classification of the film itself must be shown with its trailer. This clause requires a photographic reproduction of the Censor's and Registrar's certificates in respect of the film it advertises to be incorporated in and shown with every trailer.

The clause also provides that regulations may be made exempting certain classes of films (other than trailers) from the requirement that the certificates of the Censor and the Registrar must be shown with the film. Exemptions can be granted only where the Censor's approval is absolute or the film is exempt from censorship.

*Clause 6* provides that where a film has been previously registered a reissue certificate may be granted in respect of a copy of the film, whether in the same or any other gauge. Before a reissue certificate is issued, the Censor may require the film to be submitted to him for examination, and if any new matter has been added to the film it is to be treated as a new film for censorship purposes. A reissue certificate is to be treated as a certificate of registration and, unless the film is exempted, the certificate must be reproduced in and shown with the film.

*Clause 7* provides that regulations may fix the fees payable in respect of the registration of films, reissue certificates, and appeals from the Registrar.

*Clause 8:* In view of recent developments in the production, projection, and screening of films (such as three-dimensional, wide screen, and stereophonic sound) it is not always practicable to comply strictly with certain provisions of the principal Act. For example, the requirement that a photographic reproduction of the certificates of the Censor and the Registrar must be incorporated in and shown with the film cannot be satisfactorily complied with in the case of a three-dimensional film, as there are no facilities in New Zealand for making three-dimensional copies of the certificates. This clause enables the Governor-General in such a case to modify certain provisions of the principal Act by Order in Council to enable the requirement to be complied with or to enable full effect to be given to the true intention of the Act.

#### *Provisions Relating to Quota Films*

*Clause 9* replaces the definition of the term "British film" with the term "Commonwealth film", and consequentially defines the terms "Commonwealth country", "director", and "producer". The new definition of the term "Commonwealth film" is designed to bring that definition more closely into line with that recently adopted in the United Kingdom, so that films which are treated in that country as British or Commonwealth films will be similarly regarded in New Zealand.

*Clause 10:* Section 27 of the principal Act provides that the provisions of Part IV for securing a quota of British films are not to apply to certain classes of films, including films not exceeding 3,000 feet in length. Films are now being made in different gauges of film and two copies of the same film made in different gauges will be of different lengths, but will have the same screening time. In order to obtain uniformity between films of different gauges this clause excludes from Part IV films whose screening time does not exceed 33 minutes, instead of basing the exemption on the length of the film.

*Clause 11:* The existing quotas of British films required of renters and exhibitors are set out in the First and Second Schedules to the principal Act, as amended from time to time. Originally these quotas varied from year to year but for some years past they have been fixed at five-yearly intervals at 20 per cent. The existing provisions cover a five-yearly period expiring in 1954. This clause replaces the existing provisions, and provides for a continuation of the annual quota of 20 per cent of Commonwealth films.

*Provisions Relating to Film Renting Contracts*

*Clause 12:* Section 37 of the principal Act contains restrictions with respect to contracts for advance bookings, and provides that no contract may be entered into for the supply of films to an exhibitor for a period longer than twelve months, but in the case of a serial film the period of twelve months only applies in respect of the supply of the first three parts. The term "serial film" is defined in section 2 of the principal Act and limits each part to 2,000 feet. This clause removes this limit on the length of each part of a serial film.

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Hon. Mr Bodkin

## CINEMATOGRAPH FILMS AMENDMENT

### ANALYSIS

Title.	
1. Short Title.	8. Modification of provisions as to censorship and registration of films due to technical changes.
<i>Provisions Relating to Censorship and Registration of Films</i>	<i>Provisions Relating to Quota Films</i>
2. Amending provisions as to Censor's approval.	9. Interpretation.
3. Censor may dispense with censorship of certain classes of films.	10. Amending provisions as to films excluded from quota provisions.
4. Registration of films already registered in United Kingdom.	11. Amending provisions as to quota of Commonwealth films.
5. Amending provisions as to exhibiting certificate of Censor and Registrar.	<i>Provisions Relating to Film Renting Contracts</i>
6. Reissue certificates.	12. Amending provisions as to serial films.
7. Fees under Part II of principal Act.	Schedule.

### A BILL INTITULED

AN ACT to amend the Cinematograph Films Act 1928. **Title.**  
BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Cinematograph Films Amendment Act 1953, and shall be read together with and deemed part of the Cinematograph Films Act 1928 (hereinafter referred to as the principal Act).

**Short Title.**  
See Reprint of Statutes, Vol. I, p. 797

*Provisions Relating to Censorship and Registration of Films*

Amending provisions as to Censor's approval. 1934, No. 36

2. (1) Section two of the Cinematograph Films Amendment Act 1934 is hereby amended by inserting in subsection one, after paragraph (c), the following paragraph: 5

“(cc) Absolute, with any other recommendation not specified in paragraph (b) or paragraph (c) of this subsection as to the suitability or unsuitability of the film or any part thereof for exhibition to any specified classes or descriptions of persons; or”.

(2) Section two of the Cinematograph Films Amendment Act 1934 is hereby further amended by omitting from paragraph (e) of subsection one the words “a specified class or to specified classes of persons”, and substituting the words “any specified classes or descriptions of persons”.

Censor may dispense with censorship of certain classes of films.

3. (1) Section five of the principal Act is hereby amended by adding to subsection one the following proviso: 20

“Provided that regulations may from time to time be made under section forty-three of this Act authorizing the Censor to exempt from the examination for censorship any film of any of the classes specified in the regulations, either absolutely or subject to such conditions as may be specified in the regulations or imposed by the Censor.”

(2) Section six of the principal Act is hereby amended by adding the following subsection as subsection two thereof: 30

“(2) If any matter other than a certificate of exemption from examination for censorship or a certificate of registration is added to a film after the Censor has exempted the film from examination for censorship, the film shall, before exhibition or further exhibition, be again submitted to the Censor, and unless it has been again exempted from examination for censorship or approved by the Censor it shall be deemed not to be exempt from examination for censorship and not to have been approved.” 40

(3) Section seven of the principal Act, as amended by section four of the Cinematograph Films Amendment Act 1934, is hereby further amended by inserting in subsection one, before the words "commits an offence", the words "or, in the case of a film that has been exempted from examination for censorship subject to any conditions specified in regulations made pursuant to subsection one of section five of this Act or imposed by the Censor, exhibits that film or any part of that film in contravention of those conditions".

(4) Section fourteen of the principal Act is hereby amended as follows:

(a) By inserting in subsection one, after the words "approval by the Censor", the words "or for exemption from examination for censorship":

(b) By adding to the same subsection the words "or exempted by the Censor from examination for censorship".

(5) Section sixteen of the principal Act is hereby amended by inserting in subsection one, after the words "certificate of approval", the words "or, as the case may be, the certificate of exemption from examination for censorship".

4. Section fourteen of the principal Act is hereby amended by repealing subsection four, and substituting the following subsections:

"(4) Where application is made for registration under this Act as a Commonwealth film of any film registered as a British film or as a Commonwealth film by the United Kingdom Board of Trade within two years before the date of that application, the Registrar may without further inquiry register the film under this Act as a Commonwealth film, if he is satisfied that the film has not been altered since its registration to such an extent as to change its character as a Commonwealth film:

"Provided that in every case the Registrar shall require evidence to his satisfaction to be submitted that the film has been registered by the United Kingdom Board of Trade, and the Registrar may in any case require evidence to his satisfaction to be submitted that the film complies generally with the requirements of this Act as to Commonwealth films as defined in section two of this Act.

Registration  
of films already  
registered in  
United  
Kingdom.

“(4A) Every film which before the commencement of this subsection has been registered as a British film shall be deemed to have been validly registered as such, and as from the commencement of this subsection shall be deemed to be a Commonwealth film. 5

“(4B) Any film registered as a Commonwealth quota film under this Act shall be deemed to be a Commonwealth quota film only in respect of the original year of registration in New Zealand, and any reissue certificate issued in respect of any film shall show 10 thereon the quota classification of that year of registration.”

Amending provisions as to exhibiting certificate of Censor and Registrar.

5. (1) Section sixteen of the principal Act is hereby amended by inserting, after subsection three, the following subsections: 15

“(3A) Every trailer shall, before it is exhibited to the public, have attached thereto so as to form an integral part thereof a photographic reproduction, made at the expense of the applicant for registration of the film, of the certificates of the Censor and the Registrar 20 issued in respect of the film it advertises, whether or not that film is exempted from the requirements of subsection three of this section under regulations made pursuant to subsection three B of this section.

“(3B) Regulations may from time to time be made 25 under section forty-three of this Act declaring that the provisions of subsection three of this section shall not apply with respect to any classes of films, not being trailers, specified in the regulations:

“Provided that no such exemption shall apply with 30 respect to any film unless the Censor’s approval of that film is absolute or unless the Censor has exempted that film from examination for censorship.

“(3C) In this section and in section seventeen of this Act the term ‘trailer’ means a short film used for 35 advertising any forthcoming film.”

(2) Section seventeen of the principal Act is hereby amended as follows:

(a) By inserting in subsection one, after the words “as aforesaid”, the words “or who issues to 40 any exhibitor for exhibition any trailer in which the certificates of the Censor and the Registrar issued in respect of the film it advertises are not incorporated as aforesaid”.

5 (b) By inserting in subsection two, after the words  
“at the time of exhibition”, the words “or  
who exhibits any trailer in which the certifi-  
cates of the Censor and the Registrar issued  
in respect of the film it advertises are not  
incorporated and shown at the time of  
exhibition”.

(3) Section seventeen of the principal Act is hereby  
further amended by adding the following subsection:

10 “(3) Nothing in this section shall apply with respect  
to any film, not being a trailer, which has been approved  
absolutely by the Censor or exempted by the Censor  
from examination for censorship and which is for the  
time being exempted from the requirements of subsection  
15 three of section sixteen of this Act under regulations  
made pursuant to subsection three B of that section.”

6. (1) The principal Act is hereby amended by  
adding to Part II the following new section:

Reissue  
certificates.

20 “22A. (1) Where any film has been registered under  
this Part of this Act, any person who would be  
entitled under section fourteen of this Act to apply  
for registration if the copy were an original film may  
apply for a reissue certificate in respect of a copy of  
that film, and the Registrar shall issue such a certificate  
25 incorporating the particulars as to title and quota set  
out in the certificate of registration of the original film  
pursuant to subsection five of section fourteen of this  
Act, the length of the copy, and the gauge of the copy  
(if made in a different gauge of film from the original),  
30 and also, unless the film is exempt from examination  
for censorship under subsection one of section five of  
this Act, incorporating the censorship classification of  
the original film:

35 “Provided that the Censor may require the film  
to be resubmitted to him for examination and, if on  
that examination it is found that it contains new matter  
that has been added since the film was originally regis-  
tered, the film shall be deemed to be a new film for  
the purposes of Part I of this Act, and the provisions  
40 of that Part shall apply thereto accordingly.



“(2) The provisions of sections sixteen and seventeen of this Act shall with the necessary modifications apply with respect to every reissue certificate as if that certificate were a certificate of registration.

“(3) For the purposes of this section a film shall not be deemed to be a copy of a film originally registered notwithstanding that it is in a different gauge of film, if the Registrar is satisfied by such evidence as he thinks sufficient that it is otherwise a true copy of the original film.”

(2) Section two of the principal Act is hereby amended by inserting after the definition of the term “Registrar”, the following new definition:

“‘Reissue certificate’ means a certificate granted under section twenty-two A of this Act in respect of a copy of a film previously registered, whether or not that copy is in the same gauge of film as the original film:”.

Fees under  
Part II of  
principal Act.

7. The principal Act, as amended by section six of this Act, is hereby further amended by adding to Part II the following new section:

“22B. There shall be payable in respect of the registration of films under this Part of this Act and of the granting of reissue certificates, and in respect of appeals from the decision of the Registrar, such fees as may from time to time be prescribed by regulations under this Act.”

Modification  
of provisions  
as to censorship  
and registration  
of films due  
to technical  
changes.

8. The principal Act is hereby amended by inserting, after section forty-two, the following new section:

“42A. Where the Governor-General considers that, by reason of any technical change or development in the production, projection, or screening of films, it is not practicable to comply with any requirement of this Act relating to the censorship or registration of films or to any certificate of the Censor or the Registrar, or full effect cannot be given to any such provision according to the true intention thereof, regulations may from time to time be made under section forty-three of this Act making such provisions as the Governor-General considers necessary to enable the requirement to be complied with or to enable full effect to be given to the true intention of this Act. Regulations made pursuant to this section shall have effect according to their tenor notwithstanding any provision of this Act.”

*Provisions Relating to Quota Films*

9. (1) Section two of the principal Act is hereby amended by repealing the definitions of the terms “British company”, “British Empire”, and “British film”, and substituting the following definitions: Interpretation.

5 “‘Commonwealth company’ means a company which is constituted under the laws of any Commonwealth country and of which the majority of the directors are British subjects:

10 “‘Commonwealth country’ means a country that is a member of the British Commonwealth of Nations; and includes every territory for whose international relations the Government of that country is responsible:

15 “‘Commonwealth film’ means a film which complies with all the following requirements:

20 “(a) It must have been made by a person who was at the time the film was produced a British subject, or by two or more persons each of whom was at that time a British subject, or by a Commonwealth company;

“(b) Either all the producers or all the directors must have been British subjects at the time when the film was made;

25 “(c) The studio scenes must have been photographed in a studio in a Commonwealth country; and

30 “(d) Not less than seventy-five per cent of the salaries, wages, and payments specifically paid for labour and services in the making of the film (exclusive of payments in respect of copyright and of the salary or payments to one foreign actor or actress or director, but inclusive of the payments to the author of the scenario) has been paid to British subjects or to persons domiciled in a Commonwealth country:”.

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(2) Section two of the principal Act is hereby further amended by inserting, after the definition of the term "Censor", the following new definition:

"'Director', in relation to any film, means the person to whom the producer has delegated responsibility for the arrangements directly connected with the organizing, photographing, recording, and assembling of the scenes depicted in the film, and with the interpretation and treatment of the scenario:"

(3) Section two of the principal Act is hereby further amended by repealing the definition of the term "producer", and substituting the following definition:

"'Producer', in relation to any film, means the person by whom the overall organization or financial arrangements or both that organization and those arrangements necessary for the production of the film are undertaken:"

(4) Section two of the principal Act is hereby further amended by repealing the definition of the term "maker".

(5) The enactments specified in the Schedule to this Act are hereby amended in the manner indicated in that Schedule.

10. Section twenty-seven of the principal Act is hereby amended by repealing paragraph (i) of subsection one, and substituting the following paragraph:

"(i) Films not exceeding a screening time of thirty-three minutes."

11. (1) Section twenty-nine of the principal Act is hereby amended by repealing subsection one, and substituting the following subsection:

"(1) Of the total number of registered quota films acquired by a licensed renter for the purposes of his business in any year ending with the thirty-first day of December it shall be his duty to acquire not less than twenty per cent of Commonwealth films."

(2) Section twenty-nine of the principal Act is hereby further amended by omitting from subsection six the words "any of the years specified in the First Schedule hereto", and substituting the words "any year".

Amending provisions as to films excluded from quota provisions.

Amending provisions as to quota of Commonwealth films.

(3) Section thirty of the principal Act is hereby amended by omitting the words "any of the years specified in the First Schedule hereto", and substituting the words "any year ending with the thirty-  
5 first day of December".

(4) Section thirty-three of the principal Act is hereby amended by repealing subsection two, and substituting the following subsection:

10 "(2) Of the total number of registered quota films exhibited by an exhibitor to whom this section applies in any year ending with the thirtieth day of September it shall be his duty to exhibit not less than twenty per cent of Commonwealth films."

15 (5) Section thirty-three of the principal Act is hereby further amended by omitting from subsection five the words "any of the years specified in the Second Schedule hereto", and substituting the words "any year".

20 (6) The following enactments are hereby repealed, namely:

(a) The First and Second Schedules to the principal Act:

(b) Section seven of the Statutes Amendment Act 1939, No. 39-  
1939:

25 (c) Section six of the Statutes Amendment Act 1944, No. 25  
1944:

(d) Section five of the Statutes Amendment Act 1949, No. 51  
1949.

#### *Provisions Relating to Film Renting Contracts*

30 **12.** Section two of the principal Act is hereby amended by omitting from paragraph (a) of the definition of the term "serial film" the words "none of which exceeds two thousand feet in length".

Amending provisions as to serial films.

## SCHEDULE

Schedule.

## ENACTMENTS AMENDED

Section 9 (5)

Title of Act	Nature of Amendment
1928, No. 20— The Cinematograph Films Act 1928 (Reprint of Statutes, Vol. I, p. 797)	<p>By omitting from the definition of the term "exhibitor's quota" in section 2 and also from the definition of the term "renter's quota" in the same section the words "British films", and substituting in each case the words "Commonwealth films"; by omitting from the definition of the term "foreign film" in the same section the words "British film", and substituting the words "Commonwealth film".</p> <p>By omitting from paragraph (c) of subsection (5) of section 14 the words "British film", and substituting the words "Commonwealth film".</p> <p>By omitting from subsection (1) of section 27 the words "British films" wherever they occur, and substituting in each case the words "Commonwealth films".</p> <p>By omitting from subsection (2) of section 29 the words "British films", and substituting the words "Commonwealth films".</p> <p>By omitting from paragraph (c) of subsection (1) of section 31 the words "British film", and substituting the words "Commonwealth film".</p> <p>By omitting from subsections (3) and (4) of section 33 the words "British films", and substituting in each case the words "Commonwealth films"; by omitting from subsection (3) of the same section the words "British or foreign", and substituting the words "Commonwealth or foreign".</p> <p>By omitting from subsection (1) of section 34 the words "British quota films", and substituting the words "Commonwealth quota films".</p> <p>By omitting from subparagraph (i) of paragraph (b) of subsection (1) of section 43 the words "British film", and substituting the words "Commonwealth film".</p>

SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Title of Act	Nature of Amendment
1930, No. 6— The Finance Act 1930 ..... (Reprint of Statutes, Vol. I, p. 819)	By omitting from paragraph (a) of subsection (2) of section 45 the words "British sound-picture films", and substituting the words "Commonwealth sound-picture films". By omitting from subsection (3) of section 49 the words "British films", and substituting the words "Commonwealth films".
1934, No. 36— The Cinematograph Films Amendment Act 1934	By omitting from paragraph (a) of subsection (2) of section 7 the words "British quota films", and substituting the words "Commonwealth quota films".