

## CINEMATOGRAPH FILMS AMENDMENT BILL

---

### EXPLANATORY NOTE

THIS Bill amends the Cinematograph Films Act 1976. Its principal purpose is to abolish exhibitor and renter licensing. In addition, a number of machinery amendments are made, principally related to the submission of films for exemption or examination by the Chief Censor.

*Clause 1* relates to the Short Title and commencement. The Act is to come into force on 1 January 1981.

*Clause 2* is an interpretative provision.

*Subclause (1)* substitutes a new definition of the term "exhibitor". No change of substance has been made, but the change of emphasis from "exhibiting" to "screening" and other drafting changes are designed to clarify the meaning of the term.

*Subclause (2)* substitutes the technically correct term of "print" for the present more colloquial term of "copy".

*Subclause (3)* redefines the term "film festival". Under the present definition, a particular film can be exhibited only on 2 days during the festival, but there is no limit on the number of times that the film can be shown on those 2 days. Under the new definition, no film can be shown on more than 2 days, nor more than twice on one day.

*Subclause (4)* amends the definition of the term "poster" to make it clear that advertising material does not cease to be a poster merely because it does not state when and where the advertised film is to be shown.

*Subclause (5)* omits certain definitions consequent upon the abolition of exhibitor and renter licensing, and the abolition of the standard film-hiring contract.

*Clause 3: Subclause (1)* is consequential upon the abolition of exhibitor and renter licensing.

*Subclause (2)* makes it clear that the Film Trade Board may sue any exhibitor or renter who fails to pay any levy imposed by the Board under section 10 (2) of the principal Act.

*Clause 4* repeals section 24 of the principal Act, and substitutes 2 new sections.

*Section 24: Subsection (1)* repeats, in substance, the present section 24 (1), and *subsection (3)* repeats, in substance, the present proviso to that provision.

*Subsection (2)* amends slightly the present requirement relating to the payment of the prescribed fee for the exemption and examination of films by the Chief Censor. Under the present provision, the fee must be paid on submission of the film. This strict requirement is dropped, but the requirement of a fee is retained.

*Subsection (4)* (together with *subsection (6)*) repeats, in substance, the present section 24 (3).

*Subsection (5)* repeats, in substance, the present section 24 (4) so far as that provision relates to the person who originally submitted the film to the Chief Censor, and *subsection (7)* applies a similar requirement in respect of other persons.

*Subsections (8) and (9)* repeat, in substance, subsections (5) and (6) of the present section 24.

*Section 24A* is new. It empowers the Chief Censor to waive compliance by any person, body, or organisation from the requirement to submit films for exemption or examination under section 24. The exemption must relate only to a specified class of films. An example could be an exemption for the Department of Health in respect of a preventative health programme of films.

No exemption may be granted in respect of a class of films that is likely to be injurious to the public good.

Notwithstanding such an exemption, the Chief Censor may still require the exempted person to submit a particular film to him for exemption or examination under the Act.

*Clause 5: Subclause (1)* is of a drafting nature only.

*Subclause (2)* amends section 26 of the principal Act by replacing subsection (5). Under that provision, the Chief Censor may, in determining whether a film is or is not likely to be injurious to the public good, have regard to the likely cumulative effect of that film and films already approved of a similar nature. However, he must consider this effect in relation to the persons who are likely to have seen some or all of the earlier films. This limitation is now dropped.

In *subclause (3)*, the opportunity has been taken to cure a drafting error in the principal Act.

*Clause 6: Subclause (1)* sets out more clearly the way in which the Chief Censor is to classify a film that he has approved for exhibition. No changes of substance are made.

The principal purpose of *subclause (2)* is to require the Chief Censor (the present provision is empowering only) to use the procedure prescribed by section 29 of the principal Act in difficult cases, rather than impossible ones.

*Clause 7* is new. It empowers the Chief Censor to vary a classification in respect of any particular exhibition of a film, either unconditionally or subject to such conditions as he thinks fit. This would allow, for example, a restricted film to be shown to a school class subject to parental consent.

*Clause 8* provides for 2 procedures in place of the present one. Where the Chief Censor provisionally decides that, because of a specified part or parts of the film, its exhibition would be injurious to the public good, he must notify the person who submitted the film to him of the offending part or parts. If the person agrees to the necessary excisions or alterations, all well and good. If the person refuses to agree to any such excision or alteration, the Chief Censor, if he confirms his provisional opinion, must refuse to approve the film for exhibition.

If, because of any part or parts of the film, the Chief Censor finds difficulty in giving the film an appropriate classification, he must follow the present procedure. That is, he must tell the person who submitted the film to him which parts are troubling him and how he would probably classify the film if those parts were excised or altered. If the person refuses to agree to those excisions or alterations, the Chief Censor must proceed on the basis that the doubtful parts are to remain in the film.

A basic period of 28 days for the person concerned to respond to the Chief Censor's notice is prescribed for the first time.

*Clause 9: Subclause (1)* redrafts section 30 (1) of the principal Act to make it clear that the Chief Censor shall issue a certificate of approval in respect of each film that he approves for exhibition, but shall not issue a certificate in respect of any additional prints of the film that are not submitted to him. Where 2 or more identical prints are submitted, the certificate of approval issued in respect of each print must be the same in content.

*Subclause (2)* repeals section 30 (3) of the principal Act, which requires the Chief Censor, on request, to supply further certificates of approval in respect of additional prints of the film. Instead, it requires every person to whom a certificate of approval is granted to retain the certificate in his possession.

*Clause 10* redrafts section 31 (2) of the principal Act, consequent upon the proposed *section 28A*, set out in *clause 8* of this Bill.

*Clause 11: Subclause (1)* replaces section 33 (2) (h) of the principal Act. This requires the Chief Censor, where he has exempted or examined a film, to record, among other things, the number of copies of a film brought into New Zealand. The new paragraph substitutes the technically correct term of "prints" for the word "copies", and drops the limitation relating to importation into New Zealand in recognition of the fact that a number of films are now made locally.

*Subclause (2)* is consequential upon *clause 6* of this Bill.

*Subclause (3)* abolishes the requirement to pay a fee to inspect the Register of Films.

*Clause 12* repeals and replaces section 35 of the principal Act, relating to the notification of the Chief Censor's decision in respect of a film to be exhibited.

*Subsection (1)* makes 2 changes to the present subsection (2). First, it expressly includes radio advertising. Secondly, it omits the words "(whether or not the title of the film is stated) in which the place or date of exhibition is given or from which that information can readily be ascertained", consequent upon the changes to the definition of the term "poster" in *clause 2* of this Bill.

*Subsection (2)* provides that the Secretary for Internal Affairs may waive any particular requirement of subsection (1). Under the present provision, he is empowered to waive all the requirements, or none at all.

*Subsection (3)* replaces the present requirement to display a copy of the certificate of approval in the cinema. Under the new provision, the requirement relates to such information contained in the certificate of approval as may be prescribed.

*Subsection (4)* is new. It requires every exhibitor to display the classifications that the Chief Censor may give to films, together with the appropriate symbols.

*Subsection (5)* replaces subsection (5) of the present section, and differs from that provision in 2 respects. First, it extends to preliminary advice notes as well as to dispatch notes. Secondly, it drops the requirement to include the serial number of the relevant certificate of approval.

*Subsection (6)* repeats, in substance, subsection (6) of the present section.

*Clause 13: Subclauses (1) to (3), (5), and (6)* are consequential upon changes effected by this Bill.

*Subclause (4)* makes it clear that any person commits an offence who aids another person to attend an exhibition of a film contrary to the terms of the Chief Censor's classification.

*Clause 14* abolishes exhibitor and renter licensing.

*Clause 15* allows an applicant for review by the Board of Review to consult with other persons and show them the film for the purpose of preparing his case. However, he must first obtain the consent of the Secretary for Internal Affairs.

*Clause 16* amends section 85 of the principal Act, which empowers the Minister to prohibit the further exhibition of a film that has been approved for exhibition, if he considers that, having regard to the apparent effect of the film on the general public or on any class of the general public, the further exhibition of the film is likely to be injurious to the public good.

The present section provides for the re-examination of the film by the Chief Censor if he originally approved the film for exhibition, or by the Board of Review if the Board originally approved it for exhibition. This clause provides for re-examination by the Board in every case.

*Clause 17* repeats, in substance, section 52 of the present Act, which prohibits the approval of drive-in cinemas before a date fixed by the Minister. The re-enactment in this form is made necessary by the abolition of exhibitor licensing. The date is now to be fixed by Order in Council

*Clause 18* redrafts section 99 (2) (b) of the principal Act, consequent upon the abolition of exhibitor and renter licensing. However, the Inspector's power to demand information is now limited to the purposes of his inspection of the certificate of approval. Under the present provision, it relates to the proper performance of any of his functions.

*Clause 19* amends section 42 of the Finance Act 1930 relating to film hire tax. The amendments are consequential upon the abolition of renter licensing.

---

*Hon. Mr Highet*

## CINEMATOGRAPH FILMS AMENDMENT

---

### ANALYSIS

Title	9. Certificates of approval
1. Short Title and commencement	10. Film not to be resubmitted for 3 years
2. Interpretation	11. Register of Films
3. Functions and powers of Board	12. Notification of Chief Censor's approval
4. Two new sections substituted in principal Act	13. Offences relating to exhibition of films, etc.
24. Films to be submitted to Chief Censor before exhibition	14. Abolition of exhibitor and renter licensing
24A. Chief Censor may grant waiver from requirements relating to exemption and examination	15. Applicant for review may consult other persons
5. Examination of films by Chief Censor	16. Re-examination of films after exhibition
6. Approval and classification of films by Chief Censor	17. No exhibition of films in drive-in cinemas before date to be fixed
7. Variation of classification	18. Powers of Inspectors
8. Excisions from and alternations to films	19. Consequential amendments in respect of film hire tax

---

### A BILL INTITULED

#### **An Act to abolish the licensing of exhibitors and renters, and to make other changes to the Cinematograph Films Act 1976**

5 **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).

5

(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:

10

“‘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—

15

“(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,—

20

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.”.

(2) Section 2 of the principal Act is hereby further amended by omitting from the definition of the term “film” the word “copy” in both places where it occurs, and substituting in each case the word “print”.

25

(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:

30

“‘Film festival’ means a programme of films intended to be exhibited within a period not exceeding 4 weeks, with no 1 film in the programme being exhibited on more than 2 days, nor more than twice on 1 day, during that period.”.

35

(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”.

40

\*1976, No. 168

Amendment: 1977, No. 145

(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”.

10 (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. Two new sections substituted in principal Act—**The principal Act is hereby amended by repealing section 24, and substituting the following sections:

“24. **Films to be submitted to Chief Censor before exhibition—**(1) Except as provided in section 24A of this Act, the maker, renter, or owner of any film intended for exhibition in New Zealand or, if there is no maker, renter, or owner of the film in New Zealand, the person in possession of the film and proposing to exhibit it shall apply to the Chief Censor for the exemption or examination of that film in accordance with the provisions of this Part of this Act; and shall, if required by the Chief Censor to do so, submit a print of the film to the Chief Censor for the purposes of such examination.

20 “(2) Every person who makes an application under subsection (1) of this section shall pay to the Chief Censor such fee as may be prescribed in respect of the application.

30 “(3) Notwithstanding subsection (1) of this section, if a film that is to be submitted under that subsection is not adaptable to the mechanical equipment in the Chief Censor’s office, the Chief Censor may require the person submitting the film to make it available, at that person’s expense, for examination by the Chief Censor at such place as he directs.

35 “(4) Every person who submits a film under subsection (1) of this section shall, at the same time, notify the Chief Censor in writing of the number of prints of the film in that person’s possession, and, if he has more than 1 print, shall certify in writing (where such is the case) that each such print is identical with the one submitted under that subsection.

40

“(5) Every person who submits a film under subsection (1) of this section and subsequently acquires any additional print of the film shall forthwith notify the Chief Censor in writing of the number of additional prints, and shall certify in writing (where such is the case) that each such print is identical with the one submitted under that subsection. 5

“(6) If, in any case to which subsection (4) or subsection (5) of this section applies, any print is not identical with the one submitted under subsection (1) of this section, it shall, unless the Chief Censor otherwise agrees, also be submitted to him for examination. 10

“(7) Where any person submits a film under subsection (1) of this section, and any other person subsequently acquires another print of that film and proposes to exhibit it, that other person shall, before exhibiting the film, submit the print to the Chief Censor for examination. 15

“(8) For the purposes of subsections (4) to (7) of this section, but without limiting the meaning of the term ‘identical’, a print of a film shall be deemed not to be identical with the one submitted to the Chief Censor if it is of a different gauge or is in a different technical form. 20

“(9) Except where the Chief Censor otherwise agrees in accordance with section 24A of this Act, no person shall exhibit any film or any print of any film unless it has been either— 25

“(a) Exempted from examination and approved for exhibition by the Chief Censor under section 25 of this Act; or

“(b) Approved for exhibition and classified by him under section 28 or section 29 of this Act. 30

Cf. 1961, No. 59, s. 11 (1), (2)

“24A. Chief Censor may grant waiver from requirements relating to exemption and examination—(1) The Chief Censor may, in accordance with any regulations made under this Act, waive compliance by any person, organisation, or body with the requirements of section 24 of this Act in respect of any particular film or particular class of films, either unconditionally or subject to such conditions as he thinks fit. 35



“(2) The Chief Censor shall not grant a waiver under subsection (1) of this section in respect of any class of films that is likely to be injurious to the public good.

5 “(3) The Chief Censor may at any time revoke any waiver granted under subsection (1) of this section, either wholly or in part.

“(4) The Chief Censor shall keep a written record of every decision made by him under this section, and the information so recorded shall be published in the *Gazette*.

10 “(5) Notwithstanding that the Chief Censor has granted a waiver to any person, body, or organisation in respect of any film or class of films under subsection (1) of this section, he may require that person, body, or organisation to submit that film or any particular film of that class to him under  
15 section 24 (1) of this Act, and, in such a case, that section shall apply as if no such waiver had been granted.”

**5. Examination of films by Chief Censor—**(1) Section 26 (1) of the principal Act is hereby amended by omitting the words “Where any film is submitted to the Chief Censor  
20 for examination by him for the purposes of this Part of this Act”, and substituting the words “On an application to him under section 24 (1) of this Act,”.

(2) Section 26 of the principal Act is hereby further amended by repealing subsection (5), and substituting the  
25 following subsection:

“(5) In addition to the matters referred to in subsection (2) of this section, in determining whether the exhibition of any film is or is not likely to be injurious to the public good, the Chief Censor may have regard to the number of films of  
30 a similar nature previously approved for exhibition under this Act or the Cinematograph Films Act 1961, and the likely cumulative effect of the exhibition of those films and the film being examined.”

(3) Section 84 (3) of the principal Act is hereby amended  
35 by omitting the expression “and (4)”, and substituting the expression “to (5)”.

**6. Approval and classification of films by Chief Censor—**  
(1) Section 28 (2) of the principal Act is hereby amended by  
40 repealing paragraph (b), and substituting the following paragraph:

- “(b) Approved for exhibition in accordance with one or more of the following subparagraphs:
- “(i) To any specified class or classes of persons:
  - “(ii) For one or more specified purposes:
  - “(iii) On any specified occasion or occasions.” 5
- (2) Section 28 (4) of the principal Act is hereby amended—
- (a) By omitting from paragraph (b) the words “He is unable”, and substituting the words “It is difficult”:
  - (b) By omitting the word “may”, and substituting the 10 word “shall”:
  - (c) By inserting, before the expression “section 29”, the words “subsection (1) or, as the case may require, subsection (1A) of”.

**7. Variation of classification**—The principal Act is hereby 15 amended by inserting, after section 28, the following section: “28A. Where the Chief Censor has classified any film under section 28 (2) (b) of this Act, he may, in accordance with any regulations made under this Act and with the prior consent of the owner, maker, or renter of the film, amend 20 his classification of that film under that provision in respect of any specified exhibition or exhibitions of the film, either unconditionally or subject to such conditions as he thinks fit.”

**8. Excisions from and alterations to films**—(1) Section 29 25 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsections:

“(1) In any case to which section 28 (4) (a) of this Act applies, the Chief Censor shall give written notice to the person who submitted the film to him to the effect that he is 30 presently of the opinion that, because of a specified part or parts of the film, the exhibition of the film is likely to be injurious to the public good, and advising that person—

“(a) That he will not approve the film for exhibition 35 unless—

“(i) He finally determines that the exhibition of the film including the specified part or parts would not be injurious to the public good; or

“(ii) That person agrees to the excision or alteration 40 of that part or those parts to the satisfaction of the Chief Censor; and

“(b) Of the classification that he would be likely to give to the film if each such excision or alteration were made, and the recommendation or description (if any) that he would be likely to specify in respect of the film under section 28 (5) of this Act.

5  
“(1A) In any case to which section 28 (4) (b) of this Act applies, the Chief Censor shall give written notice to the person who submitted the film to him specifying the part or parts of the film appearing to require excision or alteration,  
10 and stating the classification that he would be likely to give to the film if each such excision or alteration were made to the satisfaction of the Chief Censor, and the recommendation or description (if any) that he would be likely to specify in respect of the film under section 28 (5) of this Act.”

15 (2) Section 29 (2) of the principal Act is hereby amended by inserting, after the expression “subsection (1)”, the expression “or subsection (1A)”.

(3) Section 29 of the principal Act is hereby further amended by repealing subsection (3), and substituting the  
20 following subsections:

“(3) If, in any case to which subsection (1) of this section applies, the person who submitted the film does not, within 28 days after the date of the Chief Censor’s notice or such further time as the Chief Censor may allow, consent to any  
25 such excision or alteration, the Chief Censor shall, if he is finally of the opinion that the exhibition of the film without that excision or alteration would be injurious to the public good, refuse to approve the film for exhibition.

“(3A) If, in any case to which subsection (1A) of this  
30 section applies, the person who submitted the film does not, within 28 days after the date of the Chief Censor’s notice or such further time as the Chief Censor may allow, consent to any such excision or alteration, the Chief Censor shall finally determine whether or not to approve the film for exhibition,  
35 and, if so, what classification to give the film, and what recommendation or description (if any) to specify in respect of the film, on the basis that that excision or alteration will not be made.”

**9. Certificates of approval**—(1) Section 30 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsections:

“(1) Where the Chief Censor approves a film or any print of a film for exhibition, he shall issue to the person who submitted the film or print a certificate of approval in the prescribed form setting out—

“(a) His classification of the film or print in accordance with section 28 (2) of this Act; or

“(b) The fact that he has exempted the film or print from examination under section 25 of this Act and, where appropriate, the conditions on which he has exempted it,—

as the case may require.

“(1A) Where a print of a film is submitted under section 24 (7) of this Act and the Chief Censor determines that the print is identical with the film submitted under section 24 (1) of this Act, the certificate of approval issued in respect of the print shall be of the same content as that issued in respect of the film.”

(2) Section 30 of the principal Act is hereby further amended by repealing subsection (3), and substituting the following subsection:

“(3) Every person to whom the Chief Censor has issued a certificate of approval in respect of a film shall retain that certificate in his possession for so long as he retains possession of the film to which the certificate relates.”

**10. Film not to be resubmitted for 3 years**—Section 31 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) Nothing in subsection (1) of this section shall prevent any person from—

“(a) Applying to the Chief Censor for a change of classification in respect of any film under section 28A of this Act; or

“(b) Resubmitting a film to the Chief Censor in any case to which section 85 of this Act applies.”

**11. Register of Films**—(1) Section 33 (2) of the principal Act is hereby amended by repealing paragraph (h), and substituting the following paragraph:

“(h) The number of prints of the film:”.

(2) Section 33 of the principal Act is hereby further amended by repealing subsection (3), and substituting the following subsection:

“(3) On receipt of any notice under subsection (4) or subsection (5) of section 24 of this Act or any print of a film under subsection (6) or subsection (7) of that section, the Chief Censor shall note the Register accordingly.”

5 (3) Section 33 (4) of the principal Act is hereby amended by omitting the words “on payment of the prescribed fee”.

**12. Notification of Chief Censor’s approval**—The principal Act is hereby amended by repealing section 35, and substituting the following section:

10 “35. (1) All posters (other than photographs), trailers, radio advertising, and other advertising material relating to a film shall give notification to the public, in the prescribed form and manner, of the following particulars:

15 “(a) Where the Chief Censor has approved the film for exhibition and has classified it under section 28 or section 29 of this Act,—

“(i) The fact that he has approved it for exhibition; and

“(ii) His classification of the film; and

20 “(iii) Any recommendation or description that he has incorporated in the certificate of approval relating to the film under section 28 (5) of this Act:

25 “(b) Where the Chief Censor has exempted the film from examination under section 25 of this Act,—

“(i) The fact that he has approved it for exhibition; and

“(ii) The fact that he has exempted it from examination under section 25 of this Act; and

30 “(iii) The conditions (if any) on which he has approved it.

“(2) The Secretary for Internal Affairs may, in special circumstances approved by him, and on application to him in that behalf, waive compliance with any of the requirements of subsection (1) of this section in any case where he is satisfied that compliance with that requirement is not practicable.

40 “(3) Every exhibitor of a film shall, at all times while the premises at which the film is exhibited are open to the public, publicly display, in a conspicuous position in the lobby or entrance of the premises and otherwise in the prescribed

manner, such of the information relating to the film and contained in the relevant certificate of approval as may be prescribed.

“(4) Every exhibitor shall give public notice in the prescribed manner of the classifications that the Chief Censor is entitled to make in respect of films in accordance with regulations made under this Act, and of the symbols prescribed by those regulations to represent each of those classifications. 5

“(5) Every renter of a film shall state in every preliminary advice note and dispatch note sent by the renter to any exhibitor in respect of that film the Chief Censor’s classification of the film, or, as the case may require, shall state that the Chief Censor has exempted that film from examination under this Part of this Act. 10

“(6) In addition to the requirements of subsections (3) and (4) of this section, every exhibitor of a film, and every other person who, as agent for the exhibitor, offers for sale to the public any tickets to any exhibition of a film, shall give notice to the public, in the prescribed form and manner, of the particulars referred to in subsection (1) of this section.” 20

**13. Offences relating to exhibition of films, etc.—**

(1) Section 36 (1) (a) of the principal Act is hereby amended by omitting the expression “section 24 (6)”, and substituting the expression “section 24 (9)”.

(2) Section 36 (2) (c) of the principal Act is hereby amended by omitting the words “certificate of approval”, and substituting the word “information”. 25

(3) Section 36 (2) (e) of the principal Act is hereby repealed.

(4) Section 36 of the principal Act is hereby further amended by repealing subsection (3), and substituting the following subsection: 30

“(3) Every person commits an offence against this Act who,—

“(a) Not being a person belonging to any class of persons to whom the film may be exhibited in terms of the Chief Censor’s decision, and being aware of that 35

fact, gains or attempts to gain admission to the part of any premises intended to be occupied by persons viewing the exhibition of the film; or

5 “(b) Assists any other person to commit an offence against paragraph (a) of this subsection.”

(5) Section 36 (4) of the principal Act is hereby amended by repealing paragraph (a), and substituting the following paragraph:

10 “(a) Knowingly fails to comply with section 24 (4) or section 24 (5) or section 24 (7) of this Act:”.

(6) Section 36 (4) of the principal Act is hereby further amended by repealing paragraph (d), and substituting the following paragraphs:

15 “(d) Knowingly fails to comply with the requirements of section 35 (4) of this Act:

“ (e) Knowingly fails to state in any preliminary advice note or dispatch note the details required by section 35 (5) of this Act in contravention of that provision.”

20 **14. 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  
25 words “Part III”.

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

30 “(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.”

35 (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”:

40 (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

**15. Applicant for review may consult other persons**—The principal Act is hereby amended by inserting, after section 83, the following section:

"83A. (1) Where any person has lodged an application for review under section 83 of this Act but before the review has been conducted, the applicant may, with the consent of the Secretary for Internal Affairs and subject to such conditions as the Secretary may impose, consult any person whom the applicant considers may be able to assist him in preparing submissions to the Board in respect of the film. 10 15

"(2) Nothing in this Act relating to the exhibition of films shall apply to the exhibition of a film by or at the request of an applicant for review for the purposes of subsection (1) of this section with the consent and in accordance with any conditions referred to in that subsection." 20

**16. Re-examination of films after exhibition**—Section 85 of the principal Act is hereby amended by repealing subsections (3) to (8), and substituting the following subsections: 25

"(3) On receipt of a notice under subsection (1) of this section, the exhibitor shall not thereafter further exhibit the film unless and until the Board of Review has examined the film under this section, and has approved it for exhibition and classified it. 30

"(4) On receipt of a notice under subsection (2) of this section, the person receiving it shall not thereafter again rent the film to any person for the purpose of exhibition unless and until the Board of Review has examined the film under this section, and has approved it for exhibition and classified it. 35

"(5) No person shall exhibit or offer for exhibition any film in respect of which a notice in the *Gazette* has been published under subsection (1) of this section unless and until the Board of Review has examined the film under this section, and has approved it for exhibition and classified it. 40



“(6) In any case to which this section applies, the maker, renter, or owner of the film or, if there is no maker, renter, or owner of the film in New Zealand, the person in possession of the film and wishing to exhibit or further exhibit it may  
5 apply to the Board of Review to examine the film in accordance with the foregoing provisions of this Part of this Act, and those provisions, with any necessary modifications, shall apply accordingly.

“(7) Every person commits an offence and is liable to a  
10 fine not exceeding \$5,000 who knowingly exhibits or offers for exhibition or rents or offers to rent for the purpose of exhibition any film in contravention of subsection (3) or subsection (4) or subsection (5) of this section.”

**17. No exhibition of films in drive-in cinemas before date  
15 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.  
20 ster.

“(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  
25 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  
30 vehicles, whether or not other forms of accommodation are also provided for the audience.”

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

35 “(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  
40 the purposes of the inspection.”

**19. 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”. 5

(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.” 10

(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”. 15

(5) Section 46 of the Finance Act 1930 is hereby amended— 20

(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”. 25

(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”. 30