

Serial Number 1938/39.



**THE CINEMATOGRAPH OPERATORS LICENSING
REGULATIONS 1938.**

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 16th day of
March, 1938.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

IN pursuance and exercise of the powers conferred on him by the Cinematograph Films Act, 1928, as amended by section 18 of the Statutes Amendment Act, 1936, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby make the regulations hereinafter set forth.

REGULATIONS.

1. These regulations may be cited as the Cinematograph Operators Licensing Regulations 1938.
2. These regulations shall come into force on the 1st day of June, 1938.
3. In these regulations, unless the context otherwise requires,—
 - “Assistant operator” means every person employed in the projection-room during the projection of film, other than the operator :
 - “Board” means the Cinematograph Film Operators’ Licensing Board constituted by these regulations :
 - “License” means an operator’s license or an assistant operator’s license issued pursuant to these regulations, and includes a provisional license :
 - “Operator” means the person in charge of and actually engaged in the projection-room during the projection of cinematograph film :
 - “Theatre” means any premises in respect of which an exhibitor’s license or a license for the projection of film under the Cinematograph Films Act, 1928, is held or required to be held.

4. In these regulations, unless the context otherwise requires, the following terms shall have the respective meanings assigned to them by the Cinematograph Films (Storage, Exhibition, and Renting) Regulations 1929,* namely :—

“Inspector” means an Inspector under the Explosive and Dangerous Goods Amendment Act, 1920, and includes the Chief Inspector, and any other person authorized by these regulations or by the Chief Inspector to carry out any of the duties of an Inspector under the Cinematograph Films (Storage, Exhibition, and Renting) Regulations 1929 :

“Projection” means the act of exhibiting a cinematograph film by means of a cinematograph-machine or similar apparatus, and “to project” has a corresponding meaning.

5. (a) After the expiration of three months from the commencement of these regulations it shall not be lawful for any person to project cinematograph film in any theatre unless he is the holder of a license issued under and in accordance with the provisions of these regulations.

(b) After the expiration of three months from the commencement of these regulations it shall not be lawful for any person to employ any other person to project cinematograph film who is not the holder of a license issued pursuant to these regulations.

(c) Any person who projects cinematograph film or employs another person for such purpose in breach of this regulation commits an offence against these regulations :

Provided that it shall be a sufficient defence to a prosecution under this regulation if the defendant proves that the projection by or employment of an unlicensed operator was caused through sickness or other emergency affecting the person normally employed and that no other licensed operator was under the circumstances available, and, further, that such unlicensed projection did not take place on more than seven days.

6. For the effective operation of these regulations the Minister may, by notice published in the *Gazette*, appoint a licensing authority, to be called the Cinematograph Film Operators' Licensing Board, which shall consist of the following members :—

- (a) The Chief Inspector under the Explosive and Dangerous Goods Amendment Act, 1920, for the time being, who shall be Chairman :
- (b) A person representing the Film Exchanges Association of New Zealand :
- (c) A person representing the New Zealand Federated Motion Picture Projectionists' Industrial Association of Workers, who shall, except in the case of the first appointment, be an “A” grade licensed operator :
- (d) A person representing the New Zealand Motion Picture Exhibitors' Association :
- (e) An electrical engineer having no financial interest in the making or selling of cinematograph machines or equipment or the making, selling, housing, or exhibiting of cinematograph film.

* *Gazette*, 23rd September, 1929, Vol. III, page 2519.

7. An officer of the Public Service may be appointed as Secretary to the Board.

8. The duties of the Board shall be—

- (a) To receive applications for and to issue operators' licenses under these regulations :
- (b) To prepare or approve written examination-papers for completion by applicants for licenses :
- (c) To appoint examiners for the holding of oral and practical examinations and for special examinations held pursuant to these regulations :
- (d) To consider reports of Inspectors relating to breaches of regulations and good practice by licensed operators :
- (e) To revoke and endorse licenses :
- (f) To prescribe the form of applications for licenses to be issued hereunder :
- (g) To recommend to the Minister such payments as are considered proper in respect of the remuneration of examiners and other expenses incidental to the issue of licenses and the carrying-out of the functions of the licensing authority.

9. (a) The Board shall meet for the conduct of its business at such times and places as may from time to time be fixed by it.

(b) Notice of the time and place for every such meeting, signed by the Secretary, shall be sent to every member of the Board at least three days clear before the time appointed for that meeting.

(c) At any meeting of the Board three members shall form a quorum.

(d) The Chairman of the Board shall have a deliberative vote, and in the case of an equality of votes shall have a casting-vote also.

(e) If at any meeting of the Board the Chairman is not present, the Board shall appoint some member present to act as Chairman in respect of that meeting, and the person so appointed shall have and may exercise all the powers and functions of the Chairman for the purposes of that meeting, except that he shall not be entitled to exercise a casting-vote.

(f) The Board may, and if so directed by the Minister shall, arrange for the issue of licenses on its behalf by an officer of the Public Service.

(g) Subject to the above provisions, the Board may regulate its own procedure in such manner as it thinks fit.

10. (a) The Board may on application in the prescribed form and on payment of the fee prescribed in these regulations at any time issue a provisional license for such a period as may be set out in such license.

(b) Every person who at the commencement of these regulations is engaged as an operator or assistant operator in the projection of cinematograph film shall, on application in the prescribed form and on payment of the fee prescribed in these regulations, but subject to clause 16 hereof, be granted a provisional license, such license to be effective for a period of twelve months or for such shorter period as the Board may in any individual case determine.

(c) Any provisional license granted pursuant to this clause may at any time be replaced by the Board by a full license of a grade determined by the Board after examination of the holder of the provisional license, and without the payment of an additional license fee.

11. Licenses issued pursuant to these regulations shall be of the following grades:—

Grade "A": A license authorizing the holder to carry on the projection of cinematograph film in any theatre and with any type of equipment.

Grade "B": A license authorizing the holder to carry on the projection of cinematograph film—

(i) In any theatre where exhibitions are regularly given on less than six nights a week:

(ii) In any other theatre specified in the license:

(iii) Irrespective of place with any particular equipment specified in the license.

Grade "C": A license authorizing the holder to carry on the projection of cinematograph film for the purposes of an Itinerant Exhibitor's License.

Grade "D": A license authorizing the holder to carry on the projection of cinematograph film in any theatre where exhibitions are regularly given on not more than two nights per week.

Grade "E": Assistant operator.

12. Every applicant for a license other than a provisional license under clause 10 hereof or an assistant operator's license shall, if he has not previously been the holder of a license under these regulations, be required:—

(a) To pass a written examination covering all phases of an operator's work:

(b) To pass an oral and practical examination in projection-room routine duties:

(c) To produce evidence that he is not less than eighteen years of age and that he has served an apprenticeship or had practical experience as follows—

For Grade "A" License: Either five years as an assistant operator; or two years as assistant operator and two years as operator; or three years as operator prior to the commencement of these regulations.

For Grade "B" License: Either three years as assistant operator or as a holder of Grade "D" license for that period; or, alternatively, two years as operator prior to the commencement of these regulations.

For Grade "C" and "D" Licenses: Twelve months either as operator prior to the commencement of these regulations or as an assistant operator.

13. In the event of an applicant's failing to pass the necessary examinations, he shall not be competent to sit for a further examination for a period of twelve months: Provided that he may, on application to the Board within one month from the date of receipt by him of notification of his failure and on payment of a special examination fee of £1, be submitted to a further examination, which shall be carried out by the examiner concerned in the previous examination and two licensed operators appointed by the Board.

14. The Board may require that any applicant for a license who already holds or has theretofore held a license under these regulations shall pass a written examination on matters affecting any alteration

in projection technique which may have taken place since such license was issued or other matters which may from time to time be determined by the Board.

15. The Board may determine not to issue a license other than a provisional license under clause 10 hereof—

- (a) If it is not satisfied that the applicant has passed the examination required respectively by clause 12 and clause 14 hereof:
- (b) If evidence satisfactory to the Board is not produced pursuant to paragraph (c) of clause 12 hereof:
- (c) If any license previously granted to the applicant has been revoked pursuant to clause 20 or clause 22 hereof.

16. The Board may determine not to issue a provisional license under clause 10 hereof if any license previously granted to the applicant has been revoked pursuant to clause 20 or clause 22 hereof.

17. Every license issued under these regulations and for the time being in force shall expire respectively on the 31st day of May, 1941, and on the 31st day of May in every third year thereafter.

18. (a) The license fee payable by the applicant for a license current within any triennial period shall be £1, except in the case of an assistant operator's license, when the fee shall be 5s.

(b) Every applicant for a license other than a provisional license under clause 10 hereof or an assistant operator's license shall, if he has not previously been the holder of a license of Grade A, Grade B, Grade C, or Grade D under these regulations, pay an examination fee of £1 in addition to the license fee payable under the last preceding subclause.

19. In case of the following matters of complaint, namely:—

- (a) If a licensee is convicted of any offence involving a breach of the Cinematograph Film (Storage, Exhibition, and Renting) Regulations 1929, or these regulations; or
 - (b) If it is represented to the Board that a licensee has failed to observe such standards of good practice in projection of film as may be prescribed or (if no such standards are prescribed) as may be reasonably necessary for the safe and effective projection of cinematograph film; or
 - (c) If it is represented to the Board that for any reason a licensee is no longer competent to hold a license; or
 - (d) If it is represented to the Board that any license has been issued through fraud, misrepresentation, error, or mistake—
- then and in any of such cases the Board may by notice in writing signed by the Secretary call upon the licensee forthwith to produce his license to the Board and to attend before the Board personally or by his representative at such place and time as the Board may fix to show cause why his license should not be revoked or otherwise dealt with.

20. If the Board considers any such matter of complaint to be proved, the Board may in its discretion and according to the nature of the complaint—

- (a) Revoke the license absolutely;
- (b) Revoke the license and issue in lieu thereof a license of another grade;
- (c) Suspend the license for such period as the Board thinks fit; or
- (d) Direct that a memorandum of the matter of complaint and the finding of the Board be endorsed on the license.

21. Every determination of the Board to revoke or suspend a license shall forthwith take effect as a suspension of the license, but shall not have any other effect until three months after the determination has been communicated orally or in writing to the licensee, and shall upon the expiration of the said period of three months, unless an appeal be then pending, take full effect according to its tenor.

22. At any time within three months after the Board has determined not to issue a license under clause 15 or clause 16 hereof, or within three months after communication to the licensee of a determination of the Board under clause 20 hereof, the person affected may by notice in writing in the form set out in the schedule hereto addressed to the Minister of Internal Affairs appeal against the determination of the Board, and the Minister after making such inquiries as he deems meet may uphold, reverse, or vary the determination of the Board as he thinks just, and may assess any costs incurred in deciding the appeal and direct that such costs or any portion thereof be paid to the Crown by the appellant.

23. If within three months after communication to a licensee of any determination by the Board under clause 20 hereof the licensee does not give notice of appeal under clause 22 hereof, or if such notice having been given the appellant abandons the appeal, or if the Minister upholds the determination of the Board or varies it so that the license is revoked, suspended, or endorsed, then the Secretary of the Board—

- (a) Shall cause to be published in the *Gazette* particulars of such revocation, suspension, or endorsement, as the case may be :
- (b) If the license be revoked, shall cancel the license :
- (c) If the license be suspended, shall retain the license for the period of suspension :
- (d) If the license is to be endorsed, shall make thereon the appropriate memorandum and verify the same with his signature.

24. Every holder of a license shall be deemed to have committed an offence against these regulations if he—

- (a) Fails to produce his license on demand by an Inspector :
- (b) Lends his license to any other person for the purpose of enabling that person to project :
- (c) Knowingly makes a false statement in an application for a license :
- (d) On receipt of a notice purporting to be issued as required by clause 19 hereof fails forthwith to produce his license to the Board.

25. Every person convicted of an offence against these regulations shall be liable to a fine not exceeding £20, or in the case of a continuing offence not exceeding £20 for every day on which such offence is committed or continues.

SCHEDULE.

NOTICE OF APPEAL.

The Cinematograph Operators' Licensing Regulations 1938.

To the Minister of Internal Affairs :—

Full name of appellant :.....

Full postal address of appellant :.....

Date of determination by Cinematograph Film Operators' Licensing Board :.....

Nature of Board's determination :.....

Take notice that I, the above-named licensed operator, hereby appeal against the above-mentioned determination relating to my license under the above-entitled regulations, and I hereby agree to pay to the Crown any costs incurred in deciding the appeal which the Minister may direct to be paid by me.

Dated this, day of, 19..

(Signature).....

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

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 17th day of March, 1938.

These regulations are administered by the Department of Internal Affairs.