

THEATRES, PUBLIC HALLS AND  
CINEMATOGRAPH FILMS  
(AMENDMENT) ACT.

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Act No. 35, 1938.

George VI.  
No. 35, 1938. An Act to provide for the constitution of a  
Theatres and Films Commission; to confer  
and impose upon that Commission certain  
powers, authorities, duties and functions;  
for these and other purposes to amend the  
Theatres and Public Halls Act, 1908-1937,  
the

**Theatres, Public Halls and Cinematograph Films  
(Amendment) Act.**

479

No. 35, 1938.

the Cinematograph Films (Australian Quota) Act, 1935-1937, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 22nd December, 1938.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

**PART I.**

**PRELIMINARY.**

**1.** (1) This Act may be cited as the "Theatres, Public Halls and Cinematograph Films (Amendment) Act, 1938." Short title and citation.

(2) The Theatres and Public Halls Act, 1908-1937, as amended by this Act, may be cited as the Theatres and Public Halls Act, 1908-1938.

(3) The Cinematograph Films (Australian Quota) Act, 1935-1937, as amended by this Act, may be cited as the Cinematograph Films Act, 1935-1938.

**2.** This Act is divided into Parts as follows:—

Division into Parts.

**PART I.—PRELIMINARY.**

**PART II.—AMENDMENT OF THE THEATRES AND PUBLIC HALLS ACT, 1908-1937.**

**PART III.—AMENDMENT OF THE CINEMATOGRAPH FILMS (AUSTRALIAN QUOTA) ACT, 1935-1937.**

**PART IV.—GOVERNMENT GUARANTEE.**

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**PART**

**Theatres, Public Halls and Cinematograph Films  
(Amendment) Act.**

No. 35, 1938.

## PART II.

AMENDMENT OF THE THEATRES AND PUBLIC HALLS ACT,  
1908-1937.

**Amendment of Act No. 13, 1908, s. 13A (7) (a).** (Extension) **3.** The Theatres and Public Halls Act, 1908-1937, is amended by omitting from paragraph (a) of subsection seven of section 13A the words "and before the first day of January, one thousand nine hundred and thirty-nine."

**Further amendment of Act No. 13, 1908.** **4.** (1) This section shall commence upon a date to be appointed by the Governor and notified by proclamation published in the Gazette.

**Sec. 4.** (Definitions.) (2) The Theatres and Public Halls Act, 1908-1937, is further amended—

(a) by inserting in subsection one of section four, immediately before the definition of the word "Licensed" the following new definition:—

"Commission" means the Theatres and Films Commission constituted under the Cinematograph Films Act, 1935-1938;

**New secs. 13B, 13C and 13D.** (b) by omitting section 13B and by inserting in lieu thereof the following new sections:—

**Renewals.** 13B. Where in an application under this Part for the renewal of a license which bears the prescribed endorsement there is included an application for the prescribed endorsement on the renewed license, the application for the prescribed endorsement shall not be refused unless the application for renewal of the license is refused.

**Provisional approval.** 13C. Every application under subsection one of section nine of this Act for provisional approval of plans and specifications of a proposed building shall, where the proposed building is intended to be used wholly or mainly for the purpose of exhibiting cinematograph films, contain a statement to that effect which shall be in or to the effect of the prescribed form.

13D.

**Theatres, Public Halls and Cinematograph Films  
(Amendment) Act.**

481

**No. 35, 1938.**

13b. (1) This section shall apply to the following applications and to those applications only:—

Reference  
of applica-  
tions to the  
Commission.

(a) An application made before the commencement of section four of the Theatres, Public Halls and Cinematograph Films (Amendment) Act, 1938, for the prescribed endorsement on—

(i) a license issued under this Part and current at the date of the application; or

(ii) an original license which was applied for under this Part on or after the twenty-third day of December, one thousand nine hundred and thirty-seven, and before such commencement, but had not in fact issued at the date of the application for the prescribed endorsement:

Provided that this paragraph shall not extend to or in respect of an application which has been disposed of before such commencement.

(b) An application made after such commencement for the prescribed endorsement on—

(i) a license issued under this Part and current at the date of the application; or

(ii) an original license applied for under this Part either before or after such commencement and which has not in fact issued at the date of the application for the prescribed endorsement:

Provided that this paragraph shall not extend to or in respect of an application for the prescribed endorsement on an original license where the original license was applied for before the twenty-third day of December, one thousand nine hundred and thirty-seven. (c)

**Theatres, Public Halls and Cinematograph Films  
(Amendment) Act.**

(c) An application for the approval of the Minister of additions to or alterations of a licensed building where—

(i) the license held in respect of such building bears the prescribed endorsement, and

(ii) the proposed additions or alterations are designed to provide additional seating accommodation in the building.

(d) Any application referred to in section 13c of this Act.

(2) The provisions of subsection seven of section 13A of this Act shall not extend to or in respect of any application to which this section applies.

(3) The Minister shall refer to the Commission every application to which this section applies, together with any report or information relating thereto furnished to him by an officer of the Public Service authorised by him in that behalf.

(4) (a) The Commission shall, by advertisement published in the Gazette and in not less than two newspapers circulating in the locality in which the building to which the application relates is situated, notify the fact that the application has been referred to the Commission.

(b) The notice shall be given in accordance with the regulations, shall contain such particulars as may be prescribed, and shall appoint a date on or before which objections to the granting of the application may be lodged with the Commission.

(c) A reference in any provisions of this Act to "the closing date for objections" shall in the application of such provisions to or in respect of any particular application be construed as a reference to the date appointed under paragraph (b) of this subsection in relation to that application.

(5)

**Theatres, Public Halls and Cinematograph Films  
(Amendment) Act.**

483

No. 35, 1938.

(5) (a) An objection to the granting of the application may be lodged with the Commission—

- (i) by any person authorised in writing in that behalf by the Minister either generally or for any particular case or class of cases;
- (ii) by any other person whomsoever.

(b) An objection may be made on any one or more of the following grounds, so far as those grounds are appropriate to the character of the application:—

- (i) that the use of an additional building for the exhibition of cinematograph films is not required for the accommodation of the people in the area which would be served by the building;
- (ii) that additional seating accommodation in a building used for the exhibition of cinematograph films is not required for the accommodation of the people in the area which would be served thereby;
- (iii) that the buildings for the time being in use for the exhibition of cinematograph films provide properly and adequately for the requirements of such area;
- (iv) that the granting of the application would result in undue competition or economic waste;
- (v) that it is not in the public interest that the application should be granted.

(c) An objection shall not be valid unless—

- (i) it is lodged with the Commission before the closing date for objections;
- (ii) it is accompanied by the fee prescribed in subsection six of this section;
- (iii)

**Theatres, Public Halls and Cinematograph Films  
(Amendment) Act.**

- (iii) it is accompanied by a statement in writing verified by statutory declaration setting out the facts and circumstances on which the objector relies to support the grounds of his objection;
- (iv) it is made on one or more of the grounds set out in paragraph (b) of this subsection;
- (v) it is in or to the effect of the prescribed form.

(6) Every objection lodged with the Commission under this section shall be accompanied by a fee of five pounds which shall be applied by the Commission in meeting the costs and expenses incurred by or on behalf of the Commission in dealing with the objection.

(7) If no valid objection is lodged with the Commission, the Commission shall, as soon as practicable after the closing date for objections, determine whether or not the application shall be granted.

(8) (a) Where any valid objection is received by the Commission, the Commission shall within the prescribed time cause notice of the objection to be given in the prescribed manner to the applicant.

(b) The notice shall be accompanied by a copy of the objection and of the statement referred to in subparagraph (iii) of paragraph (c) of subsection five of this section.

(c) The applicant may within such period as may be specified in the notice, lodge with the Commission a statement in writing verified by statutory declaration setting out the facts and circumstances on which he relies to answer the contentions of the objector.

(d) The Commission shall, as soon as practicable after the expiration of the period specified in paragraph (c) of this subsection, consider the application and determine whether or not the application shall be granted.

(9)

**Theatres, Public Halls and Cinematograph Films  
(Amendment) Act.**

485

No. 35, 1938.

(9) In making such determination the Commission shall have regard to any valid objection lodged in respect of the application, and any statement accompanying such objection, and to any statement lodged by the applicant pursuant to paragraph (c) of subsection eight of this section.

(10) Every determination of the Commission under this section shall be notified in the Gazette and, subject to the provisions of subsection eleven of this section shall be carried into effect.

(11) (a) An applicant whose application has been refused, or a person who has lodged a valid objection against an application which has been granted may, within one month after the date upon which the determination of the Commission in relation to the application has been notified in the Gazette, appeal against such determination to the District Court within the district of which the building or proposed building to which the application relates is or is to be situated.

(b) The appeal shall be in the nature of a re-hearing of the application.

(c) The decision of the District Court upon the appeal shall be final, and for the purposes of this Act shall be deemed to be the final determination of the Commission, and shall be carried into effect.

(d) The District Court shall have jurisdiction to hear and decide any appeal under this section and the provisions of the District Courts Act, 1912, as amended by subsequent Acts shall, with such modifications as may be necessary to give effect to this subsection, apply to and in respect of the appeal.

(e) Without prejudice to the generality of paragraph (d) of this subsection the District Court may, on any appeal under this subsection, make such order as to costs as it thinks fit.

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**PART**

**Theatres, Public Halls and Cinematograph Films  
(Amendment) Act.**

No. 35, 1938.

## PART III.

AMENDMENT OF THE CINEMATOGRAPH FILMS (AUSTRALIAN  
QUOTA) ACT, 1935-1937.

Commence-  
ment.

5. (1) This section shall commence upon a date to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment  
of Act  
No. 41, 1935.

(2) The Cinematograph Films (Australian Quota) Act, 1935-1937, is amended—

Sec. 2.  
(Defini-  
tions.)

(a) (i) by omitting from the definition of "British Films" in section two the words "the Imperial Act, the Cinematograph Films Act, 1927," and by inserting in lieu thereof the words "registration under Part III of the Imperial Act, the Cinematograph Films Act, 1938";

(ii) by omitting from the same section the definition of the word "Committee" and by inserting in lieu thereof the following new definition:—

"Commission" means the Theatres and Films Commission constituted under this Act.

(iii) by inserting in the same section after the definition of the word "Length" the following new definition:—

"Member" means member of the Commission.

Sec. 3.  
(Applica-  
tion of  
Act.)

(b) (i) by omitting from paragraph (g) of subsection one of section three the words "Films Advisory Committee constituted under this Act" and by inserting in lieu thereof the word "Commission";

(ii) by omitting from subsection two of the same section the words "Films Advisory Committee constituted under this Act" and by inserting in lieu thereof the word "Commission";

(c)

**Theatres, Public Halls and Cinematograph Films  
(Amendment) Act.**

487

No. 25, 1958.

- (c) (i) by inserting next after paragraph (b) of subsection one of section six the following new paragraph:—

Sec. 6.  
(Exhibitor's  
quota.)

(b1) Where in the year commencing on the first day of July, one thousand nine hundred and thirty-nine or in any subsequent year, an exhibitor exhibits in any particular theatre in which he exhibits films fifty-two issues of an Australian film depicting wholly or mainly news and current events, such fifty-two issues shall be counted in that year as one Australian "quota" film for the purposes of this subsection in respect of that theatre;

- (ii) by omitting from subsection three of the same section the words "Films Advisory Committee" and by inserting in lieu thereof the word "Commission";
- (d) by omitting from section 6A the words "Films Advisory Committee" wherever occurring and by inserting in lieu thereof the word "Commission";
- (e) by omitting from subsection two of section seven the word "twenty-eight" and by inserting in lieu thereof the word "seven";
- (f) (i) by omitting from subsection one of section 7A the words "twelve and one-half" wherever occurring and by inserting in lieu thereof the word "twenty-five";
- (ii) by inserting at the end of section 7A the following new subsections:—

Sec. 6A.  
(Commis-  
sion.)

Sec. 7.  
(Notice.)

Sec. 7A.  
(Rejec-  
tions.)

(4) In calculating the total number of films which are the subject matter of a film contract or series of film contracts the number of films (other than British films and Australian films) which are the subject matter of that contract or series of contracts and of other film contracts with the same distributor whether such contracts form part of the same transaction or not shall be calculated together. (5)

**Theatres, Public Halls and Cinematograph Films  
(Amendment) Act.**

(5) If the contract or series of contracts provides for the exhibition of films at more than one theatre separate and distinct rights of rejection may be exercised as regards the films to be exhibited at each theatre as if there were separate contracts for the exhibition of the films in each of the theatres.

New secs.  
11, 11A, 11B,  
11C, 11D, 11E.

**Theatres  
and Films  
Commis-  
sion.**

(g) by omitting section eleven and by inserting in lieu thereof the following sections:—

11. (1) There shall be constituted a Theatres and Films Commission which shall, subject to the control of the Minister, be charged with the administration of this Act and shall exercise and perform the powers, authorities, duties and functions, conferred and imposed upon it by this or any other Act.

(2) (a) The Commission shall consist of three members who shall be appointed by the Governor.

(b) One of such members shall, in and by his appointment be the chairman of the Commission and another of such persons shall, in and by his appointment be the deputy-chairman of the Commission.

(c) A person shall not be qualified for appointment as a member if he has any pecuniary interest in any branch of the film industry.

(d) The provisions of the Public Service Act, 1902, or any Act amending that Act, shall not apply to the appointment of any member, and a member shall not in his capacity as a member be subject to the provisions of any such Act during his term of office.

(e) Any person appointed as a member shall, subject to this section, hold office for a term of five years, and shall be eligible for re-appointment from time to time.

(3) The Governor may for any cause which he deems sufficient remove from office any member.

(4)

**Theatres, Public Halls and Cinematograph Films  
(Amendment) Act.**

489

No. 35, 1938.

(4) (a) If any member—

(i) dies; or

(ii) resigns his office by writing under his hand addressed to the Governor; or

(iii) is absent from duty for a period of fourteen consecutive days except on leave granted by the Minister; or

(iv) is removed by the Governor,

his office shall thereupon become vacant.

(b) The office of a member who acquires any pecuniary interest in any branch of the film industry shall become vacant.

(c) The Governor may, subject to this Act, appoint a person to take the place of a member whose office has become vacant.

(d) Any person appointed to take the place of a member whose office has become vacant shall, subject to this Act, hold office as a member for the residue of his predecessor's term.

(5) In case of the illness, suspension or absence of the chairman of the Commission, the deputy chairman shall act in his place and shall have and may exercise all the powers and authorities of the chairman.

(6) No act or proceeding of the Commission shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced there was a vacancy in the office of any one member.

(7) The procedure for the calling of meetings of the Commission, and the conduct of business at such meetings, and the times at which such meetings shall be held, shall, subject to any regulations which may be made by the Governor in relation thereto, be as determined by the Commission.

(8)

**Theatres, Public Halls and Cinematograph Films  
(Amendment) Act.**

(8) Any two members of the Commission shall form a quorum for the purpose of transacting any business of the Commission.

(9) (a) Any duly convened meeting of the Commission at which a quorum is present shall be competent to transact any business of the Commission.

(b) At any such meeting the chairman, or in his absence the deputy chairman, shall preside, and in the event of an equal division of votes on any question, the chairman, or in his absence the deputy chairman shall have a second or casting vote.

(10) The chairman and each other member may be paid such remuneration as the Governor may determine. The remuneration (if any) of the chairman or any member may be paid by way of salary or by way of fees for attendance at meetings.

(11) Nothing contained in this Act shall affect the rights accrued and accruing under the Public Service Act, 1902, or under the Superannuation Act, 1916-1935, or any Act amending such Acts to any person appointed as a member under this Act who is at the time of his appointment, or has been at any time previously thereto, an officer of the Public Service or an employee within the meaning of the Superannuation Act, 1916-1935, or any amendment thereof.

(12) Any officer of the Public Service or person who is an employee within the meaning of the Superannuation Act, 1916-1935, or any amendment thereof appointed as a member under this Act shall continue to contribute to any fund or account, and shall be entitled to receive any deferred or extended leave and he or his widow or dependants shall be entitled to receive any payment, pension or gratuity as if he were an officer or employee within the meaning of the Public Service Act, 1902, or the Superannuation Act, 1916-1935, as the case may be,

**Theatres, Public Halls and Cinematograph Films  
(Amendment) Act.**

401

No. 35, 1938.

be, or any Act amending or replacing those Acts; and for such purpose his service as a member shall be deemed to be service for the purpose of such Acts.

(13) The members of the Commission shall be entitled to such leave of absence as may be prescribed.

(14) The Commission shall cause minutes of its decisions to be kept and cause minutes to be kept of its proceedings at formal meetings.

(15) No matter or thing done by the Commission or by any member, or by any other person whomsoever acting under the direction of the Commission shall, if the matter or thing was done bona fide for the purpose of executing this Act or of exercising any power or authority conferred on the Commission by this or any other Act, subject them or any of them personally to any action, liability, claim or demand whatsoever.

(16) For the purpose of any inquiry which the Commission is authorised by this or any other Act to conduct the Commission and the chairman shall have the powers authorities protections and immunities conferred by the Royal Commissions Act, 1923-1934, on a commission and the chairman of a commission respectively appointed under Division 1 of Part II of that Act, and the said Act, section thirteen and Division 2 of Part II excepted, shall, mutatis mutandis, apply to any witness summoned by or appearing before the Commission.

11A. (1) The Commission may, at the request of any producer, distributor or exhibitor, and shall at the request of the Minister, conduct an inquiry into any matter, dispute or question relating to films or to any particular film, or to the production, distribution or exhibition of films, including any matter dispute or question relating to the refusal or failure of distributors or of any particular distributor to supply films

or

Commission to conduct inquiries.

**Theatres, Public Halls and Cinematograph Films  
(Amendment) Act.**

No. 35, 1938.

or make available a supply of films to exhibitors or to any particular exhibitor, and any matter dispute or question relating to the hiring by a distributor or any agreement made by a distributor for hiring to an exhibitor a number of films in excess of the number reasonably required by the exhibitor for exhibition in the course of his business as an exhibitor and shall furnish to the Minister a report setting out the results of any such inquiry.

(2) Such report shall, where the inquiry is conducted at the request of the Minister, be furnished to the Minister within the period specified in the request.

Standard  
form of  
contract.

11B. (1) The Commission shall within six months after the commencement of section five of the Theatres, Public Halls and Cinematograph Films (Amendment) Act, 1938, and may from time to time thereafter prescribe a standard form of contract in relation to the hiring of films by distributors to exhibitors.

(2) Every standard form so prescribed shall be notified in the Gazette and shall as from the date upon which it is so notified or from a later date to be specified in the notification and until it is varied or is superseded by a new standard form, be the standard form operative for the time being for the purposes of this Act.

(3) Upon the date upon which the standard form required under subsection one of this section to be prescribed within six months after the commencement of section five of the Theatres, Public Halls and Cinematograph Films (Amendment) Act, 1938, becomes operative, every contract for the hiring of films by a distributor to an exhibitor made before the said date shall be read subject to such standard form, and insofar as the terms and conditions of any such contract purport to negative or are inconsistent with any of the terms or conditions of such standard form they shall not be binding either on the distributor or on the exhibitor.

(4)

**Theatres, Public Halls and Cinematograph Films  
(Amendment) Act.**

493

No. 35, 1938

(4) (a) A standard form prescribed under this section may be varied at any time by the Commission upon a joint application made by or on behalf of a majority of the distributors and a majority of the exhibitors for the time being registered under this Act.

(b) Any variation so made shall be notified in the Gazette and the standard form as so varied shall as from the date upon which such notification is published in the Gazette or from a later date to be specified in the notification and until a further variation is made, or the standard form as varied is superseded by a new standard form, be the standard form operative for the time being for the purposes of this section.

(5) Every contract for the hiring of films by a distributor to an exhibitor entered into while a standard form is for the time being operative shall be read subject to such standard form and insofar as the terms and conditions of any such contract purport to negative or are inconsistent with any of the terms or conditions of such standard form they shall not be binding either on the distributor or on the exhibitor.

(6) No contract entered into while a standard form of contract is for the time being operative shall be affected by any variation thereafter made in that standard form or by the fact that a new standard form has thereafter become operative.

(7) If in any contract for the hiring of films made by a distributor to an exhibitor before or after the commencement of section five of the Theatres, Public Halls and Cinematograph Films (Amendment) Act, 1938, but before the standard form required under subsection one of this section to be prescribed within six months after the commencement of section five of the said Act becomes operative, provision is made for the cancellation of the contract at the option of the distributor on any ground other than default

**Theatres, Public Halls and Cinematograph Films  
(Amendment) Act.**

No. 35, 1938.

default of the exhibitor in the performance of the terms of the contract such provision shall be absolutely void and of no effect.

(8) The Commission may, and shall if the Minister so directs, conduct an inquiry for the purpose of obtaining such information as may be necessary to enable it to exercise and discharge all or any of its powers, authorities, duties and functions under this section.

Statutory  
declaration  
by distri-  
butors.

11c. (1) Every distributor shall in the month of January of each year file with the Commission a statutory declaration which—

- (a) shall be made by the distributor or by a person authorised in writing by him in that behalf or where the distributor is a company registered in the State by the secretary of the company, or where the distributor is a foreign company as defined in the Companies Act, 1936, by the person who is the agent of the company for the purposes of that Act;
- (b) shall state that the declarant either knows of his own knowledge, or has taken all steps and made all enquiries necessary to satisfy himself, that the contents of the declaration are accurate;
- (c) shall state whether or not during the preceding year all films distributed by the distributor for exhibition in this State were hired under contracts in accordance with the standard form;
- (d) shall state whether or not all contracts which the distributor has made in relation to the hiring of films for exhibition in the State during that year were in accordance with the standard form;
- (e) shall state shortly the effect of any term of any such contract made during the preceding year which is not contained in the standard form;

(f)

**Theatres, Public Halls and Cinematograph Films  
(Amendment) Act.**

495

No. 35, 1938.

(f) shall contain statements in relation to all such matters and things relating to the distribution of films as may be prescribed.

(2) Any person who fails to comply with the provisions of subsection one of this section shall be liable to a penalty not exceeding one hundred pounds.

11b. (1) The Commission or any person thereto authorised in writing by the Commission may by notice in writing call upon any distributor or exhibitor to furnish to the Commission or such authorised person, within such time as is specified in the notice, such books and documents and such information as the Commission or such authorised person thinks necessary in relation to the carrying out of the provisions of this Act or the regulations or any suspected contravention thereof.

Power to  
call for  
information.

Any such notice may be given to the person to whom it is addressed, personally or by registered letter sent through the post to his last known place of abode or business in New South Wales.

(2) Any person who without reasonable excuse fails, after receipt of a notice under subsection one of this section, to comply with the requirements of the notice shall be guilty of an offence and shall be liable to a penalty not exceeding one hundred pounds.

11e. (1) For the purpose of exercising and discharging any power, authority, duty or function conferred or imposed on the Commission by this or any other Act, or of ascertaining whether any offence against this Act or the regulations has been committed, any person authorised by the Commission in that behalf either generally or in any particular case may at any reasonable time enter any premises used wholly or partly for carrying on business by a distributor or exhibitor and inspect any books, accounts,

Inspection  
of books,  
etc.

**Theatres, Public Halls and Cinematograph Films  
(Amendment) Act.**

No. 35, 1938.

accounts, registers, records, documents or writings found in or upon such premises relating to any transaction in connection with the hiring or exhibition of films and may take copies thereof or of any entries therein.

(2) Any person who knowingly obstructs, hinders, prevents or interferes with any person so authorised or who, when requested so to do, refuses or neglects to produce such books, accounts, registers, records, documents or writings shall be guilty of an offence and shall be liable to a penalty not exceeding one hundred pounds.

**Sec. 12.**  
(Regulations.)

(h) by omitting subsection two of section twelve;

**New sec. 12A.**

(i) by inserting next after section twelve the following new section:—

**Penalty.**

12A. Where a distributor or exhibitor is convicted of an offence against this Act then, in addition to any penalty that may be imposed in respect of the offence the Court convicting such distributor or exhibitor may in any case where it is of opinion that the offence was committed with the intent to defeat the purposes of this Act, make an order for the cancellation or suspension of the registration of such distributor or exhibitor under this Act, and such order shall take effect as from a date to be therein specified in that behalf.

**Commencement.**

**6.** (1) This section shall commence on the first day of July of such year as may be appointed by the Governor and notified by proclamation published in the Gazette.

**Further amendment of Act No. 41, 1935.**

(2) The Cinematograph Films (Australian Quota) Act, 1935-1937, is further amended—

**Sec. 2.**  
(Definitions.)

(a) by omitting from section two the definition of "Exhibitor's quota" and by inserting in lieu thereof the following definition:—

"Exhibitor's quota" in relation to films exhibited by an exhibitor in any period means

**Theatres, Public Halls and Cinematograph Films  
(Amendment) Act.**

497

No. 35, 1938.

means the number ascertained by adding the proportion of Australian films which he is required by this Act to exhibit during that period as computed in accordance with this Act to the proportion of British films which he is required by this Act to exhibit during that period as computed in accordance with this Act.

- (b) (i) by inserting next after subsection one of section six the following new subsection:—

Sec. 6.  
New subsec.  
(1A).

(1A) (a) Of the total number of "quota" films exhibited by any exhibitor in the year commencing on the first day of July of the year appointed pursuant to subsection one of section six of the Theatres, Public Halls and Cinematograph Films (Amendment) Act, 1938, it shall be his duty to exhibit, in that year, in each theatre in which he exhibits films, not less than the proportion of British "quota" films which is equivalent to fifteen per centum.

(b) Of the total number of "quota" films exhibited by any exhibitor in the year next after the year referred to in paragraph (a) of this subsection, or in any subsequent year, it shall be his duty to exhibit in that year, in each theatre in which he exhibits films, not less than the proportion of British "quota" films fixed by the Governor pursuant to section 6A of this Act for that year.

(c) Where in the year referred to in paragraph (a) of this subsection or in any subsequent year an exhibitor exhibits in any particular theatre in which he exhibits films fifty-two issues of a British film (not being a British "quota" film) depicting wholly or mainly news and current events, such fifty-two issues shall be counted in that year as one British "quota" film for the purposes of this subsection in respect of that theatre.

(d)

**Theatres, Public Halls and Cinematograph Films  
(Amendment) Act.**

(d) Where the result obtained in computing the proportion under this subsection includes a fraction, the result shall be increased by one and the fraction shall be disregarded.

- (ii) by inserting in subsection two of the same section after the words "Australian 'quota' films" the words "or British 'quota' films";
- (iii) by inserting in subsection three of the same section after the word "Australian" the words "or British";
- (iv) by omitting from the same subsection the words "British or";

**Sec. 6A.**  
(British  
films.)

- (c) (i) by inserting in subsection one of section 6A after the words "Australian 'quota' films" where firstly occurring the words "and British 'quota' films";
- (ii) by inserting in paragraph (b) of the same subsection after the words "Australian 'quota' films" the words "and of British 'quota' films";
- (iii) by inserting in the same paragraph after the words "subsection one" the words "or subsection (1A)";
- (iv) by inserting in paragraph (b) of subsection two of the same section after the words "Australian 'quota' films" the words "and of British 'quota' films";
- (v) by inserting in the same paragraph after the words "subsection one" the words "or subsection (1A)";

**Sec. 7.**  
(Rejec-  
tion.)

- (d) by inserting in subsection one of section seven after the words "requirements of" the words "subsection one of";

**Sec. 8.**  
(Agree-  
ments.)

- (c) by inserting in paragraph (a) of subsection one of section eight, after the words "Australian 'quota' film" wherever occurring the words "or British 'quota' film."

PART

**Theatres, Public Halls and Cinematograph Films  
(Amendment) Act.**

499

No. 35, 1938.

PART IV.

GOVERNMENT GUARANTEE.

7. (1) The Cinematograph Films (Australian Quota) Act, 1935-1937, is further amended by inserting next after section thirteen the following new section:—

Further amendment of Act No. 41, 1935. New sec. 13A.

Agreement to guarantee.

13A. (1) It shall be lawful for the Colonial Treasurer with the approval of the Governor to enter into an agreement with any person carrying on or about to carry on the business of a producer in New South Wales, and may by such agreement undertake to execute a guarantee under the Government Guarantees Act, 1934-1937, in favour of any bank in respect of the overdraft account with the bank of such person, in consideration of an undertaking by such person to observe and carry out the terms, conditions and provisions contained in the agreement.

(2) The approval of the Governor to any agreement referred to in subsection one of this section shall not be given except upon the recommendation of the Commission.

(3) (a) A copy of any agreement entered into under this section shall be laid before both Houses of Parliament within fourteen sitting days after the agreement is entered into, if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

(b) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such copy has been laid before such House, rejecting the agreement, the Colonial Treasurer shall forthwith in writing notify the person concerned of the fact of the rejection, and the agreement shall cease to have effect on the expiration of three months after the date upon which such person has been so notified.

(4) In this section "person" includes a body of persons corporate or unincorporate.

(2)

**Industrial Arbitration and Workers' Compensation  
(Amendment) Act.****No. 35, 1938.**Amendment  
of Act  
No. 57,  
1934, s. 3.

(2) The Government Guarantees Act, 1934-1937, is amended by inserting next after subsection five of section three the following new subsection:—

(5A) (a) It shall be lawful for the Colonial Treasurer with the approval of the Governor to execute a guarantee in favour of any bank in respect of the overdraft account with the bank of any person or body of persons corporate or unincorporate with whom the Colonial Treasurer has entered into an agreement pursuant to section 13A of the Cinematograph Films (Australian Quota) Act, 1935-1938.

(b) The Colonial Treasurer shall not execute a guarantee under this subsection after the thirty-first day of December, one thousand nine hundred and thirty nine.