

Act No. 18

## FILM INDUSTRY BILL 1988

NEW SOUTH WALES



### EXPLANATORY NOTE

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The objects of this Bill are—

- (a) to reconstitute the New South Wales Film Corporation as a corporation without members and to change its name to New South Wales Film and Television Office; and
- (b) to specify the functions of the Office and enable them to be exercised by the Minister on behalf of the Office; and
- (c) to repeal the New South Wales Film Corporation Act 1977; and
- (d) to provide for the reconstituted corporation to be dissolved on a day to be proclaimed and for its assets and liabilities to become assets and liabilities of the Crown.

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#### PART 1—PRELIMINARY

**Clause 1** (Short title) specifies the short title of the proposed Act.

**Clause 2** (Commencement) provides for the proposed Act to commence on a proclaimed day.

**Clause 3** (Definitions) defines certain expressions for the purposes of the proposed Act.

#### PART 2—THE NEW SOUTH WALES FILM AND TELEVISION OFFICE

**Clause 4** (Constitution of the New South Wales Film and Television Office) reconstitutes the New South Wales Film Corporation as a corporation without members and having the corporate name of New South Wales Film and Television Office. The functions of the Office will be exercised by the Minister in the name of the Office or on its behalf.

*Film Industry 1988*

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**Clause 5** (Staff of the Office) authorises the employment of public servants to enable the Office to exercise its functions. It also enables the Office to enter into contracts for the provision to it of services.

**Clause 6** (Functions of the Office) specifies the functions of the Office which include—

- (a) the sole responsibility for all matters relating to short films, and documentary films, for the Government; and
- (b) assisting the work of film festivals and markets, and of persons engaged in the film and television industry; and
- (c) continued involvement with the existing film catalogue and certain films in which the New South Wales Film Corporation presently has a substantial financial interest.

**PART 3—FINANCIAL PROVISIONS**

**Clause 7** (New South Wales Film and Television Office Account) requires the establishment of the New South Wales Film and Television Office Account in the Special Deposits Account in the Treasury. The Account is to be used for receipts and disbursements by the Office.

**Clause 8** (Financial year) provides for the financial year of the Office to commence on 1 July unless the Treasurer determines some other date.

**PART 4—MISCELLANEOUS**

**Clause 9** (Delegation) enables the Office to delegate any of its functions.

**Clause 10** (Service of documents) provides for the method of serving a document on the Office.

**Clause 11** (Recovery of charges etc. by the Office) enables the Office to sue for money owing to it.

**Clause 12** (Regulations) authorises the Governor to make regulations for the purposes of the proposed Act.

**Clause 13** (Savings, transitional and other provisions) gives effect to Schedule 1 which contains transitional and other provisions.

**Clause 14** (Repeal) repeals the New South Wales Film Corporation Act 1977.

**Clause 15** (Dissolution of the Office) gives effect to Schedule 2 which contains the provisions relating to the eventual dissolution of the Office and the assumption by the Crown of its functions.

**Schedule 1** (Savings, transitional and other provisions)—

- (a) by clause 1 defines certain expressions used in the Schedule; and
- (b) by clause 2 formally dissolves the New South Wales Film Corporation; and
- (c) by clause 3 provides for the vacation of office by the persons who at present are directors of the New South Wales Film Corporation, its chief executive officer and the holders of certain other offices; and
- (d) by clause 4 continues the corporation constituted under the proposed Act as the same legal entity as the New South Wales Film Corporation constituted under the Act being repealed by clause 14; and

*Film Industry 1988*

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- (e) by clause 5 requires references in other Acts and instruments to the New South Wales Film Corporation to be read as references to the New South Wales Film and Television Office; and
- (f) by clause 6 requires the money at present held in a bank account by the Film Corporation to be transferred to the Special Deposits Account in the Treasury; and
- (g) by clause 7 enables regulations to be made for other savings or transitional purposes.

**Schedule 2 (Dissolution of the Office)—**

- (a) by clause 1 defines certain expressions used in the Schedule; and
  - (b) by clause 2 dissolves the Office; and
  - (c) by clause 3 requires the money held by the Office in the Special Deposits Account immediately before the Schedule takes effect to be paid to the Consolidated Fund; and
  - (d) by clause 4 vests in the Crown on the day the Schedule takes effect all other assets, and all rights, of the Office and imposes on the Crown on that day all the liabilities of the Office.
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