

[Act 1996 No 82]



New South Wales

# Film Industry Amendment Bill 1996

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

### Overview of Bill

The object of this Bill is to amend the *Film Industry Act 1988* as follows:

- (a) to set out the object of the Film and Television Office as assisting, promoting and strengthening the film and television industry in New South Wales so as to promote Australia's cultural identity, encourage the employment of Australians in all aspects of film and television production, encourage investment in the industry, enhance the industry's export potential, encourage innovation and enhance quality in the industry,
  - (b) to expand the functions of the Office to enable the Office to achieve its object,
  - (c) to remove the Office's responsibility as the sole producer of Government documentaries and include instead responsibility for providing policy and support services and advice to Government agencies on the production of films and sound recordings,
  - (d) to establish a board of management of the Office,
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- (e) to provide statutory recognition of the existing position of Director of the Office who is to be responsible to the board for the day to day management of the operation of the Office,
- (f) to make consequential amendments.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides that the proposed Act will commence on a day or days to be appointed by proclamation.

**Clause 3** is a formal provision that gives effect to the Schedule of amendments to the *Film Industry Act 1988*.

## Schedule 1 Amendments

### Object and functions of the Office

**Schedule 1 [8]** inserts new section 4A into the Act which states that the object of the Office is to assist, promote and strengthen the film and television industry in New South Wales so as to promote Australia's cultural identity, encourage the employment of Australians in all aspects of film and television production, encourage investment in the industry, enhance the industry's export potential, encourage innovation and enhance quality in the industry. **Schedule 1 [1]** makes a consequential amendment. **Schedule 1 [2]** renames the Act as the *Film and Television Office Act 1988*.

**Schedule 1 [11]** replaces section 6. The proposed section expands the functions of the Office so as to enable it to achieve its object. Proposed section 6 (1) (e), for example, enables the Office to assist in the promotion of public interest in film as a medium of communication and as an art form and in the development of an informed and critical film audience. Proposed section 6 (1) (h) enables the Office to undertake the production of films or sound recordings on its own behalf or for any other person or organisation (including any Government agency). **Schedule 1 [5]** makes a consequential amendment.

**Schedule 1 [3]** and **[4]** insert a definition of *sound recording*, and new definition of film, into the Act.

**Schedule 1 [9]** and **[10]** update references.

**Schedule 1 [13]** omits an obsolete section.

## **Operation and management of the Office**

**Schedule 1 [11]** also inserts new Divisions 2 and 3 (sections 6A–6E) into Part 2 of the Act:

- Proposed section 6A establishes the Board of the Office which is to consist of 7 members appointed by the Governor. At least one of the members is to be from outside the film and television industry and the member who is appointed Chairperson of the Board must be a member appointed from outside the industry.
- Proposed section 6B provides that the Office is subject to the control and direction of the Minister.
- Proposed section 6C (1) gives the primary responsibility for the operation of the Office to the Board, while proposed section 6D (1) gives responsibility for the day to day management of the Office to the Director. The Director is to manage the Office in accordance with the general policies and any specific directions of the Board. Proposed section 6C (2) requires the Board to provide the Minister with any information relating to the Office's functions as the Minister requests.
- Proposed section 6C (2) provides that the acts of the Director done in the name of the Office are taken to be the acts of the Office.
- Proposed section 6D provides that the Director is entitled to attend, and participate in discussions at, meetings of the Board but is not entitled to vote at the meetings.

**Schedule 1 [3]** inserts definitions of *Board* and *Director* into the Act.

**Schedule 1 [6]** and **[7]** make consequential amendments.

**Schedule 1 [12]** inserts new section 9A into the Act which protects the Director, members of the Board and other persons acting under the direction of the Director or the Board from personal liability for acts done in good faith for the purpose of executing the Act.

**Schedule 1 [17]** replaces Schedule 2 to the Act. The proposed Schedule contains provisions relating to the constitution and procedure of the Board.

## **Savings and transitional matters**

**Schedule 1 [14]–[16]** amend Schedule 1 (Savings, transitional and other provisions) to enable the making of regulations of a savings and transitional nature consequent on the enactment of the proposed Act and provide for the saving of existing delegations.