

Film and Television Industry Act 1988 No 18

[1988-18]



New South Wales

Status Information

Currency of version

Current version for 13 January 2023 to date (accessed 17 July 2024 at 19:37)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Previously named**
Film and Television Office Act 1988
Film Industry Act 1988
- **Editorial note**
The Parliamentary Counsel's Office is progressively updating certain formatting styles in versions of NSW in force legislation published from 29 July 2019. For example, colons are being replaced by em-dashes (em-dashes). Text of the legislation is not affected.

This version has been updated.

Responsible Minister

- Minister for the Arts

For full details of Ministerial responsibilities, see the [Administrative Arrangements \(Minns Ministry—Administration of Acts\) Order 2023](#).

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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New South Wales

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Film and Television Industry Act 1988 No 18



New South Wales

An Act relating to the New South Wales film and television industry.

Part 1 Preliminary

1 Name of Act

This Act is the *Film and Television Industry Act 1988*.

2 Commencement

This Act commences on a day to be appointed by proclamation.

3 Definitions

(1) In this Act—

Advisory Committee means the Film and Television Industry Advisory Committee established under section 5.

Department means the Department of Department of Enterprise, Investment and Trade.

film means a recording in or on any material from which images, with or without associated sounds, may be produced and includes a film made for television or for any other means of dissemination.

making, in relation to a film, includes the preparation of film sets, the writing of film scripts and the doing of all other things necessary to enable the making of the film to commence.

producer, in relation to a film, means the person by whom arrangements necessary for production of the film are undertaken.

Secretary means the Secretary of the Department.

sound recording means a recording in or on any material from which sounds may be reproduced.

(2) In this Act—

- (a) a reference to a function includes a reference to a power, authority and duty, and
- (b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

(3) Notes included in this Act do not form part of this Act.

3A Objects

The objects of this Act are 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.

Part 2 Assistance to film and television industry

4 Functions of Secretary

(1) The Secretary has the following functions under this Act—

- (a) to provide financial and other assistance to the film and television industry in carrying out the industry's activities in New South Wales and to disseminate information about those activities,
- (b) to provide financial and other assistance for persons (including directors, producers, actors, writers and technicians) whose work in the film and television industry merits encouragement,
- (c) to provide financial and other assistance for script and project development for film and television,
- (d) to contribute, financially and otherwise, to the work of film festivals and markets,
- (e) 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,
- (f) to provide policy and support services and advice to Government agencies on the production of films and sound recordings,
- (g) to undertake the production of films or sound recordings on behalf of the State or for any other person, body or organisation (including any Government agency),
- (h) to carry out such obligations and responsibilities determined by the Minister as may be necessary for the maintenance and administration of the film catalogue vested in the State.

(2) The Secretary has the power to do all things that may be necessary or convenient to

be done for or in connection with the exercise of the Secretary's functions, including, but not limited to, the power to impose such charges or fees in respect of access to, or use of, any of the resources, facilities or services of the Department as the Secretary thinks fit.

- (3) The Secretary may delegate to an employee of the Department any of the Secretary's functions under this Act other than this power of delegation.

4A (Repealed)

5 Advisory Committee

- (1) There is to be a Film and Television Industry Advisory Committee comprising members appointed by the Minister.
- (2) The composition of the Advisory Committee is to be determined by the regulations.
- (3) The Advisory Committee has the following functions—
 - (a) to advise the Minister on the operation of the film and television industry in New South Wales,
 - (b) any other functions prescribed by the regulations or agreed between the Minister and the Advisory Committee.
- (4) The regulations may make provision for or with respect to the members and procedure of the Advisory Committee.

6-6E (Repealed)

Part 3

7, 8 (Repealed)

Part 4 Miscellaneous

9 (Repealed)

9A Personal liability

A matter or thing done or omitted to be done by the Secretary, a member of the Advisory Committee or any person acting under the direction of the Secretary or a member of the Advisory Committee does not, if the matter or thing was done or omitted in good faith for the purpose of executing this Act, subject the Secretary, member or person so acting personally to any action, liability, claim or demand.

10, 11 (Repealed)

12 Regulations

The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

13 Savings, transitional and other provisions

Schedule 1 has effect.

14 Repeal

The *New South Wales Film Corporation Act 1977* is repealed.

15 (Repealed)

Schedule 1 Savings, transitional and other provisions

(Section 13)

Part 1 Preliminary

1 Savings and transitional regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of any Act that amends this Act.
- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later day.
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as—
 - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

Part 2 Provisions consequent on enactment of **Film and Television Office Act 1988**

1A Definitions

In this Schedule—

appointed day means the day appointed under section 2.

repealed Act means the *New South Wales Film Corporation Act 1977*.

2 Dissolution of Film Corporation

The New South Wales Film Corporation is dissolved.

3 Office holders under repealed Act

(1) A person who, immediately before the appointed day, held office under the repealed Act as—

- (a) a director, or
- (b) the chief executive officer, or
- (c) holder of a special office under section 7 of that Act,

ceases to hold office as such on that day.

(2) A person who, under subclause (1), ceases to hold an office is not entitled to be paid any remuneration or compensation because of ceasing to hold the office.

4 Continuity of the Office

The Office is a continuation of, and the same legal entity as, the New South Wales Film Corporation constituted by section 4 of the repealed Act.

5 Superseded references

On and from the appointed day, a reference in any other Act, or in any instrument made under an Act, or in any other instrument of any kind, to the New South Wales Film Corporation shall be read as a reference to the New South Wales Film and Television Office.

6 Finance

On the appointed day, the Office shall transfer to the credit of the New South Wales Film and Television Office Account established under section 7 the money at credit immediately before that day in the New South Wales Film Corporation Management Account then maintained under section 19 of the repealed Act.

Part 3 Provisions consequent on enactment of *Film Industry Amendment Act 1996*

7 Saving of existing delegations

Any delegation under section 9 that was in force immediately before the commencement of the *Film Industry Amendment Act 1996* continues in force until it is revoked.

Part 4 Provisions consequent on enactment of *Statute Law*

(Miscellaneous Provisions) Act (No 2) 2006

8 Construction of references to Director

Unless the regulations otherwise provide, on and from the commencement of this clause, a reference in any other Act, in any instrument made under any Act or in any other instrument of any kind, to the Director of the New South Wales Film and Television Office is to be read as a reference to the chief executive officer of the New South Wales Film and Television Office.

Part 5 Provisions consequent on enactment of Trade and Investment Cluster Governance (Amendment and Repeal) Act 2014

9 Dissolution of bodies and transfer of assets etc

- (1) The following bodies established under this Act are dissolved—
 - (a) the New South Wales Film and Television Office (the **Office**),
 - (b) the Board of the New South Wales Film and Television Office (the **Board**).
- (2) The assets, rights and liabilities of the Office immediately before its dissolution become, on that dissolution, the assets, rights and liabilities of the Crown.
- (3) Section 27 of the *Trade and Investment Cluster Governance (Amendment and Repeal) Act 2014* applies to the transfer of the assets, rights and liabilities of the Office by the operation of this clause and so applies as if it were a transfer pursuant to Parts 2–6 of that Act when this clause takes effect.
- (4) The persons who were members of the Board immediately before its dissolution cease to hold office as members and are not entitled to any remuneration or compensation because of the loss of that office.
- (5) In this clause—

assets means any legal or equitable estate or interest (whether present or future, whether vested or contingent and whether personal or assignable) in real or personal property of any description (including money), and includes securities, choses in action and documents.

liabilities means any liabilities, debts or obligations (whether present or future, whether vested or contingent and whether personal or assignable).

rights means any rights, powers, privileges or immunities (whether present or future, whether vested or contingent and whether personal or assignable).

10 References to New South Wales Film and Television Office

A reference in any other Act, in any instrument made under any Act or in any document of

any kind to the New South Wales Film and Television Office is to be construed as a reference to the Crown.

11 New South Wales Film and Television Office Account

- (1) The New South Wales Film and Television Office Account established under section 7 is abolished.
- (2) Any balance standing to the credit of that account immediately before its abolition is transferred to the Consolidated Fund.

Schedule 2 (Repealed)