

# AUSTRALIAN CAPITAL TERRITORY.

No. 5 of 1942.

## AN ORDINANCE

**To confer upon Exhibitors of Cinematograph Films certain Rights to reject Films proposed to be delivered to them by Distributors.**

**B**E it ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909-1938* and the *Seat of Government (Administration) Act 1910-1940*, as follows:—

1. This Ordinance may be cited as the *Cinematograph Films* Short title. Ordinance 1942.\*

2. In this Ordinance, unless the contrary intention appears— Definitions.

“Australian film” means a film—

- (a) which has been wholly or mainly produced in Australia;
- (b) all the studio scenes depicted in which have been photographed in Australia; and
- (c) (where the film is produced by a company) which has been produced by a company incorporated in Australia;

“British films” means films which have been wholly or mainly manufactured or produced in the British Empire, other than in Australia;

“cinematograph picture” means a picture or other optical effect exhibited or proposed to be exhibited by means of a cinematograph or any other similar apparatus for the exhibition of moving pictures;

“distributor”, in relation to films, means a person for the time being engaged in the business of hiring or selling films;

“exhibitor”, in relation to films, includes every person who exhibits any film in a theatre;

“film” means a film used or proposed to be used for the purpose of exhibiting a cinematograph picture; and

“theatre” includes any house, room, building, garden or place wherein any cinematograph picture is exhibited and to which admission is or may be procured by payment of money or by ticket or by any other means, token or consideration as the price, hire or rent of admission.

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\* Notified in the *Commonwealth Gazette* on 29th January, 1942.  
6015.—PRICE 3D.—I

Application  
of Ordinance.

3. This Ordinance shall apply to all films except Australian films and British films.

Right of  
exhibitor to  
reject  
twenty-five  
per centum  
of foreign  
films.

4.—(1.) Notwithstanding anything contained in any contract entered into by an exhibitor, whether before or after the commencement of this Ordinance, for the supply to him, after the commencement of this Ordinance, for exhibition, of any films, that exhibitor shall, subject to the provisions of this section and without incurring any liability for breach of contract, have the right to reject up to twenty-five per centum of the number of films (other than British films and Australian films) proposed to be delivered to him in terms of that contract. Where for the purpose of this sub-section twenty-five per centum of any number of films is not a whole number that percentage shall be deemed to be the nearest whole number.

(2.) Notice of intention to reject any film in pursuance of the right conferred by this section shall be given by the exhibitor to the distributor or other supplier—

(a) in cases where advice as to the name of the film has been received by the exhibitor at least six weeks prior to the proposed date of exhibition—not less than twenty-eight days before that date; and

(b) in any other case—within fourteen days after receipt by the exhibitor of advice as to the name of the film.

(3.) 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.

Dated this twenty-eighth day of January, 1942.

GOWRIE

Governor-General.

By His Excellency's Command,

J. S. COLLINGS

Minister of State for the Interior.

By Authority: L. F. JOHNSTON, Commonwealth Government Printer, Canberra.