Version
as at 28 October 2021

New Zealand Film Commission Act 1978

Public Act	1978 No 61
Date of assent	12 October 1978
Commencement	see section 1(2)

Contents

		Page
	Title	2
1	Short Title and commencement	2
2	Interpretation	3
2A	Transitional, savings, and related provisions	3
	Constitution	
3	New Zealand Film Commission	3
4	Term of office of appointed members *[Repealed]*	4
5	Extraordinary vacancies *[Repealed]*	4
6	Deputy chairman *[Repealed]*	4
6A	Alternate members of Commission *[Repealed]*	4
7	Deputy of Secretary for Internal Affairs *[Repealed]*	4
8	Meetings of Commission *[Repealed]*	4
9	Committees *[Repealed]*	5
9A	Disclosure of interests *[Repealed]*	5
10	Remuneration of members of Commission and committees *[Repealed]*	5
11	Proceedings not affected by irregularities *[Repealed]*	5

Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry for Culture and Heritage.

12 Limitation of personal liability of members *[Repealed]* 5
13 Staff 5
14 Status of members and staff *[Repealed]* 6
15 Delegation of powers 6
16 Rules *[Repealed]* 6

Functions and powers

17 Functions of Commission 6
18 Content of films 7
19 General powers of Commission 8

Financial provisions

20 Funds of Commission *[Repealed]* 9
21 Estimates of expenditure *[Repealed]* 10
22 Annual grants to Commission *[Repealed]* 10
23 Gifts 10
24 Borrowing powers *[Repealed]* 10
25 Bank accounts *[Repealed]* 10
26 Overdrafts *[Repealed]* 10
27 Investment of money *[Repealed]* 10
28 Unauthorised expenditure *[Repealed]* 10
29 Commission to be charity for certain purposes 11
30 Crown entity *[Repealed]* 11
31 Auditor-General to be auditor of Commission *[Repealed]* 11

Miscellaneous provisions

32 Annual report *[Repealed]* 11
33 Tabling of report in Parliament *[Repealed]* 11
34 Protection of name 11
35 Application of other enactments 12
36 Transitional provisions *[Repealed]* 12

Schedule 1AA 13
Transitional, savings, and related provisions

Schedule 1 14
Enactments amended

An Act to establish the New Zealand Film Commission, and to define its functions, powers, and duties

1 Short Title and commencement

(1) This Act may be cited as the New Zealand Film Commission Act 1978.

(2) This Act shall come into force on a date to be appointed by the Governor-General by Order in Council.

(3) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 1(2): this Act brought into force, on 13 November 1978, by the New Zealand Film Commission Act Commencement Order 1978 (SR 1978/292).

Section 1(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

2 Interpretation

In this Act, unless the context otherwise requires,—

Commission means the New Zealand Film Commission established by section 3

film includes a photographic film, or a recording on magnetic tape or on any other material, from which a series of images, with or without associated sounds, may be produced

Minister means the Minister who is, with the authority of the Prime Minister, for the time being responsible for the administration of this Act.

Section 2 **appointed member**: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 2 **financial year**: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 2 **Minister**: substituted, on 1 October 2000, by section 12 of the Archives, Culture, and Heritage Reform Act 2000 (2000 No 32).

2A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

Section 2A: inserted, on 24 October 2019, by section 90 of the Statutes Amendment Act 2019 (2019 No 56).

Constitution

3 New Zealand Film Commission

(1) There is hereby established a Commission to be called the New Zealand Film Commission.

(2) The Commission is a Crown entity for the purposes of section 7 of the Crown Entities Act 2004.

(3) The Crown Entities Act 2004 applies to the Commission except to the extent that this Act expressly provides otherwise.

(4) The Commission consists of not less than 6 or more than 9 persons.

(5) Members of the Commission are the board for the purposes of the Crown Entities Act 2004.

Section 3(2): substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 3(3): substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 3(4): substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 3(5): added, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

4 Term of office of appointed members

[Repealed]

Section 4: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

5 Extraordinary vacancies

[Repealed]

Section 5: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

6 Deputy chairman

[Repealed]

Section 6: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

6A Alternate members of Commission

[Repealed]

Section 6A: repealed, on 1 July 1994, by section 3(3) of the New Zealand Film Commission Amendment Act 1994 (1994 No 49).

7 Deputy of Secretary for Internal Affairs

[Repealed]

Section 7: repealed, on 1 July 1994, by section 3(4) of the New Zealand Film Commission Amendment Act 1994 (1994 No 49).

8 Meetings of Commission

[Repealed]

Section 8: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

9 Committees

[Repealed]

Section 9: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

9A Disclosure of interests

[Repealed]

Section 9A: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

10 Remuneration of members of Commission and committees

[Repealed]

Section 10: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

11 Proceedings not affected by irregularities

[Repealed]

Section 11: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

12 Limitation of personal liability of members

[Repealed]

Section 12: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

13 Staff

(1) The Commission shall from time to time appoint a chief executive officer of the Commission.

(2) Section 117 of the Crown Entities Act 2004 applies.

(3) *[Repealed]*

(4) *[Repealed]*

(5) *[Repealed]*

(6) *[Repealed]*

(7) *[Repealed]*

(8) *[Repealed]*

Section 13(2): substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 13(3): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 13(4): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 13(5): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 13(6): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 13(7): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 13(8): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

14 Status of members and staff

[Repealed]

Section 14: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

15 Delegation of powers

(1) *[Repealed]*

(2) The Commission must not delegate to a member, officer, committee, or agent any power to borrow money.

(3) In other respects, section 73 of the Crown Entities Act 2004 applies.

(4) *[Repealed]*

(5) *[Repealed]*

Section 15(1): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 15(2): substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 15(3): substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 15(4): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 15(5): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

16 Rules

[Repealed]

Section 16: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Functions and powers

17 Functions of Commission

(1) The Commission shall have the following functions:

(a) to encourage and also to participate and assist in the making, promotion, distribution, and exhibition of films:

(b) to encourage and promote cohesion within the New Zealand film industry, and in particular—

(i) to encourage and promote the exchange of information among persons engaged in the film industry; and

(ii) to encourage and promote the efficient use of available resources within the New Zealand film industry; and

(iii) to co-operate with other interested or affected bodies and organisations in order to encourage and promote employment in the New Zealand film industry, and the productivity of that industry:

(c) to encourage and promote the proper maintenance of films in archives:

(d) to encourage and promote, for the benefit of the New Zealand film industry, the study and appreciation of films and of film making:

(e) to gather, collate, disseminate, and publish information that, in the opinion of the Commission, relates to the making, promotion, distribution, and exhibition of films:

(f) to advise the Minister on matters relating to or affecting the functions of the Commission.

(1A) The Minister may not give a direction to the Commission in relation to cultural matters.

(2) *[Repealed]*

Section 17(1A): inserted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 17(2): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

18 Content of films

(1) In carrying out its functions, the Commission shall not make financial assistance available to any person in respect of the making, promotion, distribution, or exhibition of a film unless it is satisfied that the film has or is to have a significant New Zealand content.

(2) For the purposes of determining whether or not a film has or is to have a significant New Zealand content, the Commission shall have regard to the following matters:

(a) the subject of the film:

(b) the locations at which the film was or is to be made:

(c) the nationalities and places of residence of—

(i) the authors, scriptwriters, composers, producers, directors, actors, technicians, editors, and other persons who took part or are to take part in the making of the film; and

(ii) the persons who own or are to own the shares or capital of any company, partnership, or joint venture that is concerned with the making of the film; and

(iii) the persons who have or are to have the copyright in the film:

(d) the sources from which the money that was used or is to be used to make the film was or is to be derived:

(e) the ownership and whereabouts of the equipment and technical facilities that were or are to be used to make the film:

(f) any other matters that, in the opinion of the Commission, are relevant to the purposes of this Act.

(2A) A film shall be deemed to have a significant New Zealand content if it is made pursuant to an agreement or arrangement entered into in respect of the film between—

(a) the Government of New Zealand or the Commission; and

(b) the Government of another country or relevant public authority of another country.

(3) In carrying out its functions, the Commission shall in relation to the content of any film have due regard to the observance of standards that are generally acceptable in the community.

Section 18(2A): inserted, on 17 December 1985, by section 2 of the New Zealand Film Commission Amendment Act 1985 (1985 No 187).

19 General powers of Commission

(1) For the purposes of carrying out its functions, the Commission may from time to time do all or any of the following things:

(a) make advances, grants, or awards of money to any person in connection with the making, promotion, distribution, or exhibition of any film:

(b) subscribe for, purchase, or otherwise acquire any shares, stocks, or interest, or otherwise participate in any body corporate, firm, or joint venture that is or is to be involved in any specific project or series of projects relating to films:

(c) organise, participate in, or act as an agent for any consortium for the purposes of assisting the film industry:

(d) give or receive guarantees or indemnities in respect of the making, promotion, distribution, or exhibition of films (subject, in the case of the giving of a guarantee or indemnity by the Commission, to ensuring that sufficient funds will be available to meet the liability of the Commission under any such guarantee or indemnity as that liability arises):

(e) participate in the management of enterprises to whose finances it has contributed:

(f) acquire any copyright or other rights in respect of any film:

(g) *[Repealed]*

(h) *[Repealed]*

(i) *[Repealed]*

(j) *[Repealed]*

(k) make charges for the provision of any of its services or the use of any of its facilities.

(l) *[Repealed]*

(2) In the exercise of its powers under subsection (1), the Commission may—

(a) make advances with or without security, and at such rates of interest as it determines or free of interest; and

(b) guarantee, with or without security and with or without making any charge, advances made by any person to any other person; and

(c) with the consent of the Minister of Finance, establish endowments or create trusts, on such terms and conditions and for such objects within the purposes of this Act as the Commission thinks fit, and appoint trustees in respect of any such trusts.

(3) *[Repealed]*

(4) Any trustees appointed in respect of a trust established under subsection (1) shall keep the accounts of the trust in such manner as may be directed by the Commission and approved by the Auditor-General.

(5) This section does not limit sections 16 and 17 of the Crown Entities Act 2004.

Section 19(1)(g): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 19(1)(h): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 19(1)(i): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 19(1)(j): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 19(1)(l): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 19(3): repealed, on 24 October 2019, by section 91 of the Statutes Amendment Act 2019 (2019 No 56).

Section 19(4): amended, on 1 July 2001, pursuant to section 52 of the Public Audit Act 2001 (2001 No 10).

Section 19(5): added, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Financial provisions

20 Funds of Commission

[Repealed]

Section 20: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

21 Estimates of expenditure

[Repealed]

Section 21: repealed, on 7 May 1999, by section 2 of the New Zealand Film Commission Amendment Act 1999 (1999 No 42).

22 Annual grants to Commission

[Repealed]

Section 22: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

23 Gifts

Any local authority within the meaning of the Local Government Act 2002, public body, body corporate, trustee or trustees, unincorporated body of persons, or other person may, unless expressly prohibited from doing so by any enactment or by the terms of any trust or endowment, make to the Commission any gifts of real property, or of money or other personal property; and the Commission may accept any gifts so made.

Section 23: amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

24 Borrowing powers

[Repealed]

Section 24: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

25 Bank accounts

[Repealed]

Section 25: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

26 Overdrafts

[Repealed]

Section 26: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

27 Investment of money

[Repealed]

Section 27: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

28 Unauthorised expenditure

[Repealed]

Section 28: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

29 Commission to be charity for certain purposes

For the purposes of the Inland Revenue Acts (as defined in section 3 of the Tax Administration Act 1994), and for the purposes of the Gambling Act 2003, the Commission is hereby declared to have been established exclusively for charitable purposes in New Zealand.

Section 29: amended, on 1 July 2004, by section 374 of the Gambling Act 2003 (2003 No 51).

Section 29: amended, on 1 April 1995 (applying with respect to the tax on income derived in 1995–96 and subsequent income years), by section YB 1 of the Income Tax Act 1994 (1994 No 164).

30 Crown entity

[Repealed]

Section 30: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

31 Auditor-General to be auditor of Commission

[Repealed]

Section 31: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Miscellaneous provisions

32 Annual report

[Repealed]

Section 32: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

33 Tabling of report in Parliament

[Repealed]

Section 33: repealed, on 21 December 1992, by section 42 of the Public Finance Amendment Act 1992 (1992 No 142).

34 Protection of name

(1) No body shall be incorporated or registered, under any enactment or in any other manner,—

(a) under the name "New Zealand Film Commission"; or

(b) under any other name that so resembles the name of the Commission as to be likely to mislead any person.

(2) No person other than the Commission shall, by himself or with any other person or persons,—

(a) trade or carry on business under the name "New Zealand Film Commission"; or

(b) trade or carry on business under any other name, knowing that the name so resembles the name of the Commission as to be likely to mislead any person.

(3) Any person who contravenes subsection (2) commits an offence and is liable on conviction to a fine not exceeding $200.

(4) In any criminal proceedings in which a person is charged with having contravened subsection (2), it shall be a defence to the charge if he proves that, either by himself or with any other person or persons, he has carried on business continuously under the name to which the charge relates since any date before 23 August 1978.

Section 34(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

35 Application of other enactments

The enactments specified in Schedule 1 are hereby amended in the manner indicated in that schedule.

Section 35: amended, on 24 October 2019, by section 92 of the Statutes Amendment Act 2019 (2019 No 56).

36 Transitional provisions

[Repealed]

Section 36: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Schedule 1AA
Transitional, savings, and related provisions

s 2A

Schedule 1AA: inserted, on 24 October 2019, by section 93 of the Statutes Amendment Act 2019 (2019 No 56).

Part 1
Provision relating to Part 25 of Statutes Amendment Act 2019

Schedule 1AA Part 1: inserted, on 24 October 2019, by section 93 of the Statutes Amendment Act 2019 (2019 No 56).

1 Guarantees and indemnities given before repeal of section 19(3)

No guarantee or indemnity given by the Commission before the repeal of section 19(3) is invalid solely as a result of a failure to comply with that subsection.

Schedule 1AA clause 1: inserted, on 24 October 2019, by section 93 of the Statutes Amendment Act 2019 (2019 No 56).

Schedule 1
Enactments amended

s 35

Schedule 1 schedule number: replaced, on 24 October 2019, by section 94 of the Statutes Amendment Act 2019 (2019 No 56).

Higher Salaries Commission Act 1977 (1977 No 110)

Amendment(s) incorporated in the Act(s).

Local Authorities (Members' Interests) Act 1968 (1968 No 147) (Reprinted 1974, Vol 3, p 2399)

Amendment(s) incorporated in the Act(s).

Public Bodies Contracts Act 1959 (1959 No 98) (Reprinted 1975, Vol 3, p 2251)

Amendment(s) incorporated in the Act(s).

Notes

1 General

This is a consolidation of the New Zealand Film Commission Act 1978 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this reprint

Secondary Legislation Act 2021 (2021 No 7): section 3

Statutes Amendment Act 2019 (2019 No 56): Part 25

Criminal Procedure Act 2011 (2011 No 81): section 413

Crown Entities Act 2004 (2004 No 115): section 200

Gambling Act 2003 (2003 No 51): section 374

Local Government Act 2002 (2002 No 84): section 262

Public Audit Act 2001 (2001 No 10): section 52

Archives, Culture, and Heritage Reform Act 2000 (2000 No 32): section 12

New Zealand Film Commission Amendment Act 1999 (1999 No 42)

Income Tax Act 1994 (1994 No 164): section YB 1

New Zealand Film Commission Amendment Act 1994 (1994 No 49)

Public Finance Amendment Act 1992 (1992 No 142): section 42

New Zealand Film Commission Amendment Act 1985 (1985 No 187)

New Zealand Film Commission Act Commencement Order 1978 (SR 1978/292)

Wellington, New Zealand:
Published under the authority of the New Zealand Government—2022