STATUTORY RULES.

1928. No./32

REGULATIONS UNDER THE CUSTOMS ACT 1901-1925.

THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the Customs Act 1901-1925 to come into operation on and from the Second day of January, 322. 1929.

Dated this Joseph day of Resembles,

Ggaf Stonehaver

By His Excellency's Command,

(Sga) St. S. Gullett.

Minister of State for Trade and Customs.

CUSTOMS (CINEMATOGRAPH FILMS) REGULATIONS.

Part I.—Preliminary.

- 1. These Regulations may be cited as the Customs (Cinematograph short utile. Films) Regulations
 - 2. These Regulations are divided into Parts, as follows:-

Partz

I.—Preliminary.

Part II.—Importation of Films. Part III.—Exportation of Films.

Part IV.—General.

- 3. The Customs (Cinematograph Films) Regulations 1926 (being Statutory Rules 1926, No. 119, as amended by Statutory Rules 1928, No. 65) are repealed.
- 4.—(1) In these Regulations, unless the contrary intention Definitions. appears-
 - "Censor" or "the Censor" means any censor appointed in pursuance of these Regulations, and includes the "Chief Censor";
 - "Film" means a cinematograph film, and includes any positive and negative and any reconstruction thereof;
- (2) Any reference in these Regulations to a form shall be read as a reference to a form in the Schedule to these Regulations.
- 5.—(1) For the purposes of these Regulations, there shall be a Censorship Board and Appeal Board.

 Roard and Appeal Board. Censorship Board and an Appeal Board.

(2) There shall be three members of the Censorship Board consisting of the Chief Censor and two other Censors, who shall be appointed by the Governor-General and one of whom shall be a woman.

- (3) There shall be three members of the Appeal Board, consisting of a Chairman and two other members, who shall be appointed by the Governor-General and one of whom shall be a woman.
- (4) The members of the Censorship Board and the Appeal Board shall hold office for such periods, not exceeding three years, as the Governor-General determines, but shall be eligible for re-appointment.

1186.

- (5) Each of the members of the Censorship Board, not being an Remuneration officer of the Commonwealth Public Service, and the Chairman and each of the members of the Appeal Board, shall receive such fees and such travelling allowance as the Governor-General determines.
- (6) A member of the Censorship Board or the Appeal Board may Removal of be removed from office by the Governor-General for misbehaviour or Member. incapacity.
- 6. In case of the illness or absence of the Chief Censor or mass or any other member of the Censorship Board or of the Chairman or suspension of Chairman or any other member of the Appeal Board, the Governor-General may Member. appoint another person to act as Chief Censor, Chairman or member, as the case may be, during the illness or absence and that person shall, while so acting, have all the powers and perform all the duties of the Chief Censor, Chairman or member:

Provided that no act or proceeding of the Censorship Board or of the Appeal Board shall be invalidated or prejudiced by reason of their being, at the time when the act or proceeding was done, taken or commenced, a vacancy in the membership of the Censorship Board or the Appeal Board, as the case may be.

- 7.—(1) For the conduct of the business of the Censorship Board quorum and Voting or the Appeal Board, any two members shall form a quorum.
- (2) At a meeting of the Censorship Board or the Appeal Board, the decision of the majority shall prevail.
- (3) The Chief Censor or the Chairman of the Appeal Board shall have a deliberative, but not a casting, vote.
- (4) Where, at any meeting of the Consorship Board or the Appeal Board at which one of the members is not present, the members present are divided in opinion upon any question, the determination of that question shall be postponed until a meeting at which all the members are present.
- 8. No action or suit shall be brought or maintained against any Board may person who is or has been a member of the Censorship Board or the not be sued. Appeal Board for any act or omission in connexion with his duties.
- 9.-(1) An appeal shall lie to the Appeal Board from any decision Appeals. of the Censorship Board in any matter arising under these Regulations.
- (2) The appeal may be made not later than fourteen days after the date of the notification to the importer of the decision from which the appeal is made and shall be in accordance with Form 10. appellant shall set out in writing the grounds of his appeal.
- (3) The appellant shall with the appeal deposit a sum of Three guineas. The deposit shall not be returned to the appellant unless in the opinion of the Appeal Board the appeal is completely or substantially upheld.
- (4) Sittings of the Appeal Board shall be convened by the Chairman. Not less than twenty-four hours notice of such sittings shall be given to the appellant.

- (5) The appellant shall have the right to be present at a screening before the Appeal Board.
- (6) The Chief Censor shall give effect to the decision of the Appeal Board.
- (7) On the hearing of the appeal, the Appeal Board may allow the appeal, with or without conditions, or disallow the appeal.
- 10. The decision of the Appeal Board shall be final, provided that Submission to Minister. the Minister may at any stage of the proceedings under these Regulations direct that the matter be submitted to him for determination in which case such action shall be taken as the Minister directs.

Part II.—Importation of Films.

- 11. No film shall be delivered from Customs control until it has Registration been registered in accordance with the provisions of these Regulations and authority for its delivery has been given by the Censor.
- 12. Applications for the registration of films shall be in accordance Form of application. with Form 1.
- 13.—(1) The Censorship Board shall examine each application rowers of Censor in received for the registration of a film, and may, subject to these regard to Regulations—

for registration.

- (a) register the film subject to the conditions imposed by these Regulations, in which case a certificate in accordance with Form 2 shall be issued;
- (b) register the film subject to the conditions imposed by these Regulations and any special conditions which the Censorship Board thinks fit to impose, in which case a certicate of registration in accordance with Form 3 shall be issued; or
- (c) refuse to register the film, in which case a certificate in accordance with Form 4 shall be issued.
- (2) The Chief Censor shall give effect to the decision of the Censorship Board.
- 14. No film shall be registered which, in the opinion of the Censor-Bars to ship Board, or on appeal, in the opinion of the Appeal Board-

(a) is blasphemous, indecent or obscene;

- (b) is likely to be injurious to morality, or to encourage or incite to crime;
- (c) is likely to be offensive to the people of any friendly nation;
- (d) is likely to be offensive to the people of the British Empire;
- (e) depicts any matter the exhibition of which is undesirable in the public interest.
- 15. The Comptroller may require any importer to furnish a general be required. security in accordance with Form 5.
- 16. Any certificate of registration issued under any regulations in Continuance of force prior to the commencement of these Regulations shall be deemed granted under to be a certificate of registration issued under these Regulations. to be a certificate of registration issued under these Regulations. regulations.

17 .- (1) Where a film has been refused registration under these Reconstruction Regulations or under any regulations in force prior to the commence-of rejected ment of these Regulations the importer may within fourteen days, or such further time as the Chief Censor in special circumstances allows, after the date of the certificate of refusal, apply to the Chief Censor. in accordance with Form 6, for permission to reconstruct the film and to submit it to the Censorship Board for review.

- (2) If an appeal is made to the Appeal Board against the refusal of the Censorship Board to register a film and if the appeal is disallowed, an application to the Chief Censor in accordance with Form 6 for permission to reconstruct the film may be made within fourteen days, or such further time as the Chief Censor in special circumstances allows, after the date of the notification of the decision of the Appeal Board.
- (3) Application for permission to reconstruct a film shall be accompanied by a plan setting out in detail the grounds upon which it is claimed reconstruction might be permitted and enumerating any proposed alterations, deletions or additions.
- (4) The Chief Censor may approve or disapprove of any plan of reconstruction submitted to him or so alter or amend it as he deems fit.
- (5) The Consorship Board may, subject to these Regulations, register the film as reconstructed, in which case the appropriate certificate in accordance with Form 2 or Form 3 shall be issued, or may refuse to register the film, in which case a certificate in accordance with Form 4 shall be issued.
- (6) Delivery of a film for the purpose of reconstruction shall not be granted unless the importer gives security to the satisfaction of the Comptroller for the observance of the following conditions:—
 - (a) that no person other than the importer and four bona fide representatives of the importer shall be permitted to be present at any screening of the film;
 - (b) that all eliminated matter will be properly tagged, described and forwarded with the film to such office of the Censorship Board as is directed by the Censor;
 - (c) that within fourteen days after the date of delivery the portion of the film remaining after climination will be returned to the control of the Customs at the licensed warehouse or station from which it was removed for reconstruction.
- (7) One positive print of all matter eliminated from a film shall be retained at the office of the Consorship Board. The remainder of such matter may be re-exported or destroyed under the supervision of the Customs.
- 18. Where registration of a film is refused, the importer shall, Rejected time unless the Minister has directed that the matter be referred to him, or destroyed. within twenty-eight days after the date on which registration was finally refused in accordance with these Regulations, export the film or destroy it under Customs supervision.

19. When a film has been refused registration and has been exported Re-importation from Australia, such film, or any modification thereof shall, unless of rejected permission has previously been granted by the Chief Censor for its reconstruction abroad, be seized on re-importation as a prohibited import.

20.—(1) Any film submitted for registration shall, whenever so screening. required by a Censor, be screened for inspection.

(2) The screening shall be carried out at the risk of the importer.

(3) The screening of films at an office of the Censorship Board for any purposes other than in pursuance of sub-regulation (1) of this regulation or for the purpose of Regulation 17 of these Regulations may be permitted by the Censor at such time and subject to such conditions as he thinks fit upon payment in advance of a fee of two shillings and sixpence for each reel of film.

(4) At any screening required or permitted by the Censor under this regulation the importer and not more than four bona fide representatives of the importer may be present.

21.—(1) One copy of each piece of advertising matter which it Advertising is intended to import and use in the Commonwealth in connexion with matter subject to consorship. the exhibition of films shall, before the importation of that advertising matter, be deposited with the Censorship Board.

(2) The Censorship Board may pass the copy so submitted, and if the advertising matter is passed by the Censorship Board for importa-

tion the copy deposited may be retained by the Board.

- (3) The Censorship Board may approve of the importation of advertising matter subject to the importer giving security, to the satisfaction of the Comptroller, that it will not be used in any form other than the form in which it was passed for importation, and will be used without any direct or indirect addition thereto or comment thereon, unless the consent in writing of the Censorship Board has first been obtained.
- (4) When any advertising matter is rejected by the Censorship Board, or, on appeal, by the Appeal Board, the importer shall within twenty-eight days after final rejection export the advertising matter from Australia or destroy it under Customs supervision.

(5) The provisions of regulations 9 and 10 shall apply mutatis

mutandis to appeals relating to advertising matter.

(6) In this regulation "advertising matter" includes posters, photographs, sketches, programmes, slides and other advertising matter. intended for use in connexion with the exhibition of films.

Part III.—Exportation of Films.

- 22. Applications for permission to export films shall be in accordance Application with Form 7.
- 23. -(1) The Censorship Board shall examine each application Examination received for permission to export a film, and may, subject to these by Censor. Regulations---
 - (a) approve of the exportation of the film either with or without conditions, in which case an export permit in accordance with Form 8 shall be issued; or
 - (b) refuse to approve of the exportation of the film, in which case, a certificate in accordance with Form 9 shall be issued.

- (2) The Chief Censor shall give effect to the decision of the Censorship Board.
- (3) An appeal shall lie from the decision of the Censorship Board to the Appeal Board and the provisions of regulations 9 and 10 shall apply mutatis mutandis to any such appeal.
- 24. No film shall be permitted to be exported which in the opinion Export of the Censorship Board or, on appeal, in the opinion of the Appeal prohibited in certain cases.
 - (a) is blasphemous, indecent or obscene;
 - (b) is likely to be injurious to morality, or to encourage or incite to crime;
 - (c) is likely to be offensive to the people of any friendly nation;
 - (d) is likely to be offensive to the people of the British Empire; or
 - (e) depicts any matter the exhibition of which is undesirable in the public interest or is likely to prove detrimental or prejudicial to the Commonwealth of Australia.
- 25. The export permit issued under paragraph (a) of regulation 23 Delivery of of these Regulations shall be delivered by the exporter to the officer of export permit. Customs at the export ship or Parcels Post at the time the film is brought to the wharf or Parcels Post for shipment, but, when a film is transferred from one port to another for export, the export permit shall be forwarded immediately by the exporter to the Collector of Customs at the port of shipment.
- 26. The Collector may require any film, in respect of which an packing, &c., export permit has been issued, to be so packed or marked as to make of films. it readily identifiable with the export permit.
- 27. A Censor may require any film in respect of which application screening of for permission to export has been made, to be screened for inspection, films. and the screening shall be carried out at the risk of the exporter.

Part IV.—General.

28. In cases where the forms required by any regulations repealed Forms under by these Regulations differ from those prescribed by these Regulations, repealed regulations, the Comptroller may permit the continuance of the use of the first mentioned forms for such time as he considers desirable.

29. The Comptroller may accept, in lieu of any prescribed form, substantial any document which is substantially in accordance with the prescribed compliance form, and the document so accepted shall have all the force and effect of a document in the prescribed form.

THE SCHEDULE.

FORM 1.

Commonwealth of Australia.

Customs (Cinematograph Films) Regulations.

APPLICATION FOR THE REGISTRATION OF A FILM.

19

The Censorship Board.

Application is hereby made for the registration under the Customs (Cinematograph Films) Regulations of the undermentioned film:—

Title of film—
Name of producer—
Class of film—
Country of origin—
No. of reels—
No. of copies being imported into Australia—
No. of feet—
*Ex. s.s.—
*Ex. Parcel Post
*I forward herewith
*I undertake to supply prior to delivery

*I delivery

*I delivery

*I delivery

*I delivery

*I delivery

I undertake in consideration of the registration of the film and its admission into the Commonwealth that I will comply with the provisions of the Customs (Cinematograph Films) Regulations.

Owner or Agent.

*Strike out the words which do not apply.

Certificate No.

FORM 2.

Commonwealth of Australia.

Customs (Cinematograph Films) Regulations.

CERTIFICATE OF REGISTRATION.

The film length reels produced by and imported by has been approved and registered for general exhibition subject to the conditions imposed by the Customs (Cinematograph Films)

Dated at this day of 19

Chief Censor.

Form 3.

Commonwealth of Australia.

Customs (Cinematograph Films) Regulations.

CERTIFICATE OF REGISTRATION.

The film	length	reels	produced
by has been approved and ditions, which shall apply the original importer, s the film, namely:—	y to an y exhibition o	ition subject to the film in Aust	ralia, whether by
	sions of the Custor I be observed;	ns (Cinematograp	di Films) Regu-
name in wh	shall be exhibited en ich it is registered e consent in writing	without any altera	ition or addition
by the imposite to the imposite term of the film as	tising matter used in orter, subsequent pur- irectly or indirectly, i the film by the Ce passed for import injurious to public	rchaser, or any ot to any scene, epi ensorship Board or ation, and shall	her person, shall sode, or wording not included in
	other special condition Board [or the Appe		Censorship
Dated at	his	day of	19
	•		Ohief Censor,
		_	
	Form 4.	Cer	tificate No.
	Commonwealth of	Australia.	
Customs	(Cinematograph Fi	lms) Regulations.	
Сюк	THE CATE OF REFUSAL	TO REGISTER.	
Take notice that reginelength and specified in your app	reels	produced by	
Dated at	this	day of	19
Te			
			Chief Censor.

FORM 5.

Commonwealth of Australia.

Customs (Cinematograph Films) Regulations.

SECURITY TO THE CUSTOMS.

By this security the subscribers are, pursuant to the Customs Act 1901-1925, bound to the Customs of the Commonwealth of Australia in the sum of subject only to this condition, that if—

I. In the event of delivery being given to the importer of any film under the Customs seal for the purpose of forwarding it to an office of the Censorship Board—

(a) the film is forthwith forwarded to such office of the Censorship Board as the Comptroller or the Censor directs; and

(b) after the film has been handed back to the importer or his representative by the Censorship Board unless it has been duly released from the control of the Customs, it is forthwith returned to the control of the Customs at the licensed warehouse or station whence it was removed for the aforesaid purpose and in the same condition as when handed back by the Censorship Board to the importer or his representative; and

II. In the event of delivery being given to the importer of any film for the purpose of reconstruction by the importer—

(a) no person is permitted to be present at any screening of the film except the following, namely—the importer and/or not more than four bona fide representatives of the Concorbin Reards.

of the Censorship Board;
(b) all eliminated matter is properly tagged, described, and forwarded with the film to such office of the Censorship Board as is directed by the Censor: and

by the Censor; and

(c) within fourteen days after the date of delivery, the portion of the film remaining after elimination is returned to the control of the Customs at the licensed warehouse or station from which it was removed for reconstruction; and

III. In the event of delivery being given to the importer of any film under Customs scal for the purpose of forwarding it to a factory for treatment or repair, or, if the film is a negative, for printing therefrom—

(a) the importer prior to delivery of the film gives at least twenty-four hours' notice to the Collector of Customs for the State in which the factory is situate of the exact address of the factory;

(b) the film is within twenty-four hours from time of delivery forwarded to the factory;

(c) the film is treated or repaired, or, if the film is a negative, is used for printing, by the processes of the factory, under the supervision of a Customs officer, within forty-eight hours, or such further time as the Collector allows, from the time of delivery to the factory;

(d) the film is dealt with in all matters to the satisfaction of the Comptroller; and

(e) the film, or where a negative film has been delivered for printing, the negative film and the resultant positive film or films are, within twenty-four hours after treatment, repair or printing, returned to the control of the Customs at the licensed warehouse or station from which delivery was made; and

IV. In the event of the importation of any film being permitted, with or without conditions--

- (a) the film (including its title) is not afterwards exhibited by the importer, subsequent purchaser or any other person in any form other than that in which the importation was permitted, unless the consent in writing of the Censorship Board has first been obtained;
- (b) the advertising matter used in connexion with the film, whether by the importer, subsequent purchaser, or any other person, does not refer, directly or indirectly, to any scene, episode, or wording deleted by the Censorship Board, or which was not included in the film as passed for importation, and is not indecent, obscene, or injurious to public morality; and

(c) all conditions imposed by the Minister or the Censorship Board or the Appeal Board in regard to the film or the advertising matter in connexion therewith are strictly observed; and

V. In the event of the importation being permitted of any advertising matter for use in connexion with films, the advertising matter is not used in any form other than the form in which it was passed for importation by the Censorship Board and is is used without any direct or indirect addition thereto or comment thereon to which the consent in writing of the Censorship Board has not first been obtained;

then this security shall be thereby discharged.

Dated at	this	day of	19
Names and description	ns of subscribers:	Signatures of	subscribers:
	Signatures of wit	nesses:	
• •			

FORM 6

Commonwealth of Australia.

Customs (Cinematograph Films) Regulations. Application for Permission to Reconstruct a Film.

The Chief Censor,

Application is hereby made for permission to reconstruct the film reels produced by , dated refused registration under certificate No.

and

A detailed plan of reconstruction is attached and in submitting this application it is distinctly understood that permission to reconstruct, if granted, does not imply that registration will be granted.

Owner or Agent,

19

FORM 7.

Commonwealth of Australia.

Customs (Cinematograph Films) Regulations.

APPLICATION FOR PERMISSION TO EXPORT A FILM.

The Censorship Board.

Application is hereby made for permission to export under the Customs (Cinematograph Films) Regulations the undermentioned film:-

Title of film-

Name of producer---Class of film---

No. of reels-Length-

No. of copies to be now exported-

Export ship

Port of destination-

Addressee-

- I certify that the film, in whole or in part, is not—

 - (a) blasphemous, indecent or obscene;
 (b) likely to be injurious to morality, or to encourage or incite crime;
 - (e) likely to be offensive to the people of the British Empire, or to the people of any friendly nation; or

(d) undesirable in the public interest, or likely to prove detrimental or prejudicial to the Commonwealth of Australia.

Owner or Agent.

FORM 8.

Permit No.

Commonwealth of Australia.

Customs (Cinematograph Films) Regulations.

19

Export Permit.

State of— Port of—

To the Officer of Customs,

The provisions of the Customs (Cinematograph Films) Regulations have been complied with in respect of the undermentioned film which may be shipped per for

Harks.	Exporter.	Film.	Length in Reels
		,	
	i i		
:			

Ohief Clenson.

Shipped the above film.

Officer of Customs.

19

1.1

Date-

Note.—This form is to be issued in duplicate by the Censor, and both original and duplicate must be delivered by the exporter to the Customs officer at the export ship or parcels post at the time the film is brought for shipment. The original is to be returned by the Customs officer, after shipment of the film, to the Censorship Board at

and the duplicate retained with the ship's papers.

FORM 9.

Commonwealth of Australia.

Customs (Cinematograph Films) Regulations.

CERTIFICATE OF REFUSAL TO ISSUE EXPORT PERMIT.

	Take	notice	$_{ m that}$	an	export	permit	is	refused	in	respect	of	the
film	α,				len	gth		reels .			prod	uced
								your app				
per	mit da	ated the				day c	of			19		
	Dated	at			this	· · · · · · · · ·		day o	f		19	
пз.												

Chief Censor.

FORM 10.

Commonwealth of Australia.

Customs (Cinematograph Films) Regulations.

NOTICE OF APPEAL.

The Chairman,
Appent Board.
I hereby appeal against the decision of the Censorship Board referring to th
ilmwith regard to—
Strike out clauses not j (a) Registration. Strike out clauses not j (b) Exportation. applicable. $\{c\}$ Re-construction. $\{d\}$ Advertising matter.
The grounds of the appeal are as follows:—
I forward herewith the sum of Three guineas subject to the conditions of the Regulations.
DateOwner or Agent.
Date
Decision of Appeal Board.
Decision of Appeal Board. Strike out clause not Deposit to be retained. applicable. Deposit to be returned to appellant.
Decision of Appeal Board. Strike out clause not { Deposit to be retained. applicable. { Deposit to be returned to appellant
Decision of Appeal Board. Strike out clause not { Deposit to be retained. applicable. { Deposit to be returned to appellant
Decision of Appeal Board. Strike out clause not { Deposit to be retained. applicable. { Deposit to be returned to appellant

By Authority: H. J. GREEN, Government Printer, Canberra.