

Film Victoria (Reconstitution) Bill 1982

NOTES ON CLAUSES

Clause 1

Sub-clauses (1) and (2) state the short title of the proposed Act and name the Principal Act.

Sub-clause (3) provides for the Act to come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*.

Clause 2

Sub-clause (2A) provides for the inclusion in the Principal Act of the interpretation of "Director".

Sub-clause (2B) provides for the inclusion in the Principal Act of the interpretation of "Producer".

Clause 3

Sub-clause 3 (1) deletes section 5 of the Principal Act relating to the Constitution of the Corporation of Film Victoria and substitutes a new section 5 reconstituting the Corporation with a chairman and not less than six, and not more than ten, other members, all appointed by the Governor in Council.

Provision is made for representation of writers, directors and distributors; a specified term of appointment with eligibility for reappointment; removal of members from office; vacancies; payment of fees, allowances and expenses; and appointment of a pool of deputies and the powers and rights of deputies.

A savings provision is included deeming that the Corporation of Film Victoria shall be the same body, on and after, as before the commencement of the Film Victoria (Reconstitution) Act.

Sub-clause 3 (2) amends section 6 (1) of the Principal Act, consequent upon the new section 5 (1) (b), by providing that a majority of members "for the time being in office" shall constitute a quorum.

Clause 4

Sub-clause 4 (1) (a) amends section 8 (2) of the Principal Act and is consequent upon the amendment of section 9.

The current section provides that a person may be a member of a committee formed by the Corporation of Film Victoria, notwithstanding that he is neither a member of the Corporation nor an officer or employee appointed in accordance with section 9. This amendment substitutes for the words "appointed or employed in accordance with section 9" the words "in the public service" which are consistent with the amendment to section 9.

Sub-clause 4 (1) (b) amends section 8 (3) of the Principal Act, which provides for remuneration and travelling and other expenses and allowances for members of committees formed by the Corporation, by deleting from the category of non-entitlement of these benefits an officer or employee of the teaching service or a member or employee of the Corporation.

Sub-clause 4 (2) deletes section 9, 10 and 11 of the Principal Act, which relate to the staffing provisions for Film Victoria, and substitutes therefore a new section 9 which provides that officers and employees shall be appointed subject to the *Public Service Act 1974*.

Sub-clause 4 (3) amends Schedule 3 of the *Public Service Act 1974*, which relates to the granting of permanent head status to certain officers of branches and offices, by deleting reference to Film Victoria and the Director, Film Victoria.

Clause 5

Sub-clause 5 (1) amends section 13 (1) of the Principal Act, firstly, by deleting those current functions of the Corporation described in paragraphs (b), (c), (d), and (f) which will revert back to either the Audio Visual Resources Branch of the Education Department or the State Film Centre with the enactment of this Bill. Secondly, this sub-clause substitutes new paragraphs (b) which provides for the Corporation to undertake production of films in its own right; (ba) which provides for the Corporation to promote and participate in any arrangement or agreement for the financing of film production; and (f) which provides for the Corporation to conduct research for the purpose of improving the quality and effectiveness of films and sound recordings.

Sub-clause 5 (2) amends section 14 (1) of the Principal Act, which relates to the powers of the Corporation, by deleting paragraph (e), a power which will revert back to the State Film Centre, and substitutes a new paragraph (e) providing for the Corporation to undertake the production of any film on its own behalf or for any other person or organization.

Sub-clause 5 (3) substitutes section 15 (6) of the Principal Act to provide that section 15 does not apply to the production of a film or sound recording only for use for educational purposes by the Education Department or the Audio Visual Resources Branch of that Department.

Sub-clause 5 (4) deletes section 16 of the Principal Act as a consequence of changes in the Corporation's functions and powers.

Clause 6 amends the Schedule to the *Ministry for the Acts Act 1972* as a consequence of the enactment of the *Film Victoria Act 1981*. The amendment to the Schedule was omitted from the *Film Victoria Act 1981* when it was drafted.