

89. The Committee also considers that the right of approach to the Board by the various sections of the industry is too limited. At present it requires the consent of both parties to a dispute before the Board can deal with the matter. In some quarters it was argued that to give to any person in the industry who felt aggrieved a right of reference to the Board would "clutter up" the Board with trivial complaints; the Committee is not satisfied that this would be the case, and in any event feels that a power given to the Board to impose costs upon a person or company bringing frivolous or vexatious or trivial questions before it would be a salutary deterrent. It is significant that Kerridge-Odeon (in whose printed statement was an undertaking to refer all disputes with independents to the Film Industry Board) used the presence in the witness-box of Mr. R. H. Allen, secretary of Amalgamated Theatres, to invite (and secure) a bargain with his company that so long as the constitution of the Board remained substantially the same his company would abide by any decision of the Board on any complaint regarding that company. The Committee therefore recommends that any person connected with the industry who has any complaint against or grievance with any other person connected with the industry shall have the right (subject to the imposition of costs as stated above) to have his complaint or grievance dealt with by the Board on the basis that the decision of the Board shall be binding on both parties.

90. This, however, raises the question of whether there shall be some appeal from the decisions of the Board. When parties voluntarily accept the arbitration of the Board it is only right that the decision of the Board should be final, but when a person can compel his adversary to submit to the decision of the Board there may arise circumstances which would warrant some right of appeal. In the opinion of the Committee, however, such an appeal authority would still be unnecessary whilst the Board continued to function as it does at present, and, indeed, it would strengthen the authority of the Board within the industry if it were known that its decisions were final, the Board itself having been selected by the industry as the most satisfactory body for the handling of disputes. If, however, under the Committee's earlier recommendation, it became necessary to replace the Board by a similar body set up by statute or regulation, consideration might well have to be given to appointing some judicial person or judicial body to act as an appeal authority, but again only when the dispute had not voluntarily been committed to the new Board by the parties to the dispute.

91. The Committee feels that in at least one respect the constitution of the Board is not wholly satisfactory to certain of the operators in the industry. By the terms of the agreement under which the Board is constituted it consists of nine persons, four being appointed by the distributors and four by the exhibitors, with a Chairman who shall be a Magistrate or a retired Magistrate appointed by the Minister of Internal Affairs. It has been the practice of the exhibitors to have their four members appointed on the basis of one from each of the two chains and two from the independents. It is questionable whether this is a just balance. By a process which is a natural development of the growth of the chains, the independents have increasingly tended to become divided into two camps (although many independent exhibitors belong to both camps), the broad difference between the two being that one group finds itself operating in competition with the chains in local situations whilst the other group is not subjected to real competition. The most striking example of this fact was that the Independent Cinemas Association, through the Hon. John Robertson, put a separate case before the Committee from the other independents, represented by Mr. Guy, and it emerged in evidence that at the present time the two independent members of the Film Industry Board were appointed out of the group represented by Mr. Guy, so that the group represented by the Hon. John Robertson had no representative on the Board. Previously the reverse was the case, and there is obviously a quite different point of view represented on the Board according to who wins the election on the appointment of the independent representatives