

1993
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

**Publications Control (Amendment) Bill
1993**

**A BILL
FOR
An Act to amend the *Publications Control
Act 1989***

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

- 5 1. This Act may be cited as the *Publications Control (Amendment) Act 1993*.

Commencement

- 10 2. (1) Sections 1, 2 and 3 commence on the day on which this Act is notified in the *Gazette*.
 (2) The remaining provisions commence on a day, or respective days, fixed by the Minister by notice in the *Gazette*.

83019 1992/188 (T19/93)

(3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

5 Principal Act

3. In this Act, "Principal Act" means the *Publications Control Act 1989*.¹

Interpretation

4. Section 3 of the Principal Act is amended—

- 10 (a) by inserting "of the Classification Ordinance" after "35 (5)" in the definition of "determined markings"; and
- (b) by inserting the following definition:
- " "MA" film' means a film classified as such;"

Sale, hire and distribution of video tapes and discs

15 5. Section 12 of the Principal Act is amended by inserting after paragraph (c) of the penalty in subsection (1) the following paragraph:

"(ca) in the case of an unclassified video tape or video disc that is subsequently classified as an 'MA' film—\$500;"

20 Publishing Category 1 and 2 restricted publications and "MA", "R" and "X" films

6. Section 18 of the Principal Act is amended by omitting paragraph (b) and substituting the following paragraph:

"(b) an 'MA', 'R' or 'X' film;"

25 Conditions of publication applying to Category 1 and 2 restricted publications and "MA", "R" and "X" films

7. Section 19 of the Principal Act is amended by inserting after subsection (1) the following subsection:

"(1A) The following conditions apply in relation to an 'MA' film:

- 30 (a) the film shall not, without reasonable excuse, be sold, let on hire or delivered to a person under the age of 15 years, other than by a parent or guardian of that person;
- (b) the film shall not be exhibited or displayed in a public place unless the container, wrapping and casing in which the film is contained bear the determined markings."

Depositing Category 1 and 2 restricted publications and "MA", "R" and "X" films in public places

8. Section 20 of the Principal Act is amended by omitting paragraph (b) and substituting the following paragraph:

- 5 “(b) an ‘MA’, ‘R’ or ‘X’ film;”.

Depositing Category 1 and 2 restricted publications and "MA", "R" and "X" films on private premises

9. Section 21 of the Principal Act is amended by omitting paragraph (b) and substituting the following paragraph:

- 10 “(b) an ‘MA’, ‘R’ or ‘X’ film;”.

Video tapes and discs—trailers

10. Section 22 of the Principal Act is amended—

(a) by inserting after paragraph (c) the following paragraph:

- 15 “(ca) in the case of a video tape, or a video disc, that is an ‘MA’ film—the advertised film is a ‘G’, ‘PG’, ‘M’ or ‘MA’ film;”; and

(b) by inserting in paragraph (d) “, ‘MA’ ” after “ ‘M’ ”.

Exemptions

- 20 11. Section 38 of the Principal Act is amended by omitting from paragraph (2) (a) “ ‘R’ film or an ‘X’ film” and substituting “ ‘MA’, ‘R’ or ‘X’ film”.

NOTE

1. Reprinted as at 7 November 1991.