

1990
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

Presented,

(Mr Stevenson)

**Publications Control (Amendment) Bill
1990**

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 1990*.

Principal Act

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

Interpretation

3. Section 3 of the Principal Act is amended—

(a) by omitting “paragraph (b)” from the definition of “objectionable child publication” and substituting “subparagraph (b) (iii)”; and

(b) by omitting the definition of “objectionable publication” and substituting the following definition:

“‘objectionable publication’ means—

(a) an ‘X’ film; or

(b) an unclassified publication, or unapproved advertising matter in relation to a film, that—

(i) has been refused classification or approval, as the case requires;

(ii) describes, depicts, expresses or otherwise deals with matters of sex, drug misuse or addiction, crime, cruelty, violence or revolting or abhorrent phenomena in a manner that is likely to cause offence to a reasonable adult;

(iii) depicts in pictorial form a child (whether engaged in sexual activity or otherwise) who is, or who is apparently, under the age of 16 years in a manner that is likely to cause offence to a reasonable adult; or

(iv) promotes, incites or instructs in matters of crime or violence;”.

Possession of objectionable publications

4. Section 6 of the Principal Act is amended by adding at the end the following subsection:

“(2) For the purposes of subsection (1), where a person possesses 5 or more objectionable publications, it is to be presumed that the possession is for the purpose of publication, but that presumption is rebuttable.”.

Keeping objectionable publications at premises

5. Section 7 of the Principal Act is amended by adding at the end the following subsection:

“(2) For the purposes of subsection (1), where the occupier of any premises keeps, or permits to be kept, at those premises 5 or more objectionable publications, it is to be presumed that the publications are kept there for the purpose of publication, but that presumption is rebuttable”.

Producing objectionable child publications

6. Section 11 of the Principal Act is amended by adding at the end the following subsection:

“(2) For the purposes of subsection (1), where a person prints or otherwise makes or produces 5 or more copies of an objectionable child

publication, it is to be presumed that those copies are printed, made or produced for the purpose of publication, but that presumption is rebuttable.”.

Sale etc of video tapes and discs

7. Section 12 of the Principal Act is amended—

- 5 (a) by omitting from paragraphs (c), (d) and (e) of the penalty at the foot of subsection (1) “a” and substituting “an”; and
- (b) by omitting from paragraph (e) of the penalty at the foot of subsection (1) “\$800” and substituting “\$1,000 or imprisonment for 6 months, or both”.

10 **Objectionable publications—general character**

8. Section 15 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

“(2) Subsection (1) does not apply to—

- (a) an ‘X’ film;
- 15 (b) a publication that has been refused classification; or
- (c) advertising matter in relation to a film, being advertising that has been refused approval.”.

Exemption of literary etc works

9. Section 16 of the Principal Act is amended by—

- 20 (a) by inserting before paragraph (2) (a) the following paragraph:
- “(aa) an ‘X’ film;”; and
- (b) by omitting from paragraph (2) (c) “paragraph (b) or (c)” and substituting “subparagraph (b) (iii) or (iv)”.

Subsequent classification

- 25 10. Section 17 of the Principal Act is amended by inserting in subparagraph (a) (i) “otherwise than as an ‘X’ film” after “classified”.

Publishing certain classified publication

11. Section 18 of the Principal Act is amended by omitting from paragraph (b) “or an ‘X’ film”.

30 **Conditions of publication of certain classified publications**

12. Section 19 of the Principal Act is amended—

- (a) by omitting from subsection (1) “a publication that is classified as”; and
- 35 (b) by omitting from subsection (3) “an ‘X’ film or a publication that is classified as”.

Depositing certain classified publications in public places

13. Section 20 of the Principal Act is amended by omitting from paragraph (b) “or an ‘X’ ”.

Depositing certain classified publications on private premises

14. Section 21 of the Principal Act is amended by omitting from paragraph (b) "or an 'X'".

Video tapes and discs—trailers

15. Section 22 of the Principal Act is amended—

(a) by omitting "classified video tape or video disc" and substituting "video tape, or a video disc, classified otherwise than as an 'X' film"; and

(b) by omitting paragraphs (a) and (b) and substituting the following paragraphs:

"(a) in the case of a video tape, or a video disc, classified as a 'G' film—the advertised film is a 'G' film;

(b) in the case of a video tape, or a video disc, classified as a 'PG' film—the advertised film is a 'G' or 'PG' film;

(c) in the case of a video tape, or a video disc, classified as an 'M' film—the advertised film is a 'G', or 'PG' or 'M' film; or

(d) in the case of a video tape, or a video disc, classified as an 'R' film—the advertised film is a 'G', 'PG', 'M' or 'R' film."

Restricted publications areas

16. Section 28 of the Principal Act is amended by omitting from subsection (3) "or an 'X' film,".

NOTE

1. Ordinance No. 47 of 1989 as amended by No. 21, 1989.

