

1989-90  
THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Mr Stevenson)

**Publications Control (Amendment) Bill  
(No. 2) 1990**

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**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**

1. This Act may be cited as the *Publications Control (Amendment)*  
5 *Act (No. 2) 1990*.

**Principal Act**

2. In this Act, "Principal Act" means the *Publications Control Act*  
*1989*.<sup>1</sup>

15905/90 (T71/90)—Cat. No.

200/26.11.1990

**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 5
- (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— 10
    - (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; 15
    - (iii) depicts in pictorial form a child (whether engaged in sexual activity or otherwise) who is, or is apparently, under the age of 16 years in a manner that is likely to cause offence to a reasonable adult; 20
    - or
    - (iv) promotes, incites or instructs in matters of crime or violence;”. 25

**Sale etc. of films**

4. Section 12 of the Principal Act is amended—

- (a) by omitting “video tape or video disc” (wherever occurring) and substituting “film”; 30
- (b) by omitting from paragraphs (c), (d) and (e) of the penalty at the foot of subsection (1) “a” and substituting “an”; and
- (c) 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”.

**Objectionable publications—general character** 35

5. 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;
- (b) a publication that has been refused classification; or 40
- (c) advertising matter in relation to a film, being advertising that has been refused approval.”.

**Exemption of literary etc. works**

6. Section 16 of the Principal Act is amended—

(a) by inserting before paragraph (2) (a) the following paragraph:

“(aa) an ‘X’ film;”; and

5 (b) by omitting from paragraph (2) (c) “paragraph (b) or (c)” and substituting “subparagraph (b) (iii) or (iv)”.

**Subsequent classification**

7. Section 17 of the Principal Act is amended by inserting “a film,” after “than”.

10 **Publishing certain classified publication**

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

**Conditions of publication of certain classified publications**

9. Section 19 of the Principal Act is amended—

15 (a) by omitting from subsection (1) “a publication that is classified as”;

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

(c) by adding at the end of paragraph 3 (d) “and”; and

20 (d) by omitting paragraphs 3 (f) and (g) and subsection (4).

**Depositing certain classified publications in public places**

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

**Depositing certain classified publications on private premises**

25 11. Section 21 of the Principal Act is amended by omitting from paragraph (b) “or an ‘X’ ”.

**Video tapes and discs—trailers**

12. Section 22 of the Principal Act is amended—

30 (a) by omitting “classified video tape or video disc” and substituting “video tape, or a video disc. classified otherwise than as an ‘X’ film”;

(b) by adding at the end of paragraph (c) “or”;

(c) by omitting from paragraph (d) “or” (last occurring); and

(d) by omitting paragraph (e).

35 **Video tapes and discs—false advertisement of classification**

13. Section 23 of the Principal Act is amended by adding at the end the following subsection:

“(2) Subsection (1) does not apply to advertising matter in relation to a video tape or a video disc that is classified as an ‘X’ film.”.

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**Advertising matter**

14. Section 27 of the Principal Act is amended by omitting subsections (3) and (4).

**Restricted publications areas**

15. Section 28 of the Principal Act is amended by omitting from subsection (3) "or an 'X' film,". 5

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**NOTE**

1. Ordinance No. 47, 1989 as amended by No. 21, 1989; Act No. 15. 1990.