

**1993**

**AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY**

**PUBLICATIONS CONTROL (AMENDMENT) BILL 1993**

**EXPLANATORY MEMORANDUM**

**Circulated by authority of  
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## AUSTRALIAN CAPITAL TERRITORY

### PUBLICATIONS CONTROL (AMENDMENT) BILL 1993

#### OUTLINE

This Bill amends the *Publications Control Act 1989* to recognise the Commonwealth's new "MA" classification of films and videos for mature audiences (i.e. 15 years and over), and to provide for the control of their display, hire or sale of videos.

"MA" means "mature audiences" and the classification will be restricted to persons 15 years and older, unless accompanied by a parent or guardian. The material depicted in the classification is that which contains coarse language or depictions of sex or violence likely to disturb, harm or offend those under 15 years of age. The "MA" classification will be placed between "M" and "R" for films and videos.

This Bill introduces regulatory measures to restrict the display, hire or sale of "MA" videos to persons under the age of 15 years. This means that the local video shop will have to apply the same restrictions as are now applied to R-rated videos, the applicable age in this case being 15 years.

**Financial Considerations:** There are no financial considerations involved.

#### FORMAL CLAUSES

**Clauses 1 2 and 3** are formal requirements. They refer to the short title of the Bill, establish the meaning of the term 'Principal Act' as the *Publications Control Act 1989*, establish the commencement day of sections 1, 2 and 3 as the day on which the Act is notified in the Gazette and establish the commencement day of the remaining provisions as the day fixed by the Minister by notice in the Gazette or on the first day after the period of 6 months has passed from when the Act was notified in the Gazette.

#### AMENDMENTS

**Clause 4** is definitional. It corrects an error in the definition of "determined markings" in section 3 of the Principal Act, and establishes the classification of "'MA" film" as one so classified under the *Classification Ordinance 1983* - the Commonwealth legislation which is the authority for classification of films.

**Clause 5** amends section 12 of the principal Act by providing for a penalty of \$500 for selling, letting on hire or distributing a video tape or video disc that has not been classified or that has been refused classification, which is subsequently classified as an "MA" film.

**Clause 6** amends section 18 of the principal Act to include "MA" among those which are not to be published otherwise than in accordance with the applicable conditions set out in section 19.

**Clause 7** amends section 19 of the principal Act to provide that an "MA" film shall not be sold, hired or delivered to someone under 15 years old, other than by a parent or guardian of that person, and exhibition or display in a public place requires that the container bear the required markings.

**Clause 8** amends section 20 of the principal Act to provide that an "MA" film may not be deposited in a public place.

**Clause 9** amends section 21 of the principal Act to provide that an "MA" film may not be deposited in private premises without the occupier's permission.

**Clause 10** amends section 22 of the principal Act to prohibit a classified tape or video disc from being sold, let on hire, exhibited or displayed for sale or hire in a public place or exhibited or displayed in a public place if, after classification, it has been edited to include a trailer advertising another film, unless 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, or in the case of a video tape, or a video disc, that is an "R" film—the advertised film is a "G", "PG", "M" "MA" or "R" film.

**Clause 11** amends section 38(2)(a) of the principal Act to include an "MA" film in the list of those films which may be published to a prescribed person or body.