

EXPLANATORY STATEMENT
AUSTRALIAN CAPITAL TERRITORY
PUBLICATIONS CONTROL REGULATIONS

1989 No. 12

The Publications Control Ordinance 1989 (the Ordinance) provides for the control of distribution of classified publications, including films and videos.

Section 39 of the Ordinance gives the Minister a general power to make regulations not inconsistent with the Ordinance.

Subsection 19(3) of the Ordinance provides that "X" films and Category 2 restricted publications must not be exhibited or displayed except in a restricted publications area. Section 28 provides certain requirements for the management of a restricted publications area.

'Restricted publications area' is defined in section 3 of the Ordinance. The definition refers to premises constructed, conducted and managed in accordance with requirements prescribed in the Regulations.

The Publications Control Regulations (the Regulations) set out requirements for the construction, management and control of restricted publications areas.

Subsection 38(2) of the Ordinance provides that it is not an offence to publish to a prescribed person or body a Category 1 or Category 2 restricted publication, an "R" film or an "X" film, or a video that is unclassified or has been refused classification.

The Regulations provide that certain bodies are prescribed for the purpose of subsection 38(2).

Details of the Regulations are as follows:

Clause 1 provides that the Regulations may be cited as the Publications Control Regulations.

Clause 2 provides that "the Ordinance" means the Publications Control Ordinance 1989.

Clause 3 provides detailed requirements for the construction, management and control of restricted publications areas.

Subclause (1) provides that they must be constructed so that no part of the interior is visible to a person outside the area.

Subclause (2) provides that a restricted publications area must have a door or gate capable of excluding persons from the area and that it is to be closed when the area is not open to the public.

Subclause (3) provides that the proprietor or adult in charge of the area is to be in attendance in or near the area when ever it is open to the public.

Clause 4 prescribes details of the notice required under subsection 28(2) of the Ordinance to be displayed on or near the entrance to a restricted publications area.

Clause 5 provides that the following are prescribed bodies for the purposes of subsection 38(2) of the Ordinance.

- . Each college of technical and further education in the Territory
- . The Australian National University
- . The Canberra College of Advanced Education
- . The National Library of Australia
- . The Australian National Gallery.

This has the effect that it is not an offence for persons to publish Category 1 or 2 restricted publications "R" films, or "X" films, or videos which are unclassified or have been refused classification to those bodies.

Issued by authority of
the Minister for Arts
and Territories