

2000  
THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Mr Rugendyke)

**Adult Entertainment and Restricted Material  
Bill 2000**

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**Adult Entertainment and Restricted Material  
Bill 2000**

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**A BILL**

FOR

**An Act to restrict the provision of adult entertainment and  
sale of restricted material to certain areas**

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

**1 Name of Act**

This Act is the *Adult Entertainment and Restricted Material Act 2000*.

**2 Commencement**

5 This Act commences on a day fixed by the Minister by notice in the Gazette.

*Note 1* The provisions of an Act providing for its name and commencement automatically commence on the date of notification of the Act (see *Interpretation Act 1967*, s 10B).

5 *Note 2* A single day or time may be fixed, or different days or times may be fixed for different provisions (see *Interpretation Act 1967*, s 10C (1)).

*Note 3* If a provision has not commenced within 6 months beginning on the date of notification of the Act, it automatically commences on the first day after that period (see *Interpretation Act 1967*, s 10E (2)).

### 3 Dictionary

10 The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain words and expressions used in this Act.

15 *Note 2* A definition in the dictionary applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see *Interpretation Act 1967*, s 11F and s 11G).

### 4 What is *adult entertainment*?

20 (1) *Adult entertainment* is entertainment that a reasonable adult would consider inappropriate to be seen by a child because it involves nudity or a state of dress that offends against the standards of propriety generally accepted by reasonable adults.

*Example of adult entertainment*

Table top dancing.

*Example of entertainment that is not adult entertainment*

Display of cultural dancing in cultural costume.

25 (2) *Adult entertainment* does not include a play, show or film at a theatre or cinema.

### 5 What is *restricted material*?

(1) *Restricted material* means the following:

- 30 (a) films that are classified X or R;
- (b) category 1 or category 2 restricted publications;
- (c) equipment for use in—
- (i) acts of a sexual nature; or
  - (ii) torture or extreme violence or cruelty; or
  - (iii) revolting or abhorrent phenomena;

(d) any other material prescribed under the regulations for this section.

(2) In this section—

5 *act of a sexual nature* includes sexual intercourse or an act of indecency.

*category 1 restricted publication* means a publication classified as category 1 restricted.

*category 2 restricted publication* means a publication classified as category 2 restricted.

10 *classified*—

(a) means classified under the *Classification (Publications, Films and Computer Games) Act 1995* (Cwlth); and

(b) includes reclassified under that Act.

## 6 **Adult entertainment prohibited**

15 A proprietor of premises that are a public place must not provide adult entertainment at the premises.

Maximum penalty: 100 penalty units, imprisonment for 12 months or both.

## 7 **Selling restricted material prohibited**

20 (1) This section applies to premises a major use of which is the sale of restricted material if the premises are a public place.

(2) The proprietor of the premises must not sell restricted material at or from the premises.

Maximum penalty: 100 penalty units, imprisonment for 12 months or both.

## 8 **Exemption to prohibition on adult entertainment and selling restricted material**

25 Sections 6 and 7 do not apply to premises that are in—

(a) the Division of Fyshwick in the Canberra Central District; or

(b) the Division of Mitchell in the Gungahlin District; or

(c) the Division of Hume in the Tuggeranong District.

**DICTIONARY**

(Sec.s 3)

**adult entertainment**—see section 4.

**owner**, of premises, means the person who holds a lease of the premises from the Commonwealth.

**proprietor**, of premises, means—

- (a) the owner of the premises; or
- (b) if the premises are occupied by someone other than the owner—the occupier of the premises.

**public place** means a place that—

- (a) the public, or a section of the public, is entitled to use; or
- (b) is open to, or is being used by, the public or a section of the public;

whether on payment of money, because of membership of a body, or otherwise.

**sell**—

- (a) means sell, exchange or hire out by retail or wholesale; and
- (b) includes—
  - (i) offer or display for sale, exchange or hire; and
  - (ii) agree to sell, exchange or hire;by retail or wholesale.