

AN ORDINANCE

Relating to the conditions subject to which Films may be Exhibited.

I THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the Seat of Government (Administration) Act 1910-1970.

Dated this nineteenth day of October, 1971.

PAUL HASLUCK
Governor-General.

By His Excellency's Command,

RALPH J. HUNT
Minister of State for the Interior.

FILM CLASSIFICATION ORDINANCE 1971

1. This Ordinance may be cited as the Film Classification Ordinance 1971.* Short title.

2. This Ordinance shall come into operation on a date to be fixed by the Minister by notice published in the Gazette. Commencement.

3. In this Ordinance, unless the contrary intention appears— Definitions.

“ advertising matter ”, in relation to a film, means—

(a) a trailer or any extract from, or part of, the film; or

(b) a poster, photograph, sketch, programme, slide or printed matter,

used for, or prepared for the purpose of, giving publicity to the film;

“ exhibit ”, in relation to a film, means exhibit the images of the film by means of a cinematograph, and “ exhibition ” has a corresponding meaning;

“ film ” means a roll or tape containing successive images produced by photographic means and capable of being exhibited by means of a cinematograph;

“ the prescribed date ” means the date of commencement of the Theatres and Public Halls and Cinematograph Films (Amendment) Act, 1971 of the State of New South Wales;

* Notified in the Commonwealth Gazette on 22 October 1971.

“the State Act” means the Theatres and Public Halls Act, 1908 of the State of New South Wales or of that Act as amended and in force for the time being.

Prohibition of exhibition of certain films.

4.—(1.) The exhibition of a film to persons on payment of a charge or on presentation of a ticket or other token is prohibited unless—

- (a) the film has been registered under the State Act and it is exhibited under the name under which it is so registered and in the form, without alteration or addition, in which it is so registered; or
- (b) the film is a film that has been exempted from registration under the State Act.

(2.) Where a film has been registered under the State Act subject to conditions, the exhibition in the Territory of the film to persons on payment of a charge or on presentation of a ticket or other token is prohibited unless those conditions are complied with.

(3.) Where a film has been exempted from registration under the State Act subject to conditions, the exhibition of the film is prohibited unless those conditions are complied with.

Classification of films registered after prescribed date to be shown.

5.—(1.) This section applies to a film that has been registered under the State Act after the prescribed date.

(2.) The exhibition of a film to which this section applies to persons on payment of a charge or on presentation of a ticket or other token is prohibited unless, at the commencement of the exhibition of the film, there is exhibited an image that specifies—

- (a) the classification that has been assigned to the film under the State Act; or
- (b) the symbol that is the appropriate symbol for the classification assigned to the film under the State Act.

(3.) The publication, by any means whatsoever, of advertising matter relating to a film to which this section applies is prohibited unless the advertising matter contains in a position in which it is clearly visible having regard to the size and nature of the advertising matter—

- (a) a statement specifying the classification assigned to the film under the State Act; or
- (b) the symbol that is the appropriate symbol for the classification assigned to the film under the State Act.

Penalty for exhibiting film in contravention of this Ordinance.

6. Where a film is exhibited in contravention of section 4 or 5 of this Ordinance, the person who conducts the exhibition of the film and the person who has the management and control of the place at which the film is exhibited are each guilty of an offence against this Ordinance and are liable, on conviction, to a penalty not exceeding One hundred dollars.

7. Where advertising matter in relation to a film is published in contravention of sub-section (3.) of section 5 of this Ordinance, the person who caused the advertising matter to be published is guilty of an offence against this Ordinance and is liable, on conviction, to a penalty not exceeding One hundred dollars.

Penalty for publishing advertising matter in contravention of section 5.

8.—(1.) This section applies to a film that has been registered under the State Act after the prescribed date and, upon being so registered, has been classified as a restricted film.

Admission of young persons to films classified as restricted films.

(2.) Where—

- (a) a film to which this section applies is, or is about to be, exhibited to persons on payment of a charge or on presentation of a ticket or other token; and
- (b) a person whose age is between six years and eighteen years is in a place from which the exhibition of the film is, or will be, capable of being seen,

the person who has the management of the place at which the film is, or is about to be, exhibited and each person who receives or is entitled to receive any of the proceeds from the exhibition of the film are each guilty of an offence against this Ordinance and are liable on conviction to a penalty not exceeding Fifty dollars.

(3.) It is a defence to a prosecution for an offence against the last preceding sub-section if it is proved that—

- (a) the person charged with the offence took reasonable precautions designed to ensure that persons whose ages were between six years and eighteen years were not admitted to the exhibition; and
- (b) the person named in the charge as being the person whose age was, on the relevant date, between six years and eighteen years might be believed, on reasonable grounds, to have been of an age other than an age between those ages.

(4.) For the purposes of this section, a person is a person whose age is or was, on a specified date, between six years and eighteen years if that person has or had, on that date, attained the age of six years and has or had, on that date, not attained the age of eighteen years.

9. For the purposes of section 5 of this Ordinance, the appropriate symbol is—

Prescribed symbols.

- (a) in the case of a film to which that section applies that has been classified "For general exhibition" under the State Act—the letter "G" in a triangle;
- (b) in the case of a film to which that section applies that has been classified "Not recommended for children" under the State Act—the letters "NRC" in a rectangle;
- (c) in a case of a film to which that section applies that has been classified "For mature audiences" under the State Act—the letter "M" in a circle; and

- (d) in the case of a film to which that section applies that has been classified "For restricted exhibition" under the State Act—the letter "R" in a diamond.

Evidentiary provisions.

10. A document or certificate that purports to be a document or certificate that is, in proceedings in a court in the State of New South Wales for an offence against the State Act, evidence of a matter stated in the document or certificate, is, in proceedings for an offence against this Ordinance, evidence of the matter stated in the document or certificate.