

AUSTRALIAN CAPITAL TERRITORY

Film Classification (Amendment) Ordinance 1985

No. 7 of 1985

I, THE GOVERNOR-GENERAL of 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*.

Dated 28 February 1985.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

LIONEL BOWEN
Attorney-General

An Ordinance to amend the *Film Classification Ordinance 1971*

Short title

1. This Ordinance may be cited as the *Film Classification (Amendment) Ordinance 1985*.¹

Principal Ordinance

2. In this Ordinance, "Principal Ordinance" means the *Film Classification Ordinance 1971*.²

Interpretation

3. Section 3 of the Principal Ordinance is amended—

(a) by inserting after the definition of "film" the following definition:

“ ‘the former State Act’ means the Theatres and Public Halls Act, 1908 of the State of New South Wales;”;

- (b) by omitting the definition of “the State Act” and substituting the following definition:

“ ‘the State Act’ means the Film and Video Tape Classification Act, 1984 of the State of New South Wales or that Act as amended and in force for the time being.”; and

- (c) by adding at the end thereof the following sub-section:

“(2) In this Ordinance, a reference to a classification assigned to a film under the State Act shall be read as including a reference to a classification that is, by virtue of section 3A, to be deemed to have been assigned to a film under the State Act.”.

4. After section 3 of the Principal Ordinance the following section is inserted:

Classification of certain films

“3A. Where a film was registered under section 26H of the former State Act and that registration was in force immediately before the commencement of the *Film Classification (Amendment) Ordinance 1985*—

- (a) the film shall be deemed to have been classified under the State Act; and
- (b) the film shall be deemed to have been so classified—
- (i) if the film had been classified ‘for general exhibition’ under the former State Act—as a ‘G’ film;
 - (ii) if the film had been classified ‘not recommended for children’ under the former State Act—as a ‘PG’ film;
 - (iii) if the film had been classified ‘for mature audiences’ under the former State Act—as an ‘M’ film; and
 - (iv) if the film had been classified ‘for restricted exhibition’ under the former State Act—as an ‘R’ film.”.

5. Section 4 of the Principal Ordinance is repealed and the following section substituted:

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 classified under the State Act;
- (b) the film is exhibited—
 - (i) under the name under which it was so classified; and
 - (ii) in the form, without alteration or addition, in which it was so classified; and
- (c) where, in the case of a film to which this section applies by virtue of sub-section (3), the film was registered under the former State Act subject to conditions—those conditions are complied with.

“(2) The exhibition of a film classified under the State Act to persons on payment of a charge or on presentation of a ticket or other token is prohibited if—

- (a) the classification of the film has been revoked under the State Act; or
- (b) an order that the film be withdrawn from exhibition is in force under the State Act.

“(3) For the purposes of this section, a film shall be taken to have been classified under the State Act if the film is a film that is, by virtue of section 3A, to be deemed to have been classified under the State Act.”.

Classification of films to be shown

6. Section 5 of the Principal Ordinance is amended by omitting sub-section (1) and substituting the following sub-section:

- “(1) This section applies to—
- (a) a film that has been classified under the State Act; and
 - (b) a film that is, by virtue of section 3A, to be deemed to have been classified under the State Act, being a film that was registered under the former State Act after the prescribed date.”.

Admission of young persons to ‘R’ films

7. Section 8 of the Principal Ordinance is amended by omitting sub-section (1) and substituting the following sub-section:

- “(1) This section applies to—
- (a) a film that has been classified under the State Act as an ‘R’ film; and

- (b) a film that is, by virtue of section 3A, to be deemed to have been classified under the State Act as an ‘R’ film, being a film that was registered under the former State Act after the prescribed date.”.

Prescribed symbols

8. Section 9 of the Principal Ordinance is amended—

- (a) by omitting from paragraph (a) “classified ‘For general exhibition’” and substituting “classified as a ‘G’ film”;
 - (b) by omitting paragraph (b) and substituting the following paragraph:
 - “(b) in the case of a film to which that section applies that has been classified as a ‘PG’ film under the State Act—the letters ‘PG’ in a rectangle;”;
 - (c) by omitting from paragraph (c) “classified ‘For mature audiences’” and substituting “classified as an ‘M’ film”; and
 - (d) by omitting from paragraph (d) “classified ‘For restricted exhibition’” and substituting “classified as an ‘R’ film”.
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NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 1 March 1985.
2. No. 25, 1971 as amended by No. 14, 1972; No. 10, 1974.