



AUSTRALIAN CAPITAL TERRITORY

## **Publications Control (Amendment) Act 1990**

**No. 15 of 1990**

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### **An Act to amend the *Publications Control Act 1989***

[Notified in ACT Gazette S28: 21 June 1990]

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

#### **Short title**

**1.** This Act may be cited as the *Publications Control (Amendment) Act 1990*.

#### **Commencement**

**2. (1)** Section 1 and this section commence on the day on which this Act is notified in the *Gazette*.

**(2)** The remaining provisions of this Act commence on 1 July 1990.

**Principal Act**

3. In this Act, “Principal Act” means the *Publications Control Act 1989*.<sup>1</sup>

**Conditions of publication applying to certain classified publications**

4. Section 19 of the Principal Act is amended—

(a) by inserting in paragraphs (1) (a), (2) (a) and (3) (a) “, without reasonable excuse,” after “not”;

(b) by adding at the end of subsection (3) the following paragraphs:

“(f) in relation to an ‘X’ film—the film shall not be published otherwise than on premises in a prescribed area;

(g) in relation to an ‘X’ film—the film shall not be published to a person unless—

(i) that person produces or provides a document that the publisher believes on reasonable grounds to be the person’s driving licence, birth certificate or passport, or a copy thereof, and that document indicates that the person was born at least 18 years ago; or

(ii) the publisher otherwise has reasonable grounds for believing that that person is an adult”; and

(c) by adding at the end the following subsection:

“(4) In subparagraph (3) (g) (i)—

‘birth certificate’ means the original or a certified copy of a certificate or other official record of birth, whether that birth occurred in Australia or elsewhere;

‘driver’s licence’ means a licence to drive a motor vehicle issued under a law of the Territory, a State, another Territory or a place outside Australia;

‘passport’ includes a document of identity issued from official sources, whether in or outside Australia.”.

### **Insertion**

5. After section 19 of the Principal Act, the following section is inserted:

#### **Assisting a minor to obtain an 'X' film**

"19A. (1) A person shall not assist or encourage a minor to obtain an 'X' film.

Penalty: \$500 or imprisonment for 3 months, or both.

"(2) A person shall not be convicted of an offence against subsection (1) if evidence is adduced that the person—

- (a) is the parent or guardian of the relevant minor; or
- (b) has reasonable grounds for believing that the relevant minor is an adult;

and that evidence is not rebutted."

#### **Video tapes and discs—trailers**

6. Section 22 of the Principal Act is amended by omitting paragraphs (a) and (b) and substituting the following paragraphs:

- "(a) in the case of a video tape, or a video disc, that is a 'G' film—the advertised film is a 'G' film;
- (b) in the case of a video tape, or a video disc, that is a 'PG' film—the advertised film is a 'G' or 'PG' film;
- (c) in the case of a video tape, or a video disc, that is an 'M' film—the advertised film is a 'G', 'PG' or 'M' film;
- (d) in the case of a video tape, or a video disc, that is an 'R' film—the advertised film is a 'G', 'PG', 'M' or 'R' film; or
- (e) in the case of a video tape, or a video disc, that is an 'X' film—the advertised film is an 'X' film."

#### **Advertising matter**

7. Section 27 of the Principal Act is amended—

- (a) by adding the following penalty at the foot of subsection (1):

"Penalty: \$500 or imprisonment for 3 months, or both."; and

(b) by adding at the end the following subsections:

“(3) A person shall not publish sexually explicit advertising matter in relation to an ‘X’ film unless—

- (a) it is contained within a sealed package made of plain opaque material bearing the words—  
‘WARNING: SEXUALLY EXPLICIT ADVERTISING’  
or words to that effect, prominently displayed on its outside; and
- (b) that package is contained within another sealed package made of plain opaque material.

Penalty: \$500 or imprisonment for 3 months, or both.

“(4) In subsection (3)—

‘sexually explicit advertising matter’ means advertising matter that explicitly depicts or describes sexual acts or fetishes.”.

### **Transitional**

**8.** Paragraph 19 (3) (f) of the Principal Act as amended by this Act does not apply in relation to the publication by wholesale of an “X” film on or before 31 August 1990.

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#### **NOTE**

1. Ordinance No. 47 of 1989 as amended by No. 21, 1989.

*[Presentation speech made in Assembly on 31 May 1990.]*