

2000
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mr Rugendyke)

**Adult Entertainment and Restricted Material
Bill 2000**

CONTENTS

Section		Page
1	Name of Act.....	1
2	Commencement	1
3	Dictionary	2
4	What is <i>adult entertainment</i> ?	2
5	What is <i>restricted material</i> ?.....	2
6	Adult entertainment prohibited	3
7	Selling restricted material prohibited	3
8	Exemption to prohibition on adult entertainment and selling restricted material	3
	DICTIONARY	4

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**Adult Entertainment and Restricted Material
Bill 2000**

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?

(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
20 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.

25 **8 Exemption to prohibition on adult entertainment and selling restricted material**

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.