

1992
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mr. Stevenson)

**Publications Control (Amendment) Bill
1992**

A BILL

FOR

**An Act to amend the *Publications Control Act 1989*,
and for a related purpose**

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

Short title

- 5 1. This Act may be cited as the *Publications Control (Amendment) Act 1992*.

Principal Act

2. In this Act, "Principal Act" means the *Publications Control Act 1989*.¹

Interpretation

3. Section 3 of the Principal Act is amended—

- (a) by omitting “paragraph (b)” from the definition of “objectionable child publication” and substituting “subparagraph (b) (iii)”; and
- 5 (b) by omitting the definition of “objectionable publication” and substituting the following definition:

“ ‘objectionable publication’ means—

- (a) an ‘X’ film; or
- 10 (b) an unclassified publication, or unapproved advertising matter in relation to a film, that—
- (i) has been refused classification or approval, as the case requires;
- 15 (ii) describes, depicts, expresses or otherwise deals with matters of sex, drug misuse or addiction, crime, cruelty, violence or revolting or abhorrent phenomena in a manner that is likely to cause offence to a reasonable adult;
- 20 (iii) depicts in pictorial form a child (whether engaged in sexual activity or otherwise) who is, or is apparently, under the age of 16 years in a manner that is likely to cause offence to a reasonable adult; or
- 25 (iv) promotes, incites or instructs in matters of crime or violence;”.

Division heading

4. The heading to Division 1 of Part II of the Principal Act is amended by omitting “*Unclassified*” and substituting “*Objectionable and unclassified*”.

30 Insertion

5. Before section 5 of the Principal Act, the following section is inserted in Division 1 of Part II:

Production of objectionable films

35 “5A. (1) A person shall not participate in the production of a film which—

- (a) the person ought reasonably to expect would be classified as an 'X' film or would be refused classification; and
- (b) is subsequently classified as an 'X' film or refused classification.

Penalty: \$1,000 or imprisonment for 6 months, or both.

5 “(2) In subsection (1)—

‘production’ means the provision of creative, technical, theatrical or financial services (including scripting, directing, filming and performance), whether or not for any consideration.”.

Sale etc. of video tapes and discs

10 6. Section 12 of the Principal Act is amended—

- (a) by omitting from paragraphs (c), (d) and (e) of the penalty at the foot of subsection (1) “a” and substituting “an”; and
- (b) by omitting from paragraph (e) of the penalty at the foot of subsection (1) “\$800” and substituting “\$1,000 or imprisonment for 6 months, or both”.

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Objectionable publications—general character

7. Section 15 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

“(2) Subsection (1) does not apply to—

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- (a) an 'X' film;
- (b) a publication that has been refused classification; or
- (c) advertising matter in relation to a film, being advertising that has been refused approval.”.

Exemption of literary etc. works

25 8. Section 16 of the Principal Act is amended—

(a) by inserting before paragraph (2) (a) the following paragraph:

“(aa) an 'X' film;”; and

(b) by omitting from paragraph (2) (c) “paragraph (b) or (c)” and substituting “subparagraph (b) (iii) or (iv)”.

30 Subsequent classification

9. Section 17 of the Principal Act is amended by inserting in subparagraph (a) (i) “otherwise than as an 'X' film” after “classified”.

Publishing certain classified publications

10. Section 18 of the Principal Act is amended by omitting from paragraph (b) "or an 'X' film".

Conditions of publication of certain classified publications

5 11. Section 19 of the Principal Act is amended—

- (a) by omitting from subsection (1) "a publication that is classified as";
- (b) by omitting from subsection (3) "an 'X' film or a publication that is classified as";
- 10 (c) by omitting from paragraph (3) (e) "material;" and substituting "material";
- (d) by omitting paragraphs (3) (f) and (g); and
- (e) by omitting subsection (4).

Repeal

15 12. Section 19A of the Principal Act is repealed.

Depositing certain classified publications in public places

13. Section 20 of the Principal Act is amended by omitting from paragraph (b) "or an 'X' ".

Depositing certain classified publications on private premises

20 14. Section 21 of the Principal Act is amended by omitting from paragraph (b) "or an 'X' ".

Video tapes and discs—trailers

15. Section 22 of the Principal Act is amended—

- 25 (a) by omitting "classified video tape or video disc" and substituting "video tape, or a video disc, classified otherwise than as an 'X' film";
- (b) by adding at the end of paragraph (c) "or";
- (c) by omitting from paragraph (d) "or"; and
- (d) by omitting paragraph (e).

30 **Advertising matter**

16. Section 27 of the Principal Act is amended by omitting subsections (3) and (4).

Restricted publications areas

17. Section 28 of the Principal Act is amended by omitting from subsection (3) "or an 'X' film,".

Exemptions

5 18. Section 38 of the Principal Act is amended—

(a) by omitting from paragraph (2) (a) "or an 'X' film"; and

(b) by omitting from paragraph (2) (b) "or that has been refused classification".

Repeal of *Business Franchise ("X" Videos) Act 1990*

10 19. The *Business Franchise ("X" Videos) Act 1990* is repealed.

NOTE

1. Reprinted as at 7 November 1991.