

1991  
THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

**Publications Control (Amendment) Bill  
1991**

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**A BILL  
FOR**

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

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 1991*.

**Principal Act**

2. In this Act, "Principal Act" means the *Publications Control Act 1989*.<sup>1</sup>

**Interpretation**

- 10     3. Section 3 of the Principal Act is amended—

- (a) by omitting the definition of "advertising matter" and substituting the following definition:

" 'advertising matter', in relation to a film—

(a) means—

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

(ii) a slide or photograph; or

(iii) a poster, sketch, program or other printed matter;

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prepared for the purpose of giving publicity to the film; and

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(b) where the film is intended to be made available for exhibition, display, sale, letting on hire or distribution to the public—includes any written or pictorial matter displayed on, or comprised in, a container or wrapping used to enclose the film;"; and

- (b) by inserting the following definitions:

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" 'Censorship Board' means the Censorship Board established under the Film Regulations;

'Review Board' means the Film and Literature Board of Review established under the Film Regulations;".

#### Insertion

- 25 4. After Division 1 of Part II of the Principal Act the following Division is inserted:

***"Division 1A—Advertising matter for unclassified films***

#### Interpretation

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"17A. (1) In this Division—

'eligible film' means a film that complies with conditions determined, from time to time, by the Attorney-General of the Commonwealth and published in the *Gazette*;

'relevant person', in relation to a film, means the distributor or exhibitor of the film.

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"(2) A reference in this Division to a film shall be read as a reference to a film intended for public exhibition, other than an exempt film for the purposes of section 4A of the *Film Classification Act 1971*.

**Advertising matter**

“17B. (1) A person shall not publish or cause to be published advertising matter relating to a film that—

(a) has not been classified; or

5 (b) has been refused classification;

unless a certificate of exemption has been issued in relation to that film.

“2) A person who, without reasonable excuse, contravenes subsection (1) is guilty of an offence punishable, on conviction, by a fine not exceeding—

10 (a) if the offender is a natural person—\$3,000; or

(b) if the offender is a body corporate—\$15,000.

“3) For the purposes of this section, an advertisement published by a person at the request of another person shall be taken to be an advertisement published by that other person, and by that other person only.

15 **Exemption**

“17C. (1) Subject to subsection (3), a relevant person—

(a) may at any time; and

(b) shall if so required in writing by the Censorship Board;

20 apply in writing to the Censorship Board for a certificate of exemption in relation to a film.

“2) The Censorship Board may require an applicant for a certificate of exemption to submit for approval a copy of all advertising matter relating to the film that is the subject of an application for a certificate of exemption.

25 “3) The Censorship Board shall not accept an application for a certificate of exemption unless such an application is made to the Board under the law of each State and the Northern Territory that corresponds to this Division.

**Power to grant certificates of exemption**

30 “17D. (1) The Censorship Board may, by notice in writing, grant a certificate of exemption in relation to a film that is an eligible film.

“2) The Censorship Board shall refuse to grant a certificate of exemption if, in the opinion of the Board, the film is likely to be classified as an ‘R’ or an ‘X’ film.

**Number of applications**

"17E. The Censorship Board shall not, without the consent of the Attorney-General of the Commonwealth, approve more than 30 applications for certificates of exemption, in any calendar year.

**5 Conditions for granting certificates of exemption**

"17F. The grant of a certificate of exemption under this Division is subject to such conditions as are determined from time to time by the Attorney-General of the Commonwealth, for the purposes of this section, and published in the *Gazette*.

**10 Failure to comply with conditions**

"17G. The Censorship Board may revoke a certificate of exemption granted under this Division if at any time the use of advertising matter fails to comply with a condition determined under section 17F.

**Review of decisions**

15 "17H. (1) Subject to subsection (3), an applicant for a certificate of exemption may apply in writing to the Review Board for a review of a decision of the Censorship Board under section 17D (1).

"(2) On review, the Review Board may—

- (a) confirm a decision of the Censorship Board; or
- 20 (b) substitute its own decision for the decision of the Censorship Board.

"(3) The Review Board may not review a decision refusing to grant a certificate of exemption where—

- 25 (a) the film that the certificate of exemption relates to is an eligible film; and
- (b) the decision of the Censorship Board was made pursuant to section 17E."

**NOTE**

1. Ordinance No. 47, 1989 as amended by No. 21, 1989; Act No. 15, 1990.