

1993

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

FILM CLASSIFICATION (AMENDMENT) BILL 1993

EXPLANATORY MEMORANDUM

**Circulated by authority of
Terry Connolly, MLA
Attorney General**

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

AUSTRALIAN CAPITAL TERRITORY

FILM CLASSIFICATION (AMENDMENT) BILL 1993

OUTLINE

This Bill amends the *Film Classification Act 1971* to recognise the Commonwealth's new "MA" classification of films and videos for mature audiences (i.e. 15 years and over), and to provide for the control of their exhibition by cinemas.

"MA" means "mature audiences" and the classification will be restricted to persons 15 years and older, unless accompanied by a parent or guardian. The material depicted in the classification is that which contains coarse language or depictions of sex or violence likely to disturb, harm or offend those under 15 years of age. The "MA" classification will be placed between "M" and "R" for films and videos.

This Bill introduces regulatory measures to restrict the exhibition of "MA" films at a cinema to persons under the age of 15 years. This means that children under 15 years will not be admitted to the cinema to see an "MA" film unless accompanied by their parent or guardian. A child up to 2 years is exempted as a "babe-in-arms".

Financial Considerations: There are no financial considerations involved.

FORMAL CLAUSES

Clauses 1 2 and 3 are formal requirements. They refer to the short title of the Bill, establish the meaning of the term 'Principal Act' as the *Film Classification Act 1971*, establish the commencement day of sections 1, 2 and 3 as the day on which the Act is notified in the Gazette and establish the commencement day of section 4 as the day fixed by the Minister by notice in the Gazette or on the first day after the period of 6 months has passed from when the Act was notified in the Gazette.

AMENDMENTS

Clause 4 inserts a new section 9, which provides that if a person aged between two and 15 years is not accompanied by their parent or guardian on premises where they can see an "MA" film which is, or is about to be, exhibited, the person who has management of the place is guilty of an offence. The penalty is \$500.

The clause however provides that it is a defence to a prosecution for this offence that:

- . reasonable precautions were taken to ensure that under 15 year olds were not admitted to an "MA" film unaccompanied by their parent or guardian; and
 - . the person appeared to be under 2 years, or 15 years or older;
- or
- . the person was accompanied by another who appeared to be their parent or guardian.