

EXPLANATORY STATEMENT

AUSTRALIAN CAPITAL TERRITORY

Film Classification (Amendment) Ordinance 1985

No. 7 of 1985

This Ordinance amends the Film Classification Ordinance 1971 to replace the 'NRC' classification (Not Recommended for Children) for cinema films with 'PG' (Parental Guidance).

This amendment gives effect to a decision agreed to on 28 September 1984 at the meeting of Commonwealth/State Ministers with responsibility for censorship. The purpose of this amendment is :

- to achieve consistency in the States and Territories of the Commonwealth by making 'PG' a common classification for both cinema and video tapes/discs throughout Australia.
- to provide clearer guidance to the viewing public.

While the amendment changes the title of this classification given to cinema film it does not alter the standards applied to films falling within this classification.

Details of the proposed Ordinance are as follows.

Clause 1 provides that the Ordinance may be cited as the Film Classification (Amendment) Ordinance 1985.

Clause 2 specifies that the "Principal Ordinance" means the Film Classification Ordinance 1971.

- Clause 3 amends section 3 of the Principal Ordinance -
- (a) to insert the new definition of "the former State Act" and "the State Act"; and
 - (b) to add an interpretative provision by virtue of which a reference in the Principal Ordinance as amended by the amending Ordinance to a classification assigned to a film under the State Act is to be read as including a reference to a classification that is, by virtue of section 3A, to be deemed to have been assigned to a film under the State Act.

Clause 4 inserts a new section in the Principal Ordinance, section 3A, which provides that where the registration of a film under the former State Act is in force immediately before the commencement of the amending Ordinance, the film shall be deemed to have been classified under the State Act and to have been so classified as a 'G' film, a 'PG' film, an 'M' film or an 'R' film, as appropriate.

Clause 5 repeals section 4 of the Principal Ordinance which prohibited the exhibition of a film unless certain conditions were met and inserts a new section. This section provides that the exhibition of a film to persons on payment

of a charge or presentation of a ticket or token is prohibited unless -

- (a) the film has been classified under the State Act; and
- (b) the film is exhibited under the name and in the form under which it was classified and subject to any special conditions applicable to it.

The exhibition of a film is also prohibited if the classification of the film has been revoked, or an order withdrawing the film from exhibition is in force, under the State Act.

This will ensure that all films for public exhibition :

- (a) will be classified by the Film Censorship Board;
- (b) will receive one of the four agreed and uniform classifications : 'G', 'PG'; 'M' or 'R'; and
- (c) will be exhibited in the form classified by the Film Censorship Board.

Clause 6 amends section 5 of the Principal Ordinance, which requires that the symbol that is appropriate to the classification assigned to a film be clearly displayed, for the purpose of applying the section to a film classified or deemed to have been classified under the State Act. This will ensure that the uniform symbols, as applicable to each classification, will be displayed for the guidance of the viewing public.

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Clause 7 amends section 8 of the Principal Ordinance, which prohibits persons between two and eighteen years of age being admitted to a film classified as an 'R' film for the purpose of applying the section to a film classified or deemed to have been classified under the State Act as an 'R' film. This will ensure that :

- (a) there will be a uniform prohibition on access to films classified 'R' for persons between the ages of two and eighteen, this prohibition being brought to the attention of the viewing public by the display of the prescribed symbol; and
- (b) where this prohibition is breached, the person who has the management of the place where the film is displayed is liable to a penalty not exceeding fifty dollars.

Clause 8 amends section 9 of the Principal Ordinance for the purpose of prescribing the symbols appropriate to the classifications assigned.

Authority : Attorney-General

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