

EXPLANATORY STATEMENT

AUSTRALIAN CAPITAL TERRITORY

Classification of Publications (Amendment) Ordinance 1984

No. 17 of 1984

The Ordinance amends the Classification of Publications Ordinance 1983 to provide for the compulsory classification of video tapes and videodiscs for sale and hire under the Ordinance.

This amendment gives effect to a decision agreed to at the meeting of Ministers with responsibility for censorship held in Sydney on 6 April 1984. The principal benefits of a compulsory classification scheme are as follows:

- It provides better consumer guidance as classified video tapes and videodiscs will be required to bear prescribed markings (G, P.G., M, R and X)
- It allows for easier law enforcement.

Detailed section notes are attached.

Attachment

A.C.T. Classification of Publications (Amendment) Ordinance 1984

Section1 provides that the Ordinance may be cited as the Classification of Publications (Amendment) Ordinance 1984.

Section2 identifies the "Principal Ordinance" as being the Classification of Publications Ordinance 1983.

Section3 enables the Chief Censor to require an applicant for classification of a film to lodge a copy of the film with the Censorship Board and allows the Censorship Board to retain that film for such period as the Chief Censor directs.

Section4 amends section 35 of the Principal Ordinance to require a videotape or videodisc that is classified as a 'G', 'PG' or 'M' film and that is exhibited in a public place to bear the prescribed markings. The relevant markings are prescribed in the Regulations amending the Classification of Publications Regulations.

Section5 amends section 46 of the Principal Ordinance so that the defence established by that section will not be available in relation to videotapes and videodiscs.

Section6 amends section 47 to make it an offence to exhibit or display a classified videotape or videodisc that does not bear the prescribed markings.

Section7 amends section 48 of the Principal Ordinance to remove videotapes and videodiscs from sub-section (1). That sub-section makes it an offence to falsely mark a film classified as a 'G', 'PG' or 'M' film. The provision will continue to apply to films other than videotapes or videodiscs, which are now to be covered by the proposed compulsory classification and working provisions.

Section 8 inserts a new section 48A, which makes it an offence to sell, offer for sale, let on hire or distribute a videotape or videodisc that is not classified or that has been refused classification. A scale of penalties is provided according to the classification subsequently given to unclassified material. The most serious penalties attach to material that is refused classification. Sub-section (2) makes it an offence to advertise a videotape or videodisc that is not classified or has been refused classification. Sub-section (3) makes it an offence to publish certain false advertising matter in relation to a videotape or videodisc.

Section 9 amends section 56 of the Principal Ordinance to allow persons to publish unclassified videotapes and videodiscs to prescribed persons or bodies.

Section 10 inserts a new section 57A, to provide for evidentiary certificates to be given by the Chief Censor for the purpose of prosecutions for offences under the legislation.

Section 11 amends section 58 to abolish the common law offence of conspiring to corrupt public morals to the extent to which applies to a film classified 'M'.