

NORTHERN TERRITORY OF AUSTRALIA

CLASSIFICATION OF PUBLICATIONS
AMENDMENT ACT 1991

No. 63 of 1991

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NORTHERN TERRITORY OF AUSTRALIA

No. 63 of 1991

AN ACT

to amend the *Classification of Publications Act*

[Assented to 14 November 1991]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Classification of Publications Amendment Act 1991*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

The *Classification of Publications Act* is in this Act referred to as the Principal Act.

4. LONG TITLE

The long title to the Principal Act is amended by inserting, after "publications", the words "including films for public release and video tapes or video discs".

5. CITATION

The Principal Act as amended by this Act may be cited as the *Classification of Publications and Films Act*.

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6. DEFINITIONS

Section 3 of the Principal Act is amended -

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

"'advertising matter', in relation to a film, means -

- (a) a publication comprising written or pictorial matter contained or displayed in or on a container or wrapping where the container or wrapping is used to enclose the film; or
 - (b) a poster, photograph, sketch, program, slide or printed matter, or a trailer or an extract from, or part of, a film used for, or prepared for the purpose of, giving publicity to the film;"
- (b) in the definition of "appeal censor" by omitting from paragraph (a) "24" and substituting "25";
- (c) in the definition of "Censor" by omitting from paragraph (a) "this Act between the Administrator and the Governor-General of the Commonwealth" and substituting "section 25";
- (d) by omitting the definition of "Commonwealth Censor";
- (e) by inserting after the definition of "Court" the following:

"'determined', in relation to a fee, means the fee determined by the Minister under section 61A;"

- (f) by adding at the end of the definition of "publication" the words "but does not include advertising matter in relation to a film";
- (g) in the definition of "objectionable publication" -
- (i) by inserting after "a publication" the words "or advertising material in relation to a film"; and
 - (ii) by omitting from paragraph (c) "encourages terrorism" and substituting "instructs in matters of crime or violence";
- (h) by omitting from the definition of "sell" all words after "agreement" (first occurring) and substituting "or offer to sell or exchange"; and

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(j) by omitting the definition of "terrorism".

7. APPLICATION

Section 4 of the Principal Act is amended by omitting paragraph (a).

8. NEW SECTION

The Principal Act is amended by inserting after section 4 the following:

"4A. DELEGATIONS

"(1) The Minister may, in writing, delegate any of the Minister's powers and functions under this Act, other than this power of delegation -

- (a) to a named person, body corporate or statutory body; or
- (b) to the person, from time to time or for the time being, holding, acting in or performing the duties of a named office, designation or position.

"(2) A power or function delegated under this section when exercised or performed by the delegate shall, for the purposes of this Act, be deemed to be exercised or performed by the Minister.

"(3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Minister."

9. ARRANGEMENTS

Section 5 of the Principal Act is amended by omitting "a Minister of State for".

10. REPORTS

Section 17 of the Principal Act is amended by omitting subsections (1) and (2) and substituting the following:

"(1) The Board may at any time report to the Minister on a matter connected with this Act.

"(2) The Board shall, when required to do so by the Minister, report as soon as practicable -

- (a) on a matter connected with this Act; or

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- (b) on the operation of this Act during a period of 12 months ending with 31 December."

11. INTERPRETATION

Section 18 of the Principal Act is amended by omitting all words after "film" (first occurring).

12. CLASSIFICATION OFFICER MAY CLASSIFY PUBLICATIONS

Section 19 of the Principal Act is amended -

- (a) by omitting from subsection (2) "prescribed fee" and substituting "determined fee, if any"; and
- (b) by omitting subsections (4) and (5) and substituting the following:

"(4) A classification officer shall cause a record to be kept of determinations under this section.

"(5) A person may, in an approved form accompanied by the determined fee, if any, apply for information contained in the record of determinations referred to in subsection (4) and the classification officer shall cause the information to be provided."

13. CLASSIFICATION OF PUBLICATIONS

Section 20(4)(b) of the Principal Act is amended by omitting "encourages terrorism" and substituting "instructs in matters of crime or violence".

14. REPEAL AND SUBSTITUTION

Section 21 of the Principal Act is repealed and the following substituted:

"21. CLASSIFICATION OFFICER TO NOTIFY APPLICANT

"Where a classification officer classifies or refuses to classify a publication as the result of an application for classification under this Division, he shall, as soon as practicable, by notice in writing, notify the applicant of the classification or refusal to classify."

15. APPLICATION FOR REVIEW OF CLASSIFICATION

Section 22 of the Principal Act is amended -

- (a) by omitting subsection (2)(a) and (b) and substituting:

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- "(a) where the applicant is a person referred to in subsection (1)(a) or (b) - within 30 days after the date on which the person received written notification of the action to which the application relates; and";
- (b) by omitting from subsection (2)(c) all words after "at any time"; and
- (c) by omitting from subsection (3) "prescribed fee" and substituting "determined fee, if any".

16. ARRANGEMENTS WITH COMMONWEALTH FOR CENSORING FILMS

Section 25 of the Principal Act is amended -

- (a) by omitting from subsection (1) -
 - (i) "a Minister of State for"; and
 - (ii) "Commonwealth Censor" and substituting "Censor";
- (b) by inserting in subsection (2), after "carrying out the arrangement", the words "(including the fixing of fees and their apportionment and the placing of, and the form and matters dealt with by, consumer information notices relating to the content of films)"; and
- (c) by adding at the end the following:

"(4) Notwithstanding anything to the contrary in this Act, an arrangement made under this section shall have effect according to its tenor, and in proceedings under this Act the production of a copy of the *Gazette* notice referred to in subsection (3) is prima facie evidence that an arrangement has been made and is still operative."

17. APPOINTMENT OF CENSOR, &c., WHERE NO ARRANGEMENT IN OPERATION UNDER SECTION 25

Section 26(1)(a) of the Principal Act is amended by omitting "Commonwealth".

18. CENSOR MAY CLASSIFY FILMS

Section 27 of the Principal Act is amended -

- (a) by omitting from subsection (3) "prescribed fee" and substituting "determined fee"; and

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(b) by adding at the end the following:

"(5) If an arrangement under section 25 is in force, the Censor shall not accept an application under this section unless it is made to the Censor for the classification of the film under the law of each State and any other Territory corresponding to this Act."

19. CLASSIFICATION OF FILMS BY CENSOR

Section 29 of the Principal Act is amended -

(a) by omitting from subsection (1)(d) "12 years" and substituting "15 years";

(b) by omitting from subsection (4)(b) "encourages terrorism" and substituting "instructs in matters of crime or violence"; and

(c) by adding at the end the following:

"(5) The Censor may, subject to such conditions, if any, as he thinks fit -

(a) classify a film under this section; or

(b) approve or refuse to approve the use of an advertisement relating to a film that is the subject of an application for classification or that has been classified.

"(6) Where a video tape or a video disc includes a trailer advertising an unclassified film, the Censor shall refuse to approve the classification of the video tape or video disc.

"(7) Where a video tape or a video disc includes a trailer advertising a classified film, the Censor shall not approve the classification of the video tape or video disc -

(a) as a 'G' film if the advertised film is classified as a 'PG', 'M', 'R' or 'X' film;

(b) as a 'PG' film if the advertised film is classified as an 'M', 'R' or 'X' film;

(c) as an 'M' film if the advertised film is classified as an 'R' or 'X' film;

(d) as an 'R' film if the advertised film is classified as an 'X' film; or

(e) as an 'X' film if the advertised film is classified as a 'G', 'PG', 'M' or 'R' film."

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20. ADVERTISING MATTER

Section 30 of the Principal Act is amended -

(a) by omitting from section (1)(c) "encourages terrorism" and substituting "instructs in matters of crime or violence"; and

(b) by adding at the end the following:

"(3) The conditions that may be imposed under subsection (2) may include, but are not limited to, conditions requiring the inclusion in the advertising matter of such words or symbols as the Censor thinks fit."

21. NEW SECTION

The Principal Act is amended by inserting after section 30 the following:

"30A. CONDITIONS MAY INCLUDE CONSUMER ADVICE

"The conditions, if any, imposed by the Censor in the classification of a film under section 29(7) or the approval of advertising matter under section 30(2), may include a requirement that words or symbols for the purpose of consumer advice regarding the contents of the film be included, as the Censor thinks fit, on the film or in the advertisements."

22. REPEAL AND SUBSTITUTION

Sections 31, 32, 33 and 34 of the Principal Act are repealed and the following substituted:

"31. NOTICE - CLASSIFICATIONS AND ADVERTISING APPROVALS

"(1) Where a decision is made approving, or refusing to approve -

(a) the classification of a film; or

(b) advertising matter in relation to a film,

the Censor shall cause a written notice of the decision to be given to the applicant for the approval.

"(2) Where the classification of a film is approved, the notice shall include a description of the markings determined under section 38B.

"(3) A decision referred to in paragraph (1)(a) or (b) takes effect on the date on which notice of the decision is given.

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"(4) The Censor shall cause to be kept a record of decisions made under this section.

"(5) A person may, in an approved form accompanied by the determined fee, if any, apply for information contained in the record of decisions referred to in subsection (4) and the Censor shall cause the information to be provided.

"32. APPLICATION FOR REVIEW - CLASSIFICATIONS AND ADVERTISING APPROVALS

"(1) Where a decision is made approving, or refusing to approve, the classification of a film, or advertising matter in relation to a film -

- (a) the applicant for approval;
- (b) the publisher of the film or advertising matter; or
- (c) the Minister,

may apply to the appeal censor for a review of the decision.

"(2) An application shall be made -

- (a) except in the case of an application by the Minister - within 37 days after the date on which the relevant decision takes effect, or within such further time as the appeal censor allows; or
- (b) in the case of an application by the Minister - at any time.

"(3) An application shall be -

- (a) in writing signed by or on behalf of the applicant;
- (b) except in the case of the Minister - accompanied by the determined fee; and
- (c) lodged with the appeal censor.

"(4) Where a person other than the original applicant for the classification of a film applies for the review of a decision about the film in accordance with this section, the appeal censor shall cause a notice in writing of the application for review to be given to the original applicant.

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"33. REVIEW - CLASSIFICATIONS AND ADVERTISING APPROVALS

"(1) On application in accordance with section 32 for the review of a decision, the appeal censor shall -

- (a) confirm the decision; or
- (b) set aside the decision and classify or refuse to classify the film, or approve or refuse to approve the advertising matter.

"(2) Where the appeal censor makes a decision under this section, the appeal censor shall, within 14 days after the date of the decision, notify the applicant in writing accordingly.

"(3) A decision under this section takes effect on the date on which notice of the decision is given.

"(4) The appeal censor shall keep a record of a decision made under this section.

"(5) A person may, in an approved form accompanied by the determined fee, if any, apply for information contained in the record of decisions referred to in subsection (4) and the appeal censor shall cause the information to be provided."

23. NEW DIVISION

(1) The Principal Act is amended by inserting in Part III, before Division 3, the following:

Division 2A - Review on Own Motion

"34A. INTERPRETATION

"In this Division, 'previous decision' means -

- (a) a decision of the Censor -
 - (i) approving, or refusing to approve, the classification of a film; or
 - (ii) approving, or refusing to approve, the advertising matter relating to a film; or
- (b) a decision of the appeal censor under section 33.

"34B. REVIEW BY CENSOR ON OWN MOTION OR AT DIRECTION OF MINISTER

"(1) The Censor shall, at the direction of the Minister, review a previous decision.

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"(2) A direction may be given -

- (a) in the case of a decision referred to in paragraph 34A(b) resulting from an application by the Minister - at any time; and
- (b) in any other case - after the expiration of 2 years after the date on which the previous decision took effect.

"(3) The Censor may, of his or her own motion, review a previous decision (not being a decision referred to in section 34A resulting from an application by the Minister) after the expiration of 2 years after the date on which the previous decision took effect.

"34C. NOTICE OF REVIEW

"(1) The Censor shall, not later than 30 days before a proposed review of a previous decision, cause notice of the review -

- (a) to be published in the *Gazette*; and
- (b) to be served in writing on -
 - (i) the person who applied for classification of the relevant film; and
 - (ii) the publisher of the film.

"(2) A person who is entitled to be served with a notice under subsection (1)(b) may, within 30 days after -

- (a) the service of the notice; or
- (b) publication in the *Gazette*,

(whichever occurs later) make a written submission to the Censor about whichever of the following matters are relevant:

- (c) whether the film should be classified or refused classification;
- (d) the appropriate classification of the film;
- (e) whether the advertising material should be approved or refused approval.

"34D. REVIEW OF PREVIOUS DECISION

"(1) When a previous decision is reviewed by the Censor, the appeal censor may make a decision -

- (a) confirming the previous decision; or

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- (b) setting aside the previous decision and classifying, or refusing to classify, the film or approving, or refusing to approve, the advertising matter to which the previous decision relates.

"(2) When reviewing a previous decision, the Censor shall have regard -

- (a) to a submission made in accordance with section 34C(2);
- (b) in the case of a film - to the criteria referred to in sections 29 and 35; and
- (c) in the case of advertising matter relating to a film - to the criteria referred to in sections 30 and 35."

(2) This section shall be deemed to have come into operation on 16 March 1988.

24. CRITERIA FOR CLASSIFICATION

Section 35(4) of the Principal Act is amended by inserting after "publication" (first occurring) the words ", other than advertising matter in relation to a film".

25. CONDITIONS APPLYING TO CLASSIFIED PUBLICATIONS

Section 36 of the Principal Act is amended -

- (a) by omitting subsection (2) and substituting the following:

"(2) A video tape or video disc that is classified as a 'G' film, a 'PG' film, or an 'M' film shall not be exhibited or displayed in a public place unless the conditions under section 29(5) or 30A have been complied with, and unless the container, wrapping and casing in which the video tape or video disc is contained bear the prescribed markings."

- (b) by adding at the end of subsection (3)(e) "and the words or symbols referred to in section 30A for the purpose of consumer advice"; and

- (c) by adding at the end the following:

"(4) It is a condition in relation to a classified video tape or video disc that it shall not be sold, let on hire, exhibited or displayed for sale or hire in a public place or exhibited or displayed in a public place if, after classification, it has been edited to include a trailer advertising another film, unless -

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- (a) in the case of a video tape, or a video disc, classified as a 'G' film - the advertised film is classified as a 'G' film;
- (b) in the case of a video tape, or a video disc, classified as a 'PG' film - the advertised film is classified as a 'G' or 'PG' film;
- (c) in the case of a video tape, or a video disc, classified as a 'M' film - the advertised film is classified as a 'G', 'PG' or 'M' film;
- (d) in the case of a video tape, or a video disc, classified as a 'R' film - the advertised film is classified as a 'G', 'PG', 'M' or 'R' film; or
- (e) in the case of a video tape, or a video disc, classified as a 'X' film - the advertised film is classified as a 'X' film."

26. REVOCATION OF CLASSIFICATION OF PUBLICATIONS OTHER THAN FILMS BY BOARD

Section 37 of the Principal Act is amended -

- (a) by omitting from subsection (1) "the Board may, of its own motion" and substituting "the Board or the appeal censor may, of its or his own motion"; and
- (b) by omitting subsection (2).

27. NEW DIVISION

The Principal Act is amended by inserting in Part IV, before Division 1, the following:

"Division 1A - Exhibition of Films

"38A. EXHIBITION OF FILM

"In a proceeding under this Act, a person is taken to exhibit a film in a public place -

- (a) if the person conducts the exhibition of the film in the public place; or
- (b) if the person has the superintendence or management of the public place in which the film is exhibited.

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"38B. CLASSIFICATION OF FILM TO BE SHOWN BEFORE SCREENING

"(1) A person must not exhibit a film in a public place unless, at the commencement of the exhibition of the film, there is exhibited an image that bears the determined markings for the classification displayed in the determined form and manner.

Penalty: \$2,000.

"(2) Subject to subsection (3), the Minister shall, by notice in the *Gazette*, determine in relation to different classifications under this Act -

- (a) markings for the purposes of this section; and
- (b) the form and manner of the display of the markings -
 - (i) in the relevant image of the film; and
 - (ii) in relation to different types of advertising matter.

"(3) Where there is an agreement under section 25, the markings and the form and manner of the display of the markings for the purposes of this section shall be as determined in accordance with the *Film Classification Act 1971* of the Australian Capital Territory as amended and in force for the time being.

"38C. PROHIBITION AGAINST EXHIBITION OF UNCLASSIFIED FILMS, &c.

"(1) A person must not exhibit an unclassified film in a public place or cause an unclassified film to be exhibited.

Penalty:

- (a) in the case of an unclassified film that is, after the date of the offence, classified as a 'G', 'PG' or 'M' film, \$2,000;
- (b) in the case of an unclassified film that is, after the date of the offence, classified as an 'R' film, \$5,000;
- (c) in the case of a film -
 - (i) that has been refused classification; or

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- (ii) that was unclassified at the date of the offence and is subsequently refused classification,

\$10,000 or imprisonment for 2 years.

"(2) A person must not publicly exhibit a film that is classified as an "X" film.

Penalty: \$10,000 or imprisonment for 2 years.

"38D. ATTENDANCE OF CHILD AT EXHIBITION OF CERTAIN FILMS
- OFFENCE BY EXHIBITOR

"(1) A person must not exhibit in a public place an 'R' film if a child who has attained the age of 2 years is present at the whole or a part of the exhibition of the film.

Penalty: \$5,000.

"(2) It is a defence to a charge under subsection (1) to prove that the defendant or the defendant's servant or agent believed on reasonable grounds that the child in respect of whom the alleged offence was committed had attained the age of 18 years or had not attained the age of 2 years.

"38E. ATTENDANCE OF CHILD AT EXHIBITION OF CERTAIN FILMS
- OFFENCE BY CHILD

"A child who has attained the age of 10 years must not attend the whole or a part of an exhibition in a theatre of an 'R' film or a film that has been refused classification.

Penalty: \$100.

"38F. ATTENDANCE OF CHILD AT EXHIBITION OF CERTAIN FILMS
- OFFENCE BY OTHER PERSONS

"(1) A person who has attained the age of 18 years must not -

(a) cause or permit a child -

(i) who is in his or her care, custody or control; and

(ii) who has attained the age of 2 years; or

(b) accompany and assist a child who has attained the age of 2 years,

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to attend the exhibition in a public place of an 'R' film or an objectionable film.

Penalty: In the case of an 'R' film, \$2,000.

In the case of an objectionable film, \$10,000.

"(2) It is a defence to a charge under subsection (1) to prove that the defendant believed on reasonable grounds that the child in respect of whom the alleged offence was committed had attained the age of 18 years or had not attained the age of 2 years at the time of the alleged offence.

"38G. POWER TO DEMAND NAME, AGE AND ADDRESS, &c.

"(1) In this section, 'relevant person' means a person admitted to a theatre in which an 'R' film is being exhibited or is about to be exhibited or has just been exhibited.

"(2) A member of the Police Force or an exhibitor or an exhibitor's servant or agent who has reasonable cause to suspect that a relevant person -

- (a) has in the person's care, custody or control; or
- (b) has accompanied and assisted,

a child aged 2 years or more may demand from the relevant person -

- (c) the person's correct name, age and address; and
- (d) to the best of the person's knowledge the correct name, age and address of the child.

"(3) A member of the Police Force or an exhibitor or an exhibitor's servant or agent who has reasonable cause to suspect that a relevant person is aged less than 18 years may demand from the relevant person his or her correct name, age and address.

"(4) If a member of the Police Force, an exhibitor or an exhibitor's servant or agent has reasonable grounds to believe that any of the particulars given by a relevant person under subsection (2) or (3) are false, he or she may require the person to produce within a reasonable time evidence of the correctness of the particulars given by the person.

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"(5) A person demanding particulars in accordance with subsection (2) or (3) may require the relevant person to complete and sign a statement in the approved form in his or her presence as to those particulars.

"(6) Subject to subsection (7), a relevant person must not fail or refuse -

- (a) to give satisfactory particulars of, or to produce satisfactory evidence of, the correctness of particulars demanded or required under subsection (2) or (3); or
- (b) to complete and sign a statement required under subsection (5).

Penalty: \$100.

"(7) If a relevant person -

- (a) has not at the time of the failure or refusal referred to in subsection (6) attended the screening of the 'R' film; and
- (b) immediately leaves the public place after the failure or refusal,

the person is not guilty of an offence under subsection (6).

"(8) A relevant person must not give false particulars or supply false evidence as to particulars in accordance with a demand or requirement under this section.

Penalty: \$2,000.

"(9) An exhibitor or an exhibitor's servant or agent may refuse to admit to or may turn out of a theatre a person -

- (a) whose presence on the premises would subject the exhibitor to a penalty under this Act; or
- (b) who contravenes or does not comply with this section."

28. NEW SECTION

The Principal Act is amended by inserting after section 47 the following:

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"47A. ADVERTISING MATTER

"(1) A person shall not publish or cause to be published advertising matter relating to a film or video tape or disc that -

- (a) has not been classified; or
- (b) has been refused classification,

unless a certificate of exemption has been issued in relation to the film or video tape or disc.

"(2) For the purposes of this section, an advertisement published by a person on behalf of another person shall be taken to be an advertisement published by the other person, and by the other person only."

29. SALE, &c., OF CLASSIFIED PUBLICATIONS

Section 49(3) of the Principal Act is amended by omitting "'M' film and" and substituting "'M' film in respect of which the conditions, if any, under section 29(5) or 30A have not been complied with, and".

30. NEW SECTION

The Principal Act is amended by inserting in Division 2 of Part IV, after section 50, the following:

"50A. DISPLAY OF INFORMATION ABOUT CLASSIFICATION

"(1) A person who sells, offers for sale, lets on hire or distributes a classified film, video tape or disc shall keep displayed, in accordance with subsection (2), a notice about classifications in the form determined by the Censor by notice published in the *Gazette*.

Penalty:

- (a) in the case of a body corporate - \$5,000; and
- (b) in the case of an individual - \$2,000 or imprisonment for 3 months, or both.

"(2) A notice referred to in subsection (1) shall be displayed on premises open to the public for the purpose of the sale, hire or distribution of the classified film, video tape or disc in a conspicuous place where, and in such a form that, the notice may be conveniently read by a person on the premises."

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31. FORFEITURE AND RETURN OF PUBLICATIONS

Section 60 of the Principal Act is amended by omitting from subsections (3) and (7) "14" and substituting "60".

32. NEW DIVISION

The Principal Act is amended by inserting in Part VI, before section 61, the following:

"Division 1 - Exemptions

"60A. INTERPRETATION

"(1) In this Division -

'eligible film' means a film that complies with conditions determined, from time to time, by the Minister and published in the *Gazette*;

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

"(2) In this Division, a reference to the Minister shall, if an agreement under section 25 is in force, be read as a reference to the Attorney-General of the Commonwealth.

"(3) A reference in this Division to a film shall be read as a reference to a film intended for public exhibition.

"(4) For the purposes of this Division it is sufficient compliance with a requirement for publication in the *Gazette* if publication is in the *Commonwealth Gazette* in pursuance of an Ordinance of the Australian Capital Territory.

"60B. EXEMPTION IN RELATION TO ADVERTISING UNCLASSIFIED FILMS

"(1) Subject to subsection (3), a relevant person -

(a) may at any time; and

(b) shall if so required in writing by the Censor,

apply in writing to the Censor for a certificate of exemption in relation to a film.

"(2) The Censor 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.

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"(3) The Censor shall not accept an application for a certificate of exemption unless the application, accompanied by the determined fee, if any, is made to the Censor under the law of each State and Territory that corresponds to this Division.

"60C. POWER TO GRANT CERTIFICATES OF EXEMPTION

"(1) The Censor may, by notice in writing, grant a certificate of exemption in relation to a film that is an eligible film.

"(2) The Censor shall refuse to grant a certificate of exemption if, in the opinion of the Censor, the film is likely to be classified as an 'R' or an 'X' film.

"60D. NUMBER OF APPLICATIONS

"The Censor shall not, without the consent of the Minister, approve more than 30 applications for certificates of exemption in any calendar year.

"60E. CONDITIONS FOR GRANTING CERTIFICATES OF EXEMPTION

"(1) The grant of a certificate of exemption under this Division is subject to such conditions as are determined from time to time by the Minister for the purposes of this section and published in the *Gazette*.

"(2) A person shall comply with and not breach a condition referred to in subsection (1).

Penalty: \$5,000.

"(3) The Censor 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 subsection (1).

"60F. REVIEW OF DECISIONS

"(1) Subject to subsection (3), a relevant person may apply in writing to the appeal censor for a review of a decision of the Censor under section 60C(1).

"(2) On review, the appeal censor may -

(a) confirm a decision of the Censor; or

(b) substitute its own decision for the decision of the Censor.

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"(3) The appeal censor may not review a decision refusing to grant a certificate of exemption where -

- (a) the film that the certificate of exemption relates to is an eligible film; and
- (b) the decision of the Censor was consequential on 30 certificates of exemption having been approved in the calendar year in which the application was made.

"60G. RECORD OF EXEMPTIONS

"(1) The Minister shall cause a record of exemptions to be kept.

"(2) A person may, in an approved form accompanied by the determined fee, if any, apply for information contained in the record of exemptions referred to in subsection (1) and the Minister shall cause the information to be provided."

33. EXEMPTIONS

Section 61(1) of the Principal Act is amended by omitting "the Gazette" and substituting "writing to the applicant".

34. DIVISION HEADING

The Principal Act is amended by inserting after section 61 the following:

"Division 2 - Miscellaneous".

35. NEW SECTION

The Principal Act is amended by inserting before section 62 the following:

"61A. DETERMINATION OF FEES

"(1) The Minister may, by notice in the *Gazette*, determine the fees in relation to any matter or thing required under this Act.

"(2) Without limiting the generality of subsection (1), a determination under subsection (1) may include the fees for application of a particular class of film or video tape or video disc or the particular purpose to which the film, video tape or video disc is to be used."

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36. REPEAL AND SUBSTITUTION

Section 64 of the Principal Act is repealed and the following substituted:

"64. EVIDENCE

In proceedings for an offence against this Act, a certificate signed or purporting to be signed by the Censor in confirmation of -

- (a) a notice of classification or refusal to classify a publication under section 21;
- (b) a notice of classification or refusal to classify a film, or approval of advertising matter in relation to a film under section 31,

is prima facie evidence of that fact."

37. REGULATIONS

Section 66(2) of the Principal Act is amended by omitting paragraph (c).

38. SAVINGS AND TRANSITIONAL

Where, at the commencement of this Act, a person would be guilty of an offence against the Principal Act solely by reason of the retrospective effect given to Division 2A of Part II of the Principal Act by section 21(2) of this Act, that effect shall not become operative until the expiry of a period of 3 months after the commencement of this Act.
