



CLASSIFICATION OF FILMS FOR PUBLIC EXHIBITION (ARRANGEMENTS WITH COMMONWEALTH) AMENDMENT ACT 1993

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ANNO TRICESIMO SECUNDO

ELIZABETHAE II REGINAE

A.D. 1993

No. 83 of 1993

An Act to amend the Classification of Films for Public Exhibition Act 1971.

[Assented to 27 October 1993]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Classification of Films for Public Exhibition (Arrangements with Commonwealth) Amendment Act 1993*.

(2) The *Classification of Films for Public Exhibition Act 1971* is referred to in this Act as "the principal Act".

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Amendment of s. 3—Interpretation

3. Section 3 of the principal Act is amended—

- (a) by striking out the definition of "corresponding law";
- (b) by striking out from the definition of "restricted classification" "section 4(1)(d)" and substituting "section 4(1)(e)".

Insertion of s. 3A

4. The following section is inserted after section 3 of the principal Act:

Arrangements with Commonwealth with respect to classification

3A. (1) The Governor may arrange with the Governor-General of the Commonwealth for the exercise and discharge by officers or authorities of the Commonwealth, on behalf of the State, of the function of classifying films for the purposes of this Act.

(2) An agreement relating to an arrangement under this section—

- (a) may be terminated by the Governor at any time;

(b) has effect, subject to paragraph (a), according to its terms.

(3) The Minister must cause notice of the making or termination of an arrangement under this section, including the date of the making or termination of the arrangement, as the case may be, to be published in the *Gazette* as soon as practicable after that date.

(4) If an arrangement is in force under this section, the officer or authority of the Commonwealth carrying out the function of classifying films must not classify a film at the request of a person unless a request is made (and the appropriate fee paid) for classification of the film on behalf of each State and Territory of the Commonwealth in respect of which a corresponding arrangement is in force.

Amendment of s. 4—Film not to be exhibited unless classified

5. Section 4 of the principal Act is amended—

(a) by striking out subsection (1) and substituting the following subsection:

(1) A film must not be exhibited in a theatre unless the film has been classified in pursuance of an arrangement under section 3A or by the Minister as—

- (a) a “G” film (for general exhibition); or
- (b) a “PG” film (parental guidance recommended for persons under 15 years); or
- (c) an “M” film (recommended for mature audiences 15 years and over); or
- (d) an “MA” film (restrictions apply to persons under the age of 15 years); or
- (e) an “R” film (restricted to adults 18 years and over); or
- (f) such other classification as may be set out in the regulations.;

(b) by striking out from subsection (3) “a corresponding law” and substituting “an arrangement under section 3A”;

(c) by striking out from subsection (3)(a) “the corresponding law” and substituting “the arrangement”.

Amendment of s. 5—Alteration of classified film prohibited

6. Section 5 of the principal Act is amended—

(a) by striking out from subsection (1) “a corresponding law, or by the Minister under this Act” and substituting “an arrangement under section 3A or by the Minister”;

(b) by striking out from subsection (1) “the corresponding law” and substituting “the arrangement”.

Insertion of s. 6A

7. The following section is inserted after section 6 of the principal Act:

Admission of persons to "MA" films**6A. (1) Where—**

- (a) a child of or above the age of two years but under the age of 15 years is in a theatre at any time when a film classified as an "MA" film is, or is about to be, exhibited; and
- (b) the child is not accompanied by his or her parent or guardian, or a person acting with the written authority of his or her parent or guardian,

the exhibitor is guilty of an offence and liable to a penalty not exceeding \$500.

(2) It is a defence to a prosecution under subsection (1) that—

- (a) the defendant took reasonable precautions designed to ensure that any such child was not admitted to the exhibition of the film; or
- (b) the defendant, or the person to whom the responsibility of admitting persons to the exhibition of the film was entrusted, believed on reasonable grounds that the child to whom the charge relates had not attained the age of two years or had attained the age of 15 years; or
- (c) the defendant, or the person to whom the responsibility of admitting persons to the exhibition of the film was entrusted, believed on reasonable grounds that the child to whom the charge relates was accompanied by the child's parent or guardian or a person acting with the written authority of the child's parent or guardian.

Amendment of s. 8—Advertisements

8. Section 8 of the principal Act is amended by striking out from subsection (5)(b) "section 4(1)(e)" and substituting "section 4(1)(f)".

Amendment of s. 9—Illegal publication of advertisement, etc.

9. Section 9 of the principal Act is amended—

- (a) by striking out from subsection (3) "a corresponding law" first occurring and substituting "an arrangement under section 3A";
- (b) by striking out from subsection (3) "a corresponding law" second occurring and substituting "the arrangement".

Amendment of s. 10—Evidentiary provision

10. Section 10 of the principal Act is amended by striking out from paragraph (c) "a corresponding law" and substituting "an arrangement under section 3A".

Amendment of s. 11A—Film to which classification has been assigned may be lawfully exhibited notwithstanding law of obscenity, etc.

11. Section 11A of the principal Act is amended—

- (a)* by striking out from subsection (1)*(b)* “a corresponding law” and substituting “an arrangement under section 3A”;
- (b)* by striking out from subsection (3) “a corresponding law” and substituting “an arrangement under section 3A”.

Amendment of s. 14—Regulations

12. Section 14 of the principal Act is amended by inserting in paragraph *(ab)* “(whether pursuant to an arrangement under section 3A or by the Minister)” after “Act”.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

ROMA MITCHELL Governor