



ANNO TRICESIMO PRIMO

ELIZABETHAE II REGINAE

A.D. 1982

No. 64 of 1982

An Act to amend the Film Classification Act, 1971-1978.

[Assented to 1 July 1982]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Film Classification Act Amendment Act, 1982". Short titles.
- (2) The Film Classification Act, 1971-1978, is in this Act referred to as "the principal Act".
- (3) The principal Act, as amended by this Act, may be cited as the "Film Classification Act, 1971-1982".

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

3. Section 3 of the principal Act is amended by striking out from the definition of "restricted classification" the passage "subsection (2)" and substituting the passage "subsection (1)". Amendment of s. 3—
Interpretation.

4. Section 4 of the principal Act is amended by striking out from subsection (2) the passage "one thousand dollars" and substituting the passage "five thousand dollars". Amendment of s. 4—
Film not to be exhibited unless classified.

5. Section 5 of the principal Act is amended by striking out from subsection (3) the passage "two hundred dollars" and substituting the passage "two thousand dollars". Amendment of s. 5—
Alteration of classified film prohibited.

6. Section 6 of the principal Act is amended—
 - (a) by striking out from subsection (1) the passage "fifty dollars" and substituting the passage "five hundred dollars";
 - (b) by striking out from subsection (3) the passage "fifty dollars" and substituting the passage "five hundred dollars";Amendment of s. 6—
Children between the age of two and eighteen years not to be admitted to exhibition of film bearing restricted classification.

- (c) by striking out from subsection (3a) the passage “two hundred dollars” and substituting the passage “two thousand dollars”;
and
(d) by striking out from subsection (7) the passage “one hundred dollars” and substituting the passage “one thousand dollars”.

Amendment of
s. 8—
Advertisements.

7. Section 8 of the principal Act is amended—

- (a) by striking out from subsection (2) the passage “fifty dollars, and for a second or subsequent offence to a penalty not exceeding two hundred dollars” and substituting the passage “five hundred dollars, and for a second or subsequent offence to a penalty not exceeding two thousand dollars”;

- (b) by inserting after subsection (2) the following subsections:

(2a) Subject to subsection (2b), where persons are admitted to a theatre for a programme of two or more films, the exhibitor of those films shall be guilty of an offence and liable to a penalty not exceeding five hundred dollars unless every newspaper advertisement published in connection with the exhibition of that programme included a statement of the classification of the film that has the most limited of the classifications of those films and that statement was made, either in full, or by the use of a prescribed symbol, and was such as to be clearly visible having regard to the size and nature of the advertisement.

(2b) Subsection (2a) does not apply in relation to a programme of films if the film that has the most limited of the classifications of those films is classified under section 4 (1) (b).;

- (c) by striking out from subsection (3) the first word of that subsection and substituting the passage “Subject to subsection (3a), the”;

- (d) by inserting after subsection (3) the following subsection:

(3a) Where persons are to be admitted to a theatre for a programme of two or more films, subsection (3) does not apply in relation to a trailer included in that programme unless the classification of the trailer is more limited than the classification of the film that has the most limited of the classifications of the films (not being trailers) included in the programme.;

- (e) by striking out from subsection (4) the passage “fifty dollars” and substituting the passage “five hundred dollars”;
and

- (f) by inserting after subsection (4) the following subsections:

(5) For the purposes of this section—

- (a) the classification referred to in a paragraph of section 4 (1) is more limited than the classification referred to in a preceding paragraph of that section;

and

- (b) a classification prescribed under section 4 (1) (e) has such relation to the other classifications as may be prescribed.

(6) In this section, "trailer" means a film that comprises or includes excerpts of another film and is designed to advertise that other film.

8. Section 9 of the principal Act is amended—

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

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

(1) A person who publishes, or causes to be published, an advertisement in connection with the exhibition of a film to which a classification has not been assigned in accordance with this Act shall be guilty of an offence and liable to a penalty not exceeding five hundred dollars.;

and

(b) by striking out from subsection (3) the passage "Two hundred dollars" and substituting the passage "Two thousand dollars".

9. The following section is inserted after section 9 of the principal Act:

Insertion of
new s. 9a.

9a. (1) Subject to subsection (2), the owner or occupier of any premises shall not make an unclassified film or restricted classification film available for viewing in those premises by any other person where the right of that other person to occupy or be present in the premises or to view the film is procured by the payment of money or on any other condition.

Offence to
make
unclassified or
restricted
classification
films available
for viewing in
certain
circumstances.

Penalty: Where the offence relates to an unclassified film—five thousand dollars; where the offence relates to a restricted classification film—five hundred dollars.

(2) Subsection (1) does not apply in relation to a restricted classification film if—

(a) the person procuring the right to occupy or be present in the premises or to view the film, was advised before he procured the right, that the film is a restricted classification film;

or

(b) the premises are a theatre and the classification of the film is exhibited in accordance with section 8 (3).

(3) In this section—

"make available" includes cause, suffer or permit to be made available:

"premises" includes a part of premises:

"restricted classification film" means a film to which a restricted classification has been assigned in accordance with this Act:

"unclassified film" means a film to which no classification has been assigned in accordance with this Act.

10. Section 11 of the principal Act is amended by striking out from subsection (2) the passage "Two hundred dollars" and substituting the passage "Two thousand dollars".

Amendment of
s. 11—
Power of
entry.

Amendment of
s. 11b—
Prohibition on
exhibition of
restricted films
in certain
circumstances.

11. Section 11b of the principal Act is amended by striking out from subsection (3) the passage “two thousand dollars” and substituting the passage “five thousand dollars”.

Repeal of
s. 13 and
substitution of
new sections.

12. Section 13 of the principal Act is repealed and the following sections are substituted:

Time for
commencement
of
prosecutions.

13. Proceedings in respect of an offence against this Act may be commenced within two years of the date on which the offence is alleged to have been committed.

Offences by
bodies
corporate.

13a. Where a body corporate is guilty of an offence against this Act every member of the governing body of the body corporate shall be guilty of an offence and liable to the same penalty as is prescribed for the principal offence unless he proves that he exercised all reasonable diligence to prevent the commission of the offence.

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

D. B. DUNSTAN, Governor