



# **CLASSIFICATION OF PUBLICATIONS (ARRANGEMENTS WITH COMMONWEALTH) AMENDMENT ACT 1993**

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ANNO TRICESIMO SECUNDO

**ELIZABETHAE II REGINAE**

A.D. 1993

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**No. 84 of 1993**

**An Act to amend the Classification of Publications Act 1974.**

[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 Publications (Arrangements with Commonwealth) Amendment Act 1993*.

(2) The *Classification of Publications Act 1974* 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.

**Insertion of s. 10A**

3. The following section is inserted in Part III of the principal Act before section 11:

**Arrangements with Commonwealth with respect to classification**

**10A.** (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 functions of the Board with respect to the classification of publications under this Act.

(2) An arrangement under this section does not prevent the Board from exercising the function itself and—

- (a) a classification assigned to a publication by the Board overrides any classification assigned pursuant to the arrangement; and
- (b) if the Board refrains from assigning a classification to a publication, any classification assigned pursuant to the arrangement is to be disregarded.

(3) 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.

(4) 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.

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

**Amendment of s. 13—Classification of publications**

4. Section 13 of the principal Act is amended—

(a) by striking out subsection (3b) and substituting the following subsection:

(3b) For the purposes of subsection (3)(c), a film—

- (a) that has been refused classification pursuant to an arrangement under section 10A; or
- (b) the classification of which has been revoked pursuant to an arrangement under section 10A; or
- (c) that has been classified under the law of another State or Territory of the Commonwealth otherwise than as a “G” film, “PG” film, “M” film, “MA” film or “R” film,

will be taken to be unsuitable for classification as an “R” film.;

(b) by striking out subsection (3c).

**Amendment of s. 14—Publications deemed to have been classified or to be unclassified in certain cases**

5. Section 14 of the principal Act is amended—

- (a) by striking out subsection (1);
- (b) by striking out from subsection (3) “(1) or”;
- (c) by striking out subsection (5).

**Amendment of s. 15—Review**

6. Section 15 of the principal Act is amended by striking out from subsection (1) “section 14(1) or (2)” and substituting “section 10A or 14(2)”.

**Amendment of s. 17—Notice**

7. Section 17 of the principal Act is amended—

(a) by striking out from subsection (1)(a) “section 14(1) or (2)” and substituting “section 10A or 14(2)”;

(b) by striking out from subsection (2) “section 14(1) or (2)” and substituting “section 10A or 14(2)”.

**Amendment of s. 18—Offences**

8. Section 18 of the principal Act is amended—

(a) by striking out subsections (3b), (3c), (3d), (3e) and (3f);

(b) by striking out subsection (8) and substituting the following subsection:

(8) In this section—

“prescribed film” means a film that has been refused classification under this Act or has had a classification that has been revoked under this Act.

**Amendment of s. 22—Regulations**

9. Section 22 of the principal Act is amended by inserting in subsection (2)(ab) “(whether the classification or review is to be conducted by the Board or pursuant to an arrangement under section 10A)” after “such applications”.

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

ROMA MITCHELL Governor