

ADMINISTRATION AND PROBATE

11 GEO. VI. No. 41.

AN ACT to amend the *Administration and Probate Act 1935*. [11 November, 1947.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Administration and Probate Act 1947*. Short title
and citation.

(2) The *Administration and Probate Act 1935**, as subsequently amended, is in this Act referred to as the Principal Act.

2 Section sixty-three of the Principal Act is amended by omitting subsection (3). Land subject
to *Real Property Act*
1862:
Registration
of personal
representative.

* 26 Geo. V. No. 38. For this Act, as amended to 1936, see Reprint of Statutes, Vol. III., p. 826. Subsequently amended by 5 Geo. VI. No. 7 and 7 Geo. VI. No. 33.

CENSORSHIP OF FILMS.

11 GEO. VI. No. 42.

AN ACT to make provision for the Censorship of Cinematograph Films and for purposes connected therewith. [11 November, 1947.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as the *Censorship of Films Act 1947*. Short title.

2 The *Places of Public Entertainment Act 1917** is amended by omitting paragraph XVI. of section eighteen. Repeal.

* 8 Geo. V. No. 49. For this Act, as amended to 1936, see Reprint of Statutes, Vol. I., p. 81. Subsequently amended by 7 & 8 Geo. VI. No. 79 and 11 Geo. VI. No. 15.

Interpreta-
tion.

Cf. Vic. Act
No. 3786,
Part II.

3 In this Act, unless the contrary intention appears—

“censor” means the officer or authority of the Commonwealth exercising and discharging on behalf of the State the powers, duties, functions, and authorities of a censor of films pursuant to an arrangement under this Act;

“children” means persons under the age of sixteen years;

“cinematograph” includes cinematograph and any other similar apparatus for the exhibition of moving pictures;

“cinematograph film” means a film used or proposed to be used for the purpose of exhibiting a cinematograph picture;

“cinematograph picture” means a picture or other optical effect exhibited or proposed to be exhibited by means of a cinematograph;

“film” means cinematograph film;

“picture” means cinematograph picture;

“registered film” means any film approved for registration pursuant to any regulations relating to cinematograph films made under any Commonwealth Act;

“scenario” includes any statement or summary—

(a) of the plot of any play or story; or

(b) of the incidents,

depicted or intended to be depicted by means of a cinematograph film;

“theatre” includes any hall, house, room, building, garden, or place wherein exhibitions of cinematograph pictures are held, to which admission is or may be procured by payment of money or by tickets, or by any other means, token, or consideration as the price, hire, or rent, of admission, or where there is any subscription, collection, or donation taken or received in respect of admission thereto.

Power to
arrange with
Common-
wealth as to
discharge, &c.,
of duties, &c.,
by Common-
wealth officers.

4—(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 powers, duties, functions, and authorities of a censor of cinematograph films under this Act.

(2) Any agreement relating to an arrangement under subsection (1) may make provision for all or any matters necessary or convenient to be provided for or incidental to carrying out the arrangement, and shall contain a provision to the effect that such an arrangement may be terminated by the Governor at any time.

(3) Any agreement under this section shall be valid and effectual for all purposes.

5—(1) While any such arrangement as is referred to in section four is in operation the powers, duties, functions, and authorities of the censor, or any deputy or deputies of the censor, under this Act, shall be exercised and discharged by the officers or authorities of the Commonwealth provided for by or under the arrangement.

Powers and duties of censor, &c., exercisable by Commonwealth officers, &c., under arrangement.

(2) The censor may, by instrument in writing under his hand, delegate, either generally or in any particular case, to any person specified in the instrument, all or any of his powers, duties, functions, and authorities under this Act (other than this power of delegation), but any such delegation shall be revocable at will and shall not prevent the exercise or performance by the censor of any such power, duty, function, or authority.

6—(1) No person shall exhibit any cinematograph picture in a theatre, or cause any cinematograph picture to be so exhibited, unless and until the film used for the purpose of exhibiting the picture has been approved by the censor.

No film to be exhibited unless approved by censor.

(2) Applications for the censor's approval of a film shall be made in the prescribed manner and shall be accompanied by the prescribed particulars.

7—(1) The Governor may, by the regulations—

- (a) exempt from the operation of this Act, to the extent prescribed in the regulations, any specified class of films (including films approved for registration pursuant to any regulations relating to cinematograph films made under any Commonwealth Act); and
- (b) specify what provisions (if any) of this Act and the regulations are (with such modifications as are necessary or seem desirable) to apply with respect to any class or classes of films so exempted.

Exemptions.

(2) The censor may, in any particular case, by direction in writing under his hand exempt any film from the operation of this Act to the extent specified in the direction.

8 The censor shall examine every film submitted to him for approval.

Duty of censor.

9—(1) The censor may—

- (a) approve a film unconditionally;
- (b) approve a film as being in his opinion not suitable for exhibition before children;
- (c) approve a film subject to such conditions as he imposes;
- (d) refuse approval of a film; or
- (e) approve the reconstruction of a film.

Powers of censor.

(2) Every trailer film, poster, programme, advertisement, or written or printed or oral matter in the nature of an advertisement (and whether in a newspaper or otherwise), with respect to a film or the exhibition of any cinematograph picture from a film shall—

- (a) in any case where, in accordance with the provisions of paragraph (a) of subsection (1) of this section, the censor approves the film unconditionally—contain a statement in the prescribed form to the effect that the censor has approved the film for general exhibition;
- (b) in any case where, in accordance with the provisions of paragraph (b) of subsection (1) of this section, the censor approves the film as being in his opinion not suitable for exhibition before children—contain a statement in the prescribed form to the effect that the censor has approved the film as not suitable for exhibition before children; and
- (c) in any case where, in accordance with the provisions of paragraph (c) of subsection (1) of this section, the censor approves the film subject to such conditions as he imposes—contain a statement setting out substantially those conditions in such form as is prescribed, or as is approved in writing by the censor, or by some person authorised (whether generally or in any particular case) by the censor in that behalf.

Provided that, in the case of a group of advertisements relating to more theatres than one and having a total area of not more than one hundred square inches, it shall be a sufficient compliance with the provisions of this subsection if there is published at the foot of such group of advertisements a statement by way of explanation of a symbol (to be approved by the censor) appearing in such advertisements opposite the title of each film to denote the censor's approval of such film under subsection (1).

(3) Every statement published in pursuance of the proviso to subsection (2) shall be printed in black type having letters of not less than six-point face measurement.

(4) Every person carrying on the business of exhibiting cinematograph pictures, or of distributing cinematograph films, or of selling, leasing, or otherwise disposing of films, or the right to use films for the exhibition of cinematograph pictures therefrom, who commits any contravention of or fails to comply with any of the provisions of subsection (2) of this section shall be guilty of an offence, and shall for every such offence be liable to a penalty of not less than one pound and not more than ten pounds, and for any subsequent offence to a penalty of not less than ten pounds and not more than fifty pounds.

(5) Nothing in subsections (2) or (4) of this section shall affect any other liability under any other provisions of this Act of any person exhibiting any cinematograph picture.

(6) Where, before the commencement of this Act, the censor has approved a film as being in his opinion suitable only for exhibition before adult persons, that film shall, after

the commencement of this Act, be deemed for the purposes of this section to have been approved by the censor as being in his opinion not suitable for exhibition before children.

10—(1) At any exhibition of films shown before half-past five o'clock in the afternoon of any Saturday or other day which is a bank holiday or part bank holiday under the *Bank Holidays Act 1919**, and at any matinee during school term holidays which is advertised as a special matinee for school children, only films approved by the censor as suitable for general exhibition in accordance with paragraph (a) of subsection (1) of section nine shall be shown.

Exhibition of films at matinees.

(2) At every exhibition of films and at every matinee to which the provisions of this section apply no trailer films advertising films approved by the censor as being in his opinion not suitable for exhibition before children shall be shown.

(3) The censor may, subject to such conditions as he may impose, exempt from the provisions of this section, the exhibition of films at any particular theatre where, in his opinion, the conditions of exhibition render it unsuitable that this section shall apply.

11 Every person carrying on the business of exhibiting cinematograph pictures shall cause to be exhibited on the picture screen prior to the commencement of every programme, and during every interval of the programme, a slide, approved by the censor, in such form as will clearly indicate to the audience the interpretation of any symbols permitted or directed by or under this Act to be used for the purpose of denoting the censor's approval of films under subsection (1) of section nine.

Exhibition of slide indicating meaning of symbols denoting censor's approval of film.

12—(1) Any person who feels aggrieved by any decision of the censor, or by the imposition of any condition under the powers conferred on the censor by or under this Act, may, within such time and upon such conditions as are prescribed, appeal therefrom to such authority or person as may be authorised by any agreement entered into pursuant to section four.

Appeal from decision of censor.

(2) An appeal under this section shall be lodged, heard, and determined as prescribed, and shall be accompanied by the prescribed fee as provided in the schedule.

(3) The decision of the authority or person authorised to hear appeals under the section shall be final and without appeal.

13 The censor's approval shall be signified by a certificate in the prescribed form.

Signification of censor's approval.

* 19 Geo. V. No. 8. For this Act, as amended to 1936, see Reprint of Statutes, Vol. I., p. 269. Subsequently amended by 7 & 8 Geo. VI. No. 81, and 9 & 10 Geo. VI. No. 35.

No approval
in certain
cases.

14 The approval of the censor shall not be given in the case of any film which, in the opinion of the censor, depicts any matter—

- (a) which is indecent or obscene or is likely to incite or encourage public disorder; or
- (b) the exhibition of which—
 - (i) is likely to be injurious to morality or to encourage or incite to crime; or
 - (ii) is undesirable in the public interest:

Provided that the censor's approval shall not be unconditionally refused in the case of any film which, in the opinion of the censor—

- (a) in good faith and with artistic merit reproduces or adapts any work of recognised literary merit; or
- (b) in good faith and with artistic merit represents any scriptural, historical, traditional, mythical, or legendary story.

Power to
require
pictures to be
exhibited for
inspection.

15—(1) The censor may require the picture proposed to be exhibited from any film submitted for his approval to be exhibited for his inspection.

(2) The exhibition of a picture as provided by this section shall be carried out at the expense and risk of the applicant.

(3) The censor may require the applicant for approval of a cinematograph film to produce any scenario thereof.

(4) In forming his opinion as to whether or not a cinematograph film submitted for his approval should be approved, the censor may take into consideration not only the film itself but any scenario thereof, and also any posters, photographs, sketches, programmes, and slides proposed to be used in connection with the exhibition of the picture to be exhibited from such film, and any advertisements, or written, printed, or oral matter in the nature of advertisements of, or with respect to, the cinematograph film or picture or any portion thereof.

Power to
require
security for
fulfilment of
conditions.

16 The censor may require the applicant to furnish security for the fulfilment of any conditions imposed by the censor, or by this Act, in respect of any films submitted for approval.

Films to be
exhibited in
form
approved.

17—(1) Every film approved by the censor shall, in the exhibition of a picture, be used exactly in the form and under the name in which it is approved, without any alteration or addition, unless the approval of the censor to the film so altered or added to is first obtained.

(2) Until the film as so altered or added to has been again approved it shall be deemed not to have been approved.

18—(1) The applicant for the censor's approval of a film shall, when required by the censor, submit to him for approval, and every person exhibiting the picture from such film after approval thereof pursuant to this Act, and every person exhibiting a picture from a registered film, shall, when required by the censor, submit to him for approval a copy (in this Act referred to as a "sample copy") of every poster, photograph, sketch, programme, slide, advertisement, and all written, printed, or oral matter in the nature of an advertisement, intended to be used in connection with the exhibition within this State of the picture exhibited from such film.

Sample copies of poster, slides, &c., to be submitted for approval when required.

(2) The censor shall, with regard to the submission of a sample copy as provided by subsection (1), have the same powers and duties as he has with regard to films submitted for his approval, and his decision shall be subject to the like appeal as his decisions in respect to films so submitted.

(3) Any poster, photograph, sketch, programme, slide, or advertisement, or any written, printed, or oral matter in the nature of an advertisement, a sample copy of which has been approved by the censor shall, in connection with the exhibition of a cinematograph picture and so far as relates to any film used for the purposes of such exhibition, be used exactly in the form in which the sample copy was approved, and without any addition or alteration, unless the approval of the censor to the sample copy so altered or added to is first obtained, and until the sample copy as so altered or added to has been again approved it shall be deemed not to have been approved.

19 The censor may at any time revoke his certificate of approval of any film which has been approved subject to conditions imposed by him, if he is satisfied that any condition has not been complied with.

Power to censor to revoke certificate, &c.

20 The censor may, at any time, order the withdrawal of a film from exhibition for the purpose of further censorship, if it is shown to the satisfaction of the censor that such a course is necessary in the public interest, and the censor may revoke his certificate of approval in the whole or in part, and may issue an amended certificate.

Withdrawal of film for further censorship.

21 No action or suit shall be brought or maintained against any person who is or has been a censor or appeal authority under this Act for any act or omission in connection with his duties.

Protection of censor, &c.

22—(1) Immediately before the public exhibition of any cinematograph picture in any theatre, the person who intends to exhibit the picture shall cause to be projected on the screen upon which the picture is to be exhibited a reproduction (at least six feet in length and in letters clearly visible throughout the theatre) of the certificate of approval issued by the censor in respect of the picture.

Reproduction of censor's certificate to be screened before exhibition of film.

(2) If the certificate of approval is projected by means of a slide, the period of projection on the screen shall be not less than four seconds' duration.

Penalty for exhibiting pictures from films not approved.

23—(1) Every person who, in contravention of the provisions of this Act, exhibits in a theatre any cinematograph picture from a film which has not been approved as provided by this Act shall be guilty of an offence and shall for every such offence be liable to a penalty of fifty pounds

(2) The court by which any such penalty is imposed may order the film in respect of which the penalty is imposed to be forfeited to the Crown.

(3) Any film so forfeited shall be dealt with in such manner as the censor directs.

Penalty for publication, &c., of posters, advertisements, &c., as to films not approved or sample copies not submitted or not approved.

24 Subject to this Act any person who—

(a) publishes, distributes, or exhibits, or otherwise disseminates in any manner, or causes to be so published, distributed, exhibited, or disseminated any poster, photograph, sketch, programme, slide, or advertisement or any written, printed, or oral matter in the nature of an advertisement, of or with respect to any film or portion of a film—

(i) which film or portion of a film has not been approved as provided by this Act;

(ii) a sample copy of which poster, photograph, sketch, programme, slide, or advertisement, or written, printed, or oral matter in the nature of an advertisement, is required by the censor to be submitted to him for approval and has not been so submitted, or if so submitted has not been approved as provided by this Act; or

(iii) which poster, photograph, sketch, programme, slide, or advertisement, or written, printed, or oral matter in the nature of an advertisement, has been altered or added to after approval of a sample copy thereof by the censor, and a sample copy thereof as so altered or added to has not been approved as provided by this Act; or

(b) prints, publishes, distributes, or otherwise disseminates in any manner, or causes to be so printed, published, distributed, or disseminated, any photographic or other reproduction of any film, or portion of a film, which film or portion of a film has not been approved as provided by this Act,

shall be guilty of an offence and shall be liable to a penalty of five pounds for or in respect of each such publication, distribution, dissemination, or exhibition or (as the case may be) each such printing, publication, or distribution.

25 Any film, or part of a film, or any sample copy of any poster, photograph, sketch, programme, slide, or advertisement, or written, printed, or oral matter in the nature of an advertisement, which film or part thereof, or which sample copy, has been submitted pursuant to this Act to the censor, and to which he has refused approval, may be retained by the censor, but such film or such part of a film may be returned to the person who submitted the same for approval if the censor is satisfied that it will be forthwith disposed of in such manner as the censor directs.

Power of censor to retain films and sample copies where approval refused.

26 Unless exempted by the regulations, every person who carries on the business of exhibiting cinematograph pictures in theatres, and every person who carries on the business of selling, leasing, distributing, or otherwise disposing of cinematograph films, or the right to use such films for the exhibition of cinematograph pictures therefrom in theatres, shall register his name and address and such particulars as are prescribed, in such manner with such person and at such times as is or are prescribed, and shall furnish to the Minister in the manner and at the times prescribed such returns as are prescribed.

Exhibitors of and dealers in films to register.

27 Without affecting the liability of any person for any offence under this Act, in any proceedings under this Act a person shall be deemed to exhibit a cinematograph picture if he conducts the exhibition thereof, or on the occasion in question has the superintendence or management of the theatre wherein the cinematograph picture is exhibited.

What deemed exhibition of cinematograph picture.

28 Every person who is guilty of any contravention of, or failure to comply with, any provision of this Act for which no penalty is expressly provided shall be liable to a penalty of ten pounds.

Penalty for contraventions of Act not otherwise provided for.

29 Where a person convicted of an offence against this Act is a body corporate, every person who, at the time of the commission of the offence, was a director or officer of the body corporate shall be deemed to be guilty of the offence, unless he proves that the offence was committed without his knowledge, or that he used all due diligence to prevent the commission of the offence.

Offences by corporations.

30 In any proceedings for an offence against this Act where it is necessary to prove that a film, or any advertisement relating to a film, has or has not been approved by the censor, a certificate in the prescribed form signed, or purporting to be signed, by the censor shall be *prima facie* evidence that the film or advertisement has or has not been so approved, as the case may be.

Censor's certificate to be *prima facie* evidence that film or advertisement has not been approved.

31 In any proceedings for an offence against this Act where it is necessary to prove that a distributor of cinematograph films, or an exhibitor of cinematograph pictures, has or

Under-Secretary's certificate to be *prima facie* evidence that distributor or exhibitor has not registered.

has not been registered in accordance with the requirements of this Act a certificate in the prescribed form signed or purporting to be signed by the Under-Secretary shall be *prima facie* evidence whether such distributor or exhibitor, as the case may be, has or has not been so registered.

Fees.

32 There shall be paid in respect of the matters mentioned in the schedule to this Act the several fees set forth in that schedule in respect of those matters respectively.

No fees payable in respect of charitable, &c., entertainments.

33 No fees shall be payable for registration as an exhibitor of cinematograph pictures, or for the approval of films by the censor, in respect of entertainments conducted solely for charitable purposes, or for benevolent or special (including educational) purposes approved in writing by the Minister.

Regulations.

34 The Governor may make regulations, not inconsistent with this Act, prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for giving effect to this Act, and in particular for or with respect to—

- (a) applications, certificates, returns, and other documents under this Act;
 - (b) the registration of persons who carry on the business—
 - (i) of exhibiting cinematograph pictures in theatres; or
 - (ii) of selling, leasing, distributing, or otherwise disposing of cinematograph films, or the right to use such films for the exhibition of cinematograph pictures therefrom in theatres;
 - (c) the time within which and the conditions upon which appeals from decisions of the censor may be made;
 - (d) exempting any class of films from the operation of all or any provisions of this Act and prescribing the extent of such exemptions and specifying the provisions (if any) of this Act or the regulations which are to be applicable with respect to such class of films; and
 - (e) imposing penalties of not more than ten pounds for any breach of any regulation, with an additional penalty in the case of a continuing offence of not more than one pound for each day upon which the breach continues.
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THE SCHEDULE.

FEES IN RESPECT OF CINEMATOGRAPH FILMS.

	£	s.	d.
1. On submission of any film for the approval of the censor, or on submission of any film already approved to the censor for his approval of any alteration thereof or addition thereto—For every reel of such film	0	5	0
2. On appeal by any person aggrieved by any decision of the censor in respect of a film submitted to him for approval—For every reel of film or part thereof (with a minimum fee of one pound ten shillings for any one film)	0	10	0

 ACTS INTERPRETATION.

11 GEO. VI. No. 43.

 AN ACT to amend the *Acts Interpretation Act*
 1931. [11 November, 1947.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Acts Interpretation Act* 1947. Short title and citation.

(2) The *Acts Interpretation Act* 1931* is in this Act referred to as the Principal Act.

2 Section thirteen of the Principal Act is amended by inserting after the word “or” in paragraph 1. of subsection (1) the words “, in the case of an Act passed before the first Citation of Acts.”