

Ethical standards.

17—(1) The Board, with the approval of the Governor, may formulate rules governing the practice of radiography failure to comply with which on the part of a registered radiographer shall be deemed to constitute misconduct in a professional respect.

(2) Nothing in this section prevents any matter not dealt with in the rules formulated under this section from being treated for the purposes of this Act as misconduct in a professional respect.

PART IV.

MISCELLANEOUS.

Misrepresentations in relation to registration.

18 A person who procures or attempts to procure the grant or restoration of a registration by wilfully making or producing or causing to be made or produced, either orally or in writing, any declaration, certificate, or representation which he knows to be false or fraudulent is guilty of an offence and liable to a penalty of one hundred dollars.

Service of notices.

19 Where a notice is required to be served on any person for the purposes of this Act that notice may be so served—

(a) by delivering to him personally; or

(b) by sending it by certified mail addressed to him at his usual or last known place of abode or at any institution or other place at which he holds any employment or appointment.

Regulations.

20 The Governor may make regulations for the purposes of this Act.

FILMS.

No. 90 of 1971.

AN ACT to provide for the classification and registration of films intended for public exhibition, and for matters incidental thereto.

[14 December 1971.]

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:—

Short title and commencement.

1—(1) This Act may be cited as the *Films Act 1971*.

(2) This Act shall commence on a day to be fixed by proclamation.

2 The *Censorship of Films Act 1947* is repealed.

Repeal.

3 In this Act, unless the contrary intention appears—

Interpretation.

“advertisement”, in relation to a film, means an extract from the film, or a poster, photograph, sketch, programme, or slide, or any written or printed matter, used or intended to be used to advertise the film;

“appeal censor” means—

(a) the officer or authority of the Commonwealth exercising and discharging on behalf of the State the powers, authorities, functions, and duties of appeal censor pursuant to an arrangement under this Act between the Governor and the Governor-General of the Commonwealth; or

(b) if there is no such arrangement in operation, the appeal censor or a deputy appeal censor appointed by the Governor pursuant to this Act;

“Australian film” means a film—

(a) that has been wholly or mainly produced in Australia; and

(b) in which all the studio scenes have been photographed in Australia,

but does not include a film (wherever produced) that is produced by a company incorporated elsewhere than in a State or Territory of the Commonwealth;

“authorized officer” means a person who is authorized by the Minister, in writing, to exercise the powers conferred on authorized officers by this Act;

“censor” means—

(a) the officer or authority of the Commonwealth exercising and discharging on behalf of the State the powers, authorities, functions, and duties of a censor of films pursuant to an arrangement under this Act between the Governor and the Governor-General of the Commonwealth; or

(b) if there is no such arrangement in operation, the censor or a deputy censor appointed by the Governor pursuant to this Act;

“certificate of registration” means a certificate of registration under this Act as a distributor or as an exhibitor;

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

“distributor”, in relation to films, means a person for the time being engaged in the business of selling or leasing films;

- “exhibitor”, in relation to films, means a person who exhibits films in a theatre and includes a person who has the superintendence or management of a theatre in which films are exhibited; and “exhibit” in relation to a film, means to exhibit the images contained in the film by means of a cinematograph;
- “film” means a film for use in a cinematograph;
- “leasing”, in relation to a film, means leasing or otherwise issuing or distributing the film to exhibitors at a rent or for other consideration, or making other arrangements with exhibitors for the exhibition of the film;
- “registered film” means a film that is registered pursuant to this Act;
- “scenario” includes a statement or summary of any incidents, or of the plot of a play or story, depicted or intended to be depicted by means of a film;
- “theatre” means a house, room, building, garden, or place where a film is exhibited to which admission is or may be procured by payment of money, or by presentation of a ticket, or by any other token, consideration, or means.

Arrangements
with the
Common-
wealth.

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, authorities, functions, and duties of a censor or of an appeal censor under this Act.

(2) An arrangement under this section 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 the arrangement may be terminated by the Governor at any time.

(3) The Minister shall cause notice of the making of an arrangement under this section to be published in the *Gazette* in such form as the Minister thinks appropriate.

Appointment
of censors,
&c., where no
arrangement
under section
4 is in
operation.

5 Where there is no arrangement in operation under section four, the Governor may, in accordance with the provisions of the *Public Service Act 1923*, appoint—

- (a) a censor and an appeal censor; and
- (b) such deputy censors and deputy appeal censors as he thinks necessary for the due administration of this Act.

Unregistered
film not to be
exhibited.

6—(1) No person shall exhibit a film in a theatre or cause a film to be so exhibited unless the film has been registered by the censor.

(2) An application for the registration of a film shall be made in the prescribed manner and form and shall be accompanied by the prescribed particulars.

7—(1) The regulations may—

Exemptions.

- (a) exempt from the operation of this Act, to the extent prescribed in the regulations, any specified class of films;
- (b) specify what provisions (if any) of this Act are (with such modifications, if any, as are prescribed) to apply with respect to any class of films so exempted; and
- (c) exempt any person or class of persons specified in the regulations from the operation of all or any of the provisions of this Act.

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

8 A censor shall examine every film submitted to him for registration unless he determines, in a particular case, that it is not necessary for him to do so. Examination of films by censor.

9—(1) A censor may—

Registration and classification of films.

- (a) register a film unconditionally;
- (b) register a film upon and subject to such conditions as he thinks fit; or
- (c) refuse to register a film.

(2) Where a censor registers a film under subsection (1) of this section he shall assign to the film one of the following classifications, namely:—

- (a) For general exhibition;
- (b) Not recommended for children;
- (c) For mature audiences; or
- (d) For restricted exhibition,

or such other classification (whether in addition to or in lieu of any of those classifications) as may be prescribed.

(3) An exhibitor who admits, or permits the admission of, a child of or over the age of six years but under the age of eighteen years to a theatre at any time when a film bearing the classification referred to in paragraph (d) of subsection (2) of this section is being or is about to be exhibited is guilty of an offence.

Penalty: Fifty dollars.

(4) It is a defence to a charge under subsection (3) of this section for the exhibitor to prove that he, or a person to whom he entrusted the responsibility of admitting persons to the theatre, believed on reasonable grounds that the child was of or above the age of eighteen years or under the age of six years.

(5) A child who, being of or over the age of fourteen years but under the age of eighteen years, attends the screening of a film bearing the classification referred to in paragraph (d) of subsection (2) of this section is guilty of an offence.

Penalty: Twenty dollars.

(6) A police officer or an authorized officer may demand from a person who has been admitted to a theatre in which a film bearing the classification referred to in paragraph (d) of subsection (2) of this section is being exhibited or is about to be exhibited or has been exhibited and whom the police officer or authorized officer has reasonable cause to suspect has attained the age of six years and has not attained the age of eighteen years the correct age, name, and address of that person and if the police officer or authorized officer has reasonable grounds to believe that the age, name, or address so given is false may require that person to produce, within a reasonable time, evidence of the correctness of the age, name, or address so given.

(7) A person who—

- (a) refuses to give particulars of his age, name, and address;
- (b) gives false particulars of his age, name, or address; or
- (c) supplies false evidence of his age, name, or address,

pursuant to a demand under subsection (6) of this section is guilty of an offence.

Penalty: Twenty dollars.

(8) A film that was approved under the *Censorship of Films Act* 1947 before the commencement of this Act shall be deemed to have been registered under this Act, and any conditions imposed in relation to the film under that Act continue to apply for the purposes of this Act as if they had been imposed under this Act.

Principles of
censorship.

10—(1) Subject to this section, a censor shall not register a film that depicts any matter—

- (a) that is, in the opinion of the censor, of an indecent, obscene, or disgusting nature; or
- (b) the exhibition of which is, in the opinion of the censor, likely to encourage or incite the commission of a crime.

(2) A censor shall not refuse to register a film that—

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

Power of
censor to
require the
exhibition of
a film for his
inspection.

11—(1) A censor may require a film or portion of a film submitted to him for registration to be exhibited for his inspection.

(2) Where a requirement under subsection (1) of this section is made, the film or portion of the film shall be exhibited at the expense and risk of the applicant for the registration of the film.

(3) A censor may require the applicant for the registration of a film to provide the censor with a scenario of the film.

(4) In determining whether or not a film should be registered a censor may take into consideration any advertisement proposed to be used in connection with the exhibition of the film.

12—(1) An advertisement published in connection with the exhibition of a film shall state the classification of the film under this Act, either in full or by the use of a prescribed symbol, and that statement or symbol shall be such as to be clearly visible, having regard to the size and nature of the advertisement. Advertisements.

(2) Where a film was approved under the *Censorship of Films Act 1947* before the commencement of this Act any poster, photograph, sketch, programme, slide, advertisement, or written, printed, or oral matter in the nature of an advertisement with respect to that film or any picture or excerpt from that film, whether exhibited in a newspaper or on a film or otherwise, shall contain a statement of the extent of the approval of the film, as required by section nine of that Act immediately before the commencement of this Act.

(3) A distributor or an exhibitor who publishes or causes to be published an advertisement that does not comply with subsection (1) or subsection (2) of this section is guilty of an offence.

Penalty: For a first offence, fifty dollars; for a subsequent offence, two hundred dollars.

13—(1) A censor may require an applicant for the registration of a film, or an exhibitor, to submit to the censor for his approval copies of every advertisement proposed to be used in connection with the exhibition of the film in the State. Approval of advertisements.

(2) A censor may approve or refuse to approve of an advertisement a copy of which has been submitted to him under this section.

(3) Where a censor has required the submission of copies of advertisements in connection with the exhibition of a film in this State no person shall—

- (a) publish or cause to be published, in connection with the exhibition of the film, any advertisement other than an advertisement that has been approved by the censor; or
- (b) publish or cause to be published, in connection with the exhibition of the film, any advertisement otherwise than in a form approved by the censor.

Penalty: One hundred dollars.

14 A person who—

- (a) publishes or causes to be published an advertisement relating to a film or portion of a film that has not been registered under this Act; or
- (b) prints, publishes, or distributes, or causes or permits to be printed, published, or distributed any photographic or other reproduction of a film or portion of a film that has not been registered as required by this Act,

is guilty of an offence.

Penalty: Fifty dollars.

15 The registration and classification of a film under this Act shall be evidenced by a certificate in such form as a censor thinks appropriate. Certificate of registration of film.

Prohibition of alteration of registered film.

16—(1) A registered film shall be exhibited in the same form and under the same name as that in which it was registered without any alteration or addition, unless a censor has approved in writing of the alteration or addition.

(2) A registered film that has been subjected to an alteration or addition shall be deemed to be unregistered until a censor has approved in writing of the alteration or addition.

Revocation of registration of film.

17 Where a film has been registered upon and subject to conditions, a censor may revoke the registration of the film if he is satisfied that there has been a breach of any of those conditions.

Exhibition of certificate of registration.

18 Immediately before the public exhibition of a film in a theatre the exhibitor shall cause to be projected on the screen on which the film is to be exhibited a reproduction (at least three feet in length and in letters clearly visible throughout the theatre) of the certificate of registration issued under this Act in respect of the film.

Penalty: One hundred dollars.

Appeals.

19—(1) A person who is aggrieved by a decision of a censor under this Act may, within such time and on such conditions as are prescribed, appeal from the decision to an appeal censor.

(2) The proceedings on the hearing of the appeal shall be open to the public, but otherwise the procedure relating to the appeal shall be such as may be determined by the appeal censor.

(3) The appeal censor, on the hearing of an appeal, may receive evidence on oath for the purposes of the appeal and has all the powers of a censor under this Act.

(4) An appeal censor may affirm, vary, or reverse a decision of a censor.

Retention and disposal of unregistered material, &c.

20—(1) Any film or other material in relation to which a censor has refused registration or approval under this Act may be retained by the censor.

(2) A censor may return any such film or material to the person by whom it was submitted if he is satisfied that it will be removed from the State or, if it is not in the State, that it will not be introduced into the State.

Right of exhibitor to reject certain films.

21—(1) Notwithstanding anything contained in a contract entered into by an exhibitor, whether before or after the commencement of this Act, for the supply to him for exhibition of any film or films, the exhibitor, subject to this section and without incurring any liability for breach of contract, has the right to reject—

(a) a film submitted by a distributor that was classified by a censor as being for a restricted exhibition; and

(b) any film (other than an Australian film) submitted by a distributor unless the rejection of that film would amount to a total rejection of more than twenty-five per cent of the films (other than Australian or restricted films) submitted by that distributor in accordance with the contract.

(2) Where, for the purposes of subsection (1) of this section, twenty-five per cent of any number of films includes a fraction of less than one-half, that fraction shall be disregarded and if that percentage includes a fraction of one-half or more that percentage shall be deemed to be the next higher whole number.

(3) Notice of intention to reject a film pursuant to the right conferred by this section shall be given by the exhibitor to the distributor or other supplier not less than twenty-eight days before the proposed date of exhibition in cases where advice as to the name of the film has been received by the exhibitor at least six weeks before that date, and in any other case the notice required to be given by the exhibitor may be given at any time within fourteen days after the receipt by him of advice as to the name of the film.

22 A police officer or an authorized officer may, without charge, enter any theatre in which he believes a film is being or is about to be exhibited in order to ascertain whether the provisions of this Act are being complied with in relation to that film. Powers of entry.

23—(1) A person who, in contravention of any of the provisions of this Act, exhibits in a theatre a film, or portion of a film, that has not been registered as required by this Act is guilty of an offence. Offences and penalties.

Penalty: One hundred dollars.

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

(3) A film that is so forfeited shall be dealt with in such manner as the Minister may direct.

(4) Where a person convicted of an offence against this Act is a body corporate, each 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.

24 In proceedings in respect of an offence against this Act, a certificate signed by a censor stating— Evidentiary provisions.

- (a) that a film has been registered under this Act;
- (b) that a film has not been registered under this Act;
- (c) that an advertisement relating to a film has been approved under this Act;
- (d) that an advertisement relating to a film has not been approved under this Act;
- (e) the conditions imposed under this Act in relation to a film; or
- (f) the classification assigned under this Act to a film referred to in the certificate,

is evidence of the matter so stated.

Regulations.

25—(1) The Governor may make regulations under this Act.

(2) Without affecting the generality of subsection (1) of this section, the regulations may—

- (a) prescribe and provide for the payment and recovery of fees in respect of the registration of films, and the approval of advertisements, and in respect of other matters arising under this Act;
- (b) require any document submitted to or lodged with a censor or an appeal censor for any of the purposes of this Act to be verified by a statutory declaration made by such person as may be prescribed; and
- (c) impose penalties, not exceeding one hundred dollars, for offences against the regulations, with an additional penalty, in the case of a continuing offence, not exceeding ten dollars for each day during which the offence continues.

PUBLIC SERVICE TRIBUNAL.

No. 91 of 1971.

AN ACT to amend the *Public Service Tribunal Act* 1958. [14 December 1971.]

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:—

Short title and citation.

1—(1) This Act may be cited as the *Public Service Tribunal Act* 1971.

(2) The *Public Service Tribunal Act* 1958, as subsequently amended, is in this Act referred to as the Principal Act.

Interpretation.

2 Section three of the Principal Act is amended by inserting after the definition of “employee” in subsection (1) the following definition:—

“ ‘Police Force’ means all persons who are employed under the *Police Regulation Act* 1898;”.