

TASMANIA

FILMS AMENDMENT ACT 1993

No. 11 of 1993

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**FILMS AMENDMENT ACT 1993**

No. 11 of 1993

AN ACT to amend the *Films Act 1971* with respect to the advertising of films

[Royal Assent 20 April 1993]

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

1—This Act may be cited as the *Films Amendment Act 1993*.

Commencement

2—This Act commences on a day to be proclaimed.

Principal Act

3—In this Act, the *Films Act 1971** is referred to as the Principal Act.

Section 3 amended (Interpretation)

4—Section 3 of the Principal Act is amended as follows:—

(a) by inserting after the definition of “advertisement” the following definition:—

“**advertising exemption**” means an advertising exemption granted under section 14B in relation to an eligible film;

(b) by inserting after the definition of “distributor” the following definition:—

“**eligible film**” means a film that complies with the conditions determined, from time to time, by the Attorney-General of the Commonwealth and published in the *Commonwealth of Australia Gazette*;

Section 12 amended (Advertisements)

5—Section 12 of the Principal Act is amended by inserting after subsection (3) the following subsection:—

(4) This section does not apply in relation to a film in respect of which an advertising exemption is in force.

Section 14 amended (Illegal publication of advertisement)

6—Section 14 of the Principal Act is amended as follows:—

(a) by omitting “A person” and substituting “(1) A person”;

(b) by adding the following subsection:—

(2) Subsection (1) does not apply to an advertisement relating to a film in respect of which an advertising exemption is in force.

* No 90 of 1971. For this Act, as amended to 1 January 1980, see the continuing Reprint of Statutes. Subsequently amended by Nos. 29 and 108 of 1984, No. 51 of 1985, No. 46 of 1988, No. 12 of 1990 and No. 46 of 1991.

Sections 14A, 14B, 14C and 14D inserted

7—After section 14 of the Principal Act, the following sections are inserted:—

Application for advertising exemption

14A—(1) A distributor or exhibitor of a film may apply to the censor, in writing, for an advertising exemption in relation to that film.

(2) A distributor or exhibitor of a film must apply to the censor, in writing, for an advertising exemption in relation to that film if the censor requires the distributor or exhibitor, in writing, to so apply.

(3) The censor must not accept an application unless such an application is made under the law of every other State and each Territory that corresponds to this section.

(4) The censor may require an applicant for an advertising exemption to provide the censor with a copy of all advertisements relating to the film.

Advertising exemption

14B—(1) On receipt of an application for an advertising exemption, the censor may grant the exemption or refuse to grant the exemption.

(2) The censor must refuse to grant an advertising exemption in relation to a film if—

- (a) the film is not an eligible film; or
- (b) the censor is of the opinion that the film is likely to be refused registration or classified as an “R” film.

(3) The censor must not grant more than 30 advertising exemptions in a calendar year without the prior approval of the Attorney-General of the Commonwealth.

Certificate of advertising exemption

14C—On granting an advertising exemption in relation to a film, the censor must issue a certificate of advertising exemption to the distributor or exhibitor of the film.

Conditions on advertising exemption

14D—(1) An advertising exemption in relation to a film is subject to the conditions determined, from time to time, by the Attorney-General of the Commonwealth and published in the *Commonwealth of Australia Gazette*.

(2) The censor may revoke an advertising exemption if the holder of the exemption contravenes or fails to comply with a condition to which the exemption is subject.

(3) The holder of an advertising exemption must surrender to the censor the certificate of advertising exemption if the exemption is revoked.

Section 19 amended (Appeals)

8—Section 19 of the Principal Act is amended by inserting after subsection (1) the following subsection:—

(1A) Notwithstanding subsection (1), a person aggrieved by the decision of the censor to refuse to grant an advertising exemption may not appeal against that refusal if the decision was made pursuant to section 14B (3).

[Second reading presentation speech made in:—
House of Assembly on 31 March 1993
Legislative Council on 1 April 1993]