



## FILMS AMENDMENT ACT (No. 2) 1993

**No. 47 of 1993**

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**AN ACT to amend the *Films Act 1971* and the *Classification of Publications Amendment Act 1990***

**[Royal Assent 10 September 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 (No. 2) 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 before the definition of “advertisement” the following definition:—

“adult” means a person who has attained the age of 18 years;

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

“minor” means a person who has not attained the age of 18 years but does not include a married person;

**Section 9 amended (Registration and classification of films)**

5—Section 9 of the Principal Act is amended as follows:—

(a) by omitting subsection (2) and substituting the following subsection:—

(2) Where a censor registers a film under subsection (1), the censor is to assign to the film one of the following classifications:—

(a) “G”—where the censor is of the opinion that the film is suitable for general exhibition;

(b) “PG”—where the censor is of the opinion that the film can be recommended for viewing by persons under the age of 15 years only with the guidance of an adult;

(c) “M”—where the censor is of the opinion that the film cannot be recommended for viewing by persons under the age of 15 years;

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\* 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, No. 46 of 1991 and No. 11 of 1993.

- (d) “MA”—where the censor is of the opinion that the film depicts, expresses or otherwise deals with sex, violence or coarse language in such a manner as to make the film unsuitable for viewing by persons under the age of 15 years;
  - (e) “R”—where the censor is of the opinion that the film is unsuitable for viewing by a minor.
- (b) by omitting from subsection (3) “paragraph (d) of subsection (2)” and substituting “subsection (2) (e)”;
- (c) by inserting after subsection (4) the following subsections:—

(4A) An exhibitor who admits, or permits the admission of, a child—

- (a) who is of or over the age of 2 years but under the age of 15 years; and
- (b) who is not accompanied by his or her parent or guardian—

to a theatre at any time when a film bearing the classification referred to in subsection (2) (d) is being, or is about to be, exhibited is guilty of an offence and is liable on summary conviction to a fine not exceeding 10 penalty units.

(4B) It is a defence to a charge under subsection (4A) for the exhibitor to prove that the exhibitor, or a person to whom the exhibitor entrusted the responsibility of admitting persons to the theatre—

- (a) believed on reasonable grounds that the child was of or above the age of 15 years or under the age of 2 years; or
- (b) took reasonable precautions to ensure that children who were of or over the age of 2 years but under the age of 15 years and who were not accompanied by their parents or guardians were not admitted to the theatre when a film bearing the classification referred to in subsection (2) (d) was being, or was about to be, exhibited.

(4C) It is a defence to a charge under subsection (4A) for the exhibitor to prove that the child was accompanied, at the time the offence to which the charge relates is alleged to have been committed, by a person who appeared to be the child's parent or guardian.

- (d) by renumbering subsection (4A) as subsection (4D);
- (e) by omitting from subsection (4D) (as renumbered) “(d)” and substituting “(e)”;
- (f) by omitting from subsection (5) “paragraph (d) of subsection (2)” and substituting “subsection (2) (e)”;
- (g) by omitting from subsection (6) “(d)” and substituting “(e)”.

***Classification of Publications Amendment Act 1990 amended***

6—Section 24 of the *Classification of Publications Amendment Act 1990* is amended as follows:—

- (a) by omitting “(1)” from paragraph (a);
- (b) by renumbering proposed new subsection (2) as subsection (3).

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*[Second reading presentation speech made in:—  
House of Assembly on 12 May 1993  
Legislative Council on 18 August 1993]*