



ANNO TRICESIMO QUARTO

ELIZABETHAE II REGINAE

A.D. 1985

No. 29 of 1985

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

[Assented to 28 March 1985]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Classification of Publications Act Amendment Act (No. 2), 1985". Short title.

(2) The Classification of Publications Act, 1974, is in this Act referred to as "the principal Act".

2. This Act shall come into operation on the day on which the Classification of Publications Act Amendment Act, 1985, comes into operation. Commencement.

3. Section 18 of the principal Act is amended by inserting after subsection (3a) the following subsections: Amendment of s. 18—
Offences.

(3b) Subsections (3) and (3a) shall not come into operation until a day to be fixed by proclamation.

(3c) A person who sells, displays or delivers on sale a film to which this subsection applies shall be guilty of an offence and liable to a penalty not exceeding ten thousand dollars or imprisonment for six months.

(3d) Subsection (3c) applies—

(a) to a film that was immediately before the commencement of that subsection classified under this Act as a category 2 restricted publication;

(b) to a film that is not classified under this Act and that the Board has decided to refrain from classifying under this Act;

(c) to a film that is not classified under this Act and is classified under a corresponding law otherwise than as a "G" film, a "PG" film, an "M" film or an "R" film;

and

(d) to a prescribed film.

(3e) In proceedings for an offence against subsection (3c), an allegation in the complaint that a specified film was on a date specified in the complaint a film to which subsection (3c) applies shall, in the absence of proof to the contrary, be accepted as proof of the matters so alleged.

(3f) Subsections (3c), (3d) and (3e) shall expire on the day on which subsections (3) and (3a) come into operation.

4. Section 18a of the principal Act is amended by striking out from subsection (1) the word "restricted".

Amendment of
s. 18a—
Person who has
control or
management of
premises in which
offence is
committed to be
also liable.

5. Section 19 of the principal Act is amended—

(a) by striking out from subsection (1) the passage "in relation to the exhibition, sale or distribution of a restricted" and substituting the passage "under this Act in relation to a";

(b) by striking out from subsection (1) the passage "restricted publications" and substituting the passage "the publication";

and

(c) by striking out from subsection (2) the word "restricted".

Amendment of
s. 19—
Power to seize
publications.

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

D. B. DUNSTAN, Governor