

**FILM AND VIDEO TAPE CLASSIFICATION (AMENDMENT)
BILL 1991**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Film and Video Tape Classification Act 1984:

- (a) to relocate the definition of "exhibit" in the Act;
- (b) to prevent the acceptance of an application for the classification of a film unless the application is also made in the States and Territories on whose behalf the commonwealth censor classifies films;
- (c) to require the censor to have regard to uniform Ministerial guidelines issued for the classification of films and advertisements;
- (d) to provide that separate applications for classification are to be submitted for film and video versions of the same title;
- (e) to require payment of additional fees for classification applications in respect of lengthy films containing more than 1 title;
- (f) to allow the censor to review previous classification decisions after 2 years from the date of the original decision;
- (g) to allow in special cases the use of advertisement for a film before the film is classified;
- (h) to empower the censor to require an exhibitor, distributor or seller of films to submit advertising material for approval;
- (i) to provide that a classification decision takes effect when written notice is given of the decision rather than the date the decision is gazetted as at present;
- (j) to allow the censor to approve particular classes of alterations or additions to a film as well as specific alterations or additions after the film has been classified;
- (k) to increase the penalties for exhibiting, displaying for sale of selling certain unclassified films;
- (l) to provide that advertising "trailers" exhibited or forming part of a film are to be of the same or a less restrictive classification than that of the film;

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- (m) to remove the current exception for minors under 2 years of age from the provisions prohibiting the exhibition of "R" films in the presence of minors and to extend those provisions to certain unclassified films;
- (n) to empower the censor to require warnings as to a film's contents to appear on the film's packaging;
- (o) to extend the current and proposed provisions concerning the markings to appear on film packaging to include the spine and top face of video
- (p) to remove (from the offence of displaying for sale or selling unclassified films) the exception for films that are subsequently classified "G" or "PG";
- (q) to make possession of 10 or more copies of an unclassified film evidence of possession for sale;
- (r) to alter the current offence of copying films that are refused classification by extending the offence to certain unclassified films;
- (s) to make copying of an unclassified film evidence of copying for the purposes of sale if 10 or more copies are made;
- (t) to increase (from 1 month to 90 days) the period for which property seized (during the investigation of an offence under the Act) can be retained by police;
- (u) to enact savings and transitional provisions.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation, except for the amendments made by Schedule 1 (9)–(11) concerning notification of classification decisions by the censor. These amendments are backdated to 1 January 1991 to give effect to a decision by the Commonwealth to cease publication of notification of classification decisions in the Commonwealth Gazette.

Clause 3 gives effect to Schedule 1.

Clause 4 provides that the explanatory notes appearing in the Bill do not form part of the proposed Act.

Schedule 1 makes the amendments described above to the Film and Video Tape Classification Act 1984. Each amendment is explained in detail in the explanatory note relating to the amendment concerned.
