



ANNO VICESIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1974

No. 27 of 1974

An Act to amend the Film Classification Act, 1971, as amended.

[Assented to 11th April, 1974]

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 "Film Classification Act Amendment Act, 1973-1974". Short titles.

(2) The Film Classification Act, 1971, as amended, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Film Classification Act, 1971-1974".

2. Section 4 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of s. 4 of principal Act and enactment of section in its place:—

4. (1) A film shall not be exhibited in a theatre unless one of the following classifications has been assigned to the film in pursuance of a corresponding law or by the Minister:—

Film not to be exhibited unless classified.

- (a) for general exhibition;
 - (b) not recommended for children;
 - (c) for mature audiences;
 - (d) for restricted exhibition;
- or
- (e) such other classification as may be prescribed.

(2) If a film is exhibited in contravention of subsection (1) of this section, the exhibitor shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

(3) The Minister may, by instrument published in the *Gazette*, declare that a classification assigned to a film in pursuance of a corresponding law shall be ineffective in this State and if such a declaration is made—

(a) the film shall bear a classification assigned to it by the Minister in lieu of the classification assigned in pursuance of the corresponding law;

or

(b) if the Minister refrains from assigning a classification to the film, it shall be deemed not to have been classified in accordance with this section.

(4) This section does not impose any obligation upon the Minister to assign a classification to a film.

(5) In exercising his powers and discretions under this section, the Minister shall have regard to standards of morality, decency and propriety that are generally accepted by reasonable adult persons in this State.

Enactment of
s. 11a of
principal Act—

3. The following section is enacted and inserted in the principal Act immediately after section 11 thereof:—

Film to which
classification
has been
assigned may
be lawfully
exhibited
notwith-
standing law of
obscenity, etc.

11a. (1) Subject to subsection (2) of this section, where—

(a) a classification has been assigned to a film by the Minister;

or

(b) a classification has been assigned to a film in pursuance of a corresponding law and a certificate has been issued under subsection (3) of this section,

then, notwithstanding any law relating to obscenity or indecency, it shall not be an offence to distribute or exhibit the film in this State.

(2) This section does not relieve any person from an obligation to comply with any provision of this Act.

(3) The Minister may issue a certificate stating that he or his nominee has personally viewed the exhibition of a film to which a classification has been assigned in pursuance of a corresponding law and that the classification so assigned is, in his opinion, the appropriate classification for that film to bear.

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

M. L. OLIPHANT, Governor