

Act No. 74

**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.

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**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.

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