

LEGISLATIVE ASSEMBLY

Read 1^o 9 September 1981

(Brought in by Mr Maclellan and Mr Thompson)

A BILL

To amend the *Films Act* 1971.

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

1. (1) This Act may be cited as the *Films (Amendment) Act* 1981. Short title.

(2) In this Act the *Films Act* 1971 is referred to as the Principal Act. Principal Act. No. 8161. Amended by Nos. 8262 and 9554 and S.R. No. 358/1973.

10 (3) This Act shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*. Commencement.

2. Section 13 of the Principal Act shall be amended as follows: Amendment of No. 8161 s. 13.

15 (a) In sub-sections (3) and (4) for the word "six" there shall be substituted the word "two";

(b) After sub-section (4) there shall be inserted the following sub-sections:

"(4A) Subject to sub-section (4B), a person who has attained the age of eighteen years who—

20 (a) causes permits or allows a child—

(i) who is in his care custody or control; and

- (ii) who has attained the age of two years but has not attained the age of eighteen years; or
- (b) accompanies and assists a child who has attained the age of two years but has not attained the age of eighteen years— 5
- to attend the screening of a film classified for restricted exhibition shall be guilty of an offence against this Act.

Penalty: 2 penalty units.

(4B) A person shall not be guilty of an offence pursuant to sub-section (4A) if he proves that he believed 10
on reasonable grounds that the child in respect of whom the alleged offence was committed had attained the age of eighteen years or had not attained the age of two years at the time of the alleged offence.

(4C) A member of the police force or an exhibitor 15
or an agent or a servant of an exhibitor may demand from any person admitted to a theatre in which a film classified for restricted exhibition is being exhibited or is about to be exhibited or has just been exhibited and whom he has reasonable cause to suspect has in his 20
care custody or control or has accompanied and assisted a child who has attained the age of two years but has not attained the age of eighteen years in contravention of sub-section (4A)—

- (a) his correct name age and address; and 25
- (b) to the best of his knowledge the correct name age and address of the child in his care custody or control or which he has accompanied and assisted—

and if he has reasonable grounds to believe that any of 30
the particulars given are false, he may require that person to produce within a reasonable time evidence of the correctness of the particulars given by that person.”;

- (c) In sub-section (6) for the word “six” there shall be 35
substituted the word “fourteen”; and
- (d) For sub-sections (7), (8), (9) and (10) there shall be substituted the following sub-sections:

“(7) Any person demanding particulars pursuant to sub-sections (4c) or (6) may require the person to 40
complete and sign a statement in the prescribed form forthwith in his presence as to those particulars.

(8) A person

(8) A person shall be guilty of an offence against this Act if he fails or refuses—

(a) to give satisfactory particulars of or to produce satisfactory evidence of the correctness of particulars demanded or required pursuant to sub-section (4c) or (6); or

(b) to complete and sign a statement required pursuant to sub-section (7)—

provided that if the person has not at the time of that failure or refusal attended the screening of the film classified for restricted exhibition he shall not be guilty of an offence against this sub-section if he immediately leaves the theatre after that failure or refusal.

Penalty: 1 penalty unit.

(9) A person shall be guilty of an offence against this Act if he gives any false particulars or supplies false evidence as to any particulars pursuant to a demand or requirement under this section.

Penalty: 1 penalty unit.

(10) An exhibitor or an agent or a servant of an exhibitor may refuse to admit to or may turn out of a theatre any person—

(a) whose presence on the premises would subject the exhibitor to a penalty under this Act; or

(b) who contravenes or does not comply with the provisions of this section.

(11) All members of the police force are required on the request of the exhibitor his agent or servant to expel or assist in expelling any person—

(a) whose presence on the premises would subject the exhibitor to a penalty under this Act; or

(b) who contravenes or does not comply with the provisions of this section.”.

3. (1) In section 34 (g) of the Principal Act—

(a) for the expression “\$20” (where twice occurring) there shall be substituted the expression “\$60”; and

(b) for the expression “\$50” there shall be substituted the expression “\$150”.

Amendment of
No. 8161
s. 34 (g).
Regulations.
Annual fees.

(2) In the Schedule to the Principal Act—

(a) in clause 1 for the expression “2.00” there shall be substituted the expression “5.00 (with a minimum fee of \$10.00 for any one film)”;

Amendment of
No. 8161.
Schedule.
Fees.

(b) clause

(b) clause 2 shall be repealed; and

(c) for clause 3 there shall be substituted the following clause:

“3. On appeal pursuant to section 20 or section
21 (2)—.. .. 50.00”.

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