

## AUSTRALIAN CAPITAL TERRITORY

### CLASSIFICATION OF PUBLICATIONS REGULATIONS

#### EXPLANATORY STATEMENT

No. 2 of 1984

The purpose of these Regulations is to prescribe various matters necessary for carrying out or giving effect to the Classification of Publications Ordinance 1983 (the Ordinance).

The Ordinance introduces a censorship classification system for publications and films (including videocassettes) in the Australian Capital Territory and forms part of a uniform Commonwealth/State censorship classification scheme. The Regulations have been drawn up in consultation with State/Northern Territory Governments.

Under the Ordinance, Category 2 restricted publications and “X” films may only be displayed in restricted publications areas and a prescribed notice must be displayed outside the areas. The Ordinance contains provisions creating various offences relating to the conduct and management of these areas. Publications classified Category 1 or Category 2 and films classified “R” or “X” must carry the prescribed markings. Finally, the Attorney-General may exempt persons or bodies from the provisions of the Ordinance.

Regulation 1 provides that the Regulations are to be cited as the Classification of Publications Regulations.

Regulation 2 defines “the Ordinance” for the purposes of the Regulations.

Regulation 3 prescribes requirements for the construction, management and control of a restricted publications area.

The interior is not to be visible from outside (sub-regulation 3(1)) and each entrance must be locked. The area is to be locked when it is closed to the public (sub-regulation 3(2)) and an adult must be in attendance in or near the area when it is open (sub-regulation 3(3)).

Regulation 4 prescribes the notice to be exhibited at each entrance to a restricted publications area for the purposes of sub-section 50(2) of the Ordinance.

Regulation 5 prescribes the markings to be carried on Category 1 and Category 2 restricted publications and “R” and “X” films for the purposes of section 35 of the Ordinance.

While it has proved impossible to reach complete agreement with the States on a uniform legislative system of markings, the logo is to be the same in all legislation while some States may require certain words (not considered appropriate in the Territory) in addition. The Regulations would permit such words to be used in association with the required logo. Thus, the essential element – the logo – will be uniform throughout Australia and as most major publishers are expected to include the words referred to above (which would be permitted but not required under the Regulations), a system having uniform features in practice can be expected to develop.

Regulation 6 prescribes certain bodies for the purposes of sub-section 56(2) of the Ordinance. Publication of a publication or film to any of these bodies will not constitute an offence against the Ordinance, although the bodies themselves will be required to comply with the Ordinance if they in turn wish to publish the publication or film. The purpose of the exemption is to ensure that bodies of this kind are not unduly impeded in carrying out their functions (particularly collection functions).