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CENSORSHIP OF FILMS ACT 1947

CENSORSHIP OF FILMS
REGULATIONS 1948

Reprinted under the *Reprints
Act 1984* as at 29 May 1986

WESTERN AUSTRALIA

CENSORSHIP OF FILMS ACT 1947

CENSORSHIP OF FILMS REGULATIONS 1948

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FIRST SCHEDULE

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WESTERN AUSTRALIA

CENSORSHIP OF FILMS ACT 1947

CENSORSHIP OF FILMS REGULATIONS 1948

PART I—PRELIMINARY

Citation

1. These regulations may be cited as the *Censorship of Films Regulations 1948*.

Arrangement

[*Regulation 2 omitted under the Reprints Act 1984, s. 7 (4) (d).*]

Definitions

3. In these regulations, unless inconsistent with the context or subject matter, expressions and terms defined in the Act shall have the same meaning; and the following terms shall have the meanings respectively assigned to them, that is to say—

“the Act” means the *Censorship of Films Act 1947*.

“Trailer” film means a cinematograph film measuring not more than 250 feet in length, composed mainly of brief extracts from a film of greater length which the trailer is designed to advertise.

“Travelling Exhibitor” means any person carrying on or intending to carry on the business of exhibiting cinematograph films in picture theatres, who does not use or intend to use any one theatre regularly in carrying on such business.

[*Regulation 3 amended in Gazette 8 February 1972 p. 244.*]

PART II—SUBMISSION OF FILMS TO CENSOR

Applications for Censor’s approval

4. Application for the Censor’s approval of a cinematograph film shall be made in accordance with Form 1 in the First Schedule.

Certificates of approval and notice of refusal to approve

5. Where the censor—
 - (1) approves a film as being suitable for general exhibition, he shall issue to the applicant a certificate in accordance with Form 2 in the First Schedule;

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- (2) approves a film as being a film which should be viewed by children only with the guidance of a parent or guardian he shall issue to the applicant a certificate in accordance with Form 2A in the First Schedule;
- (3) approves a film as being suitable for exhibition before mature audiences, he shall issue to the applicant a certificate in accordance with Form 2B in the First Schedule;
- (4) approves a film as being suitable for restricted exhibition (persons 6 to 18 years of age are not admitted), he shall issue to the applicant a certificate in accordance with Form 2C in the First Schedule;
- (5) refuses approval of a film, he shall issue to the applicant a notice in accordance with Form 4 in the First Schedule;
- (6) pursuant to section 20 of the Act, revokes his certificate of approval he shall forthwith issue or cause to be issued to the person or persons concerned a certificate in accordance with Form 5 in the First Schedule; or
- (7) pursuant to section 23 of the Act approves or refuses approval of any plan or reconstruction of a film submitted to him he shall issue to the applicant a certificate in accordance with Form 1 in the First Schedule.

[*Regulation 5 amended in Gazettes 8 February 1972 pp. 244-5; 1 February 1985 p. 418.*]

PART IIA—CONTROL BY THE MINISTER

[*Part IIA inserted in Gazette 7 January 1977 p. 12.*]

Certificates by Minister

5A. Where pursuant to section 12B of the Act the Minister—

- (a) assigns to a film a classification in lieu of the classification assigned pursuant to section 12 of the Act, the Minister shall issue a certificate in accordance with Form 4A in the First Schedule; or
- (b) directs that a classification assigned to a film shall be ineffective in the State and refrains from assigning a classification, the Minister shall issue a certificate in accordance with Form 4B in the First Schedule.

[*Regulation 5A: See note under Part heading. R. 5A amended in Gazette 14 February 1986 p. 499.*]

PART III—MATTERS TO BE CONTAINED IN ADVERTISEMENTS

Advertisements

6. (1) In every poster advertisement the statement of approval by the Censor shall be prominently displayed adjacent to the title of the film and—

- (a) where the film has been approved for general exhibition shall be enclosed in a triangle;
- (b) where the film has been approved as a film which should be viewed by children only with the guidance of a parent or guardian shall be enclosed in a rectangle;
- (c) where the film has been approved as suitable for exhibition before mature audiences shall be enclosed in a circle; or
- (d) where the film has been approved for restricted exhibition shall be enclosed in a diamond,

such statement and symbol shall not be less in height than one third of the highest letter, figure or symbol in such title.

(2) In respect of group advertisements used in the circumstances and in the manner prescribed by section 15 of the Act, the approval of the Censor to a film may be indicated in the manner following—

- (a) where the film has been approved for general exhibition, by the symbol (G);
- (b) where the film has been approved as a film which should be viewed by children only with the guidance of a parent or guardian by the symbol (P.G.);
- (c) where the film has been approved for exhibition before mature audiences by the symbol (M); or
- (d) where the film has been approved for restricted exhibition by the symbol (R).

Such symbols shall be clearly displayed adjacent to the title of the film in bold faced letters of not less than the following measurement—

- (i) where the advertisement for the programme does not exceed one half inch—8 point face;
- (ii) where the advertisement for the programme exceeds one half inch and does not exceed one inch—10 point face; or
- (iii) where the advertisement for the programme exceeds one inch—12 point face.

(3) A person shall not in respect of any advertisement of any film use or cause to be used the symbol prescribed by this regulation for any other purpose than is herein provided.

[Regulation 6 substituted in Gazette 8 February 1972 pp. 245-6; amended in Gazette 1 February 1985 p. 418.]

PART IV—REGISTRATION OF EXHIBITORS AND DISTRIBUTORS

Registration as an exhibitor

7. (1) (a) Except where the applicant is a company, application for registration as an exhibitor of films shall be made in accordance with Form 6 in the First Schedule.

(b) Where the applicant is a company, application for registration as an exhibitor shall be made in accordance with Form 6A in the First Schedule.

(2) A separate application shall be made in respect of each theatre owned, controlled or used by an exhibitor except that application for registration as a travelling exhibitor may be made in respect to the theatres used, or intended to be used by the applicant who shall register with the Censor his usual place of residence or abode.

Certificate of registration

8. (1) Upon approval of an application for registration as an exhibitor the Censor shall issue his certificate of registration in accordance with Form 7 or 7A in the First Schedule.

(2) Such certificate shall be valid only in respect of the exhibitor and of the theatre specified therein, and for a period of not more than 12 months from the date of issue of the said certificate.

(3) Within 7 days from the date upon which any exhibitor ceases to own, control, or use any theatre in respect of which he has been registered, he shall surrender to the Censor the certificate of registration issued to him in connection therewith.

(4) The Censor may require an applicant for registration as an exhibitor or travelling exhibitor, or any person already so registered, to enter into a surety for the observance of any of the provisions of the Act or of these regulations in such terms and in such sum as he thinks fit.

Certificate to be produced upon demand

9. The exhibitor shall make such arrangements with the person having the superintendence or management of any theatre in respect of which the said exhibitor has been registered as will permit of the certificate of registration being produced for inspection immediately upon a demand for that purpose being made at that theatre by the Censor or by any person authorized by him.

Travelling exhibitor to produce certificate upon demand

10. A travelling exhibitor shall, wherever exhibiting cinematograph films, make similar arrangements for the production of his certificate of registration as are provided for by the preceding regulation in respect of an exhibitor.

Certificate of registration as a distributor

11. Application for registration as a distributor shall be made in writing to the Censor, and the applicant shall set out the name under which he proposes to carry on the business of a distributor and the address at which the said business is to be carried on.

Certificates not transferable or assignable

12. (1) Upon approval of an application for registration as a distributor, the Censor shall issue to the applicant a certificate of registration in accordance with Form 8 in the First Schedule.

(2) Such certificate shall be personal to the distributor specified therein, and not transferable or assignable, and shall be valid only for a period of not more than 12 months from the date of issue.

(3) Within 7 days from the date upon which a distributor ceases to carry on the business of a distributor he shall surrender to the Censor the certificate of registration issued to him as a distributor.

Distributor to report transactions if so required

13. Every person registered as a distributor shall, if so required by the Censor, report to him the names and addresses of all persons, companies, or associations to whom cinematograph films have been or are being rented, leased, sold, or supplied by the said distributor.

Production of Certificate of Distributor

14. Every person registered as a distributor shall, upon demand, produce to the Censor or to any person authorized on his behalf, or to any member of the Police Force, the certificate of registration issued to him as a distributor; or, alternatively, shall forward the said certificate to the office of the Censor within 7 days from the date upon which such demand is made.

Substantive compliance with forms

15. The Censor may accept in lieu of any prescribed form any document which is substantially in accordance with the prescribed form, and the documents so accepted shall have the like force and effect as a document in the prescribed form.

PART V—GENERAL**Fees**

15A. The following fees shall be paid with respect to matters set out below—

- | | |
|---|------|
| 1. Application for approval of a film by Censor including an application for permission to reconstruct a film or for an alteration of, deletion or addition to a film already approved..... | \$35 |
| 2. On appeal of any person aggrieved by any decision of the Censor—in respect of every film or advertisement..... | \$50 |

[Regulation 15A inserted in Gazette 1 December 1978 p. 4509; amended in Gazette 17 May 1985 p. 1681.]

Offences

16. Any person who does not do anything directed to be done or does anything forbidden to be done by or under these regulations, shall be guilty of an offence under these regulations and shall be liable to a penalty of not more than \$20.

FIRST SCHEDULE.

Form 1.

Western Australia.

Censorship of Films Regulations 1948.

APPLICATION FOR APPROVAL OF A CINEMATOGRAPH FILM.

.....19.....

The Censor,
Sir,

*I†being
the owner, * only person authorized to sell, lease, distribute or otherwise dispose of the
undermentioned film in Western Australia, do hereby make application under the Censor-
ship of Films Regulations 1948, for approval of the same.

Title of film—

Name of producer—

Class of film—

No. of reels—

Country of origin—

No. of copies in Western Australia
now in my possession or control—

No. of feet—

*I forward herewith

*I undertake to supply upon demand

a synopsis specifying all the scenes con-
tained in the film.

I forward herewith the prescribed fee of 50 cents for each reel contained in the film.

Signature of Applicant.....

Applicant's address.....

*Strike out the words that do not apply.

†Full christian names and surname of applicant.

Form 2.

Western Australia.

Censorship of Films Regulations 1948.

CERTIFICATE OF UNCONDITIONAL APPROVAL.

This is to certify that the film has been approved for general exhibition.

Censor.

.....19.....

6

2A.

Western Australia.

Censorship of Films Regulations 1948.

CERTIFICATE OF CONDITIONAL APPROVAL.

This is to certify that the film has been approved as a film which should be viewed by children only with the guidance of a parent or guardian.

Censor.

.....19.....

Form 2B.

Western Australia.

Censorship of Films Regulations 1948.

CERTIFICATE OF APPROVAL.

This is to certify that the film has been approved as being suitable for exhibition before mature audiences.

Censor.

.....19.....

Form 2C.

Western Australia.

Censorship of Films Regulations 1948.

CERTIFICATE OF CONDITIONAL APPROVAL.

This is to certify that the film has been approved as being suitable for restricted exhibition (persons 6 to 18 years of age are not admitted).

Censor.

.....19.....

Form 3.

Western Australia.

Censorship of Films Regulations 1948.

CERTIFICATE OF CONDITIONAL APPROVAL.

This it to certify that the film
has been approved for exhibition subject to the following condition(s), namely—

.....

.....

Censor.

.....19.....

7

Form 4.

Western Australia.

Censorship of Films Regulations 1948.

NOTICE OF REFUSAL TO APPROVE A FILM.

To:

I hereby give you notice that approval to the film
in respect of which you made application for approval on the day of
19 has been refused.

Your attention is directed to Section 9 (1) of the Censorship of Films Act 1947, which
prohibits the exhibition of an unapproved film.

Censor.

.....19.....

Form 4A.

Western Australia.

Censorship of Films Regulations 1948.

CERTIFICATE OF CLASSIFICATION ASSIGNED BY MINISTER.

This is to certify that the Minister charged with the administration of the Censorship
of Films Act 1947, acting pursuant to section 12B of that Act has directed that the
classification (1)..... assigned to the film
(2)pursuant to section 12 of
that Act shall be ineffective in the State (3)
and that the Minister has in lieu classified the film (4)

Dated

.....
MINISTER.

- (1) Insert classification assigning by the Censor.
(2) Title of film.
(3) Insert any special circumstances e.g., for use at "drive-in" cinemas.
(4) Insert classification assigned by the Minister, which may vary according to the
circumstances of exhibition.

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Form 4B.

Western Australia.

Censorship of Films Act 1947.

CERTIFICATE OF INEFFECTUAL CLASSIFICATION.

This is to certify that the Minister charged with the administration of the Censorship of Films Act 1947, acting pursuant to section 12B of that Act has directed that the classification (1) assigned to the film (2) pursuant to section 12 of that Act shall be ineffective in the State (3) and that the Minister has refrained from assigning to the film any classification in lieu, the film thereby being deemed to be an unapproved film under that Act.

(4)

Dated

.....
 MINISTER.

- (1) Insert classification assigned by the Censor.
 (2) Title of film.
 (3) Insert any special circumstances e.g., for use at "drive-in" cinemas.
 (4) Insert any special circumstances e.g., "except for exhibition at cinemas other than "drive-in" cinemas, when the censor's classification shall have effect".

Form 5.

Western Australia.

Censorship of Films Regulations 1948.

NOTICE OF REVOCATION OF CERTIFICATE.

TO:

I hereby give you notice that the Certificate of Conditional Approval Number issued to you in respect of the film has been revoked this day on account of the non-observance of the following condition(s), namely—

.....

Censor.

.....19.....

9

Form 6.

Western Australia.

Censorship of Films Regulations 1948.

APPLICATION FOR REGISTRATION AS AN EXHIBITOR.

The Censor,
Sir,*I..... hereby make
application to be registered as an exhibitor in respect of the following theatre:—

Name of theatre—

Situation—

No. of days in the week exhibitions are given—

Signature of Applicant.....

Address of Applicant.....

Censor.

.....19.....

*Full christian names and surname of applicant.

Form 6A.

Western Australia.

Censorship of Films Regulations 1948.

APPLICATION FOR REGISTRATION AS AN EXHIBITOR.

The Censor,
Sir,The Company hereby makes application
to be registered as an exhibitor in respect of the following theatre:—

Name of Theatre—

Situation—

No. of days in the week exhibitions are given—

Dated this day of , 19 ..

The Common seal of the Company
Limited was hereunto affixed by the authority of the
directors in the presence of (or as the case may be)—Directors.
Secretary.

Form 7.

Western Australia.

Censorship of Films Regulations 1948.

CERTIFICATE OF REGISTRATION AS AN EXHIBITOR.

This is to certify that.....
of is registered as an exhibitor in
respect of the theatre situated at
for the period from to

Censor.

.....19.....

10

Form 7A.

Western Australia.

Censorship of Films Regulations 1948.

CERTIFICATE OF REGISTRATION AS A TRAVELLING EXHIBITOR.

I hereby certify that I have this day registered _____, of
 _____, as a Travelling Exhibitor, for a period from
 the _____ day of _____ 19 _____, to the _____ day
 of _____, 19 _____.

Censor.
 Perth,19.....

Form 8.

Western Australia.

Censorship of Films Regulations 1948.

CERTIFICATE OF REGISTRATION AS A DISTRIBUTOR.

This is to certify that I have this day registered _____ of
 _____ as a Distributor within the meaning of the Censorship
 of Films Regulations 1948, for a period from the _____ day
 of _____, 19 _____, to the _____ day of _____,
 19 _____.

Censor.
 Perth,19.....

Form 9.

Western Australia.

Censorship of Films Regulations 1948.

CERTIFICATE ON APPLICATION TO RECONSTRUCT A FILM.

To: I hereby give you notice that reconstruction of the film _____ day
 in respect to which application was made by you on the _____
 of _____, 19 _____, in accordance with the alterations, deletions or
 additions thereto as enumerated in the plan lodged with the application has been
 (approved).
 (refused).

Censor.....
 Date

[First Schedule amended in Gazettes 8 February 1972 p. 246; 7 January 1977 p. 12;
 1 February 1985 p. 419; 14 February 1986 p. 499.]

[Second Schedule deleted in Gazette 1 February 1985 p. 419.]

NOTES

1. This reprint is a compilation as at 29 May 1986 of the *Censorship of Films Regulations 1948* and includes all amendments effected by the other regulations referred to in the following Table.

Table

Regulations	Gazettal	Commencement
<i>Censorship of Films Regulations 1948</i>	24 December 1948 pp. 3043-48	24 December 1948
<i>Amending Regulations</i>	8 February 1972 pp. 244-46	8 February 1972
<i>Amending Regulations</i>	7 January 1977 pp. 11-12	7 January 1977
<i>Amending Regulations</i>	1 December 1978 p. 4509	1 January 1979
<i>Censorship of Films Amendment Regulations 1985</i>	1 February 1985 pp. 418-19	1 February 1985
<i>Censorship of Films Amendment Regulations (No. 2) 1985</i>	17 May 1985 p. 1681	1 June 1985
<i>Censorship of Films Amendment Regulations 1986</i>	14 February 1986 p. 499	14 February 1986