

INDECENT PUBLICATIONS AND ARTICLES (No. 2).

No. 45 of 1983.

AN ACT to amend the Indecent Publications and
Articles Act 1902-1974.

[Assented to 5 December 1983.]

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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Indecent Publications and Articles Amendment Act (No. 2)* 1983. Short title and citation.

(2) In this Act the Indecent Publications and Articles Act 1902-1974 is referred to as the principal Act. Reprint approved 1 September 1975.

(3) The principal Act as amended by this Act may be cited as the Indecent Publications and Articles Act 1902-1983.

Commence-
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

Section 1A
amended.

3. Section 1A of the principal Act is amended in paragraph (a) of the definition of "article" by inserting after "videotape" the following—

" , videodisc, slide and any other form of recording from which a visual image can be produced ".

Section 6
amended.

4. Section 6 of the principal Act is amended—

(a) by inserting after "6" the following—

" (1) ";

(b) in the definition of "publication" by inserting after "kind" the following—

" , any videotape, videodisc, slide and any other form of recording from which a visual image can be produced ";

(c) by inserting after the definition "restricted publication" the following definition—

" "sale" includes exchange; ";

(d) by inserting the following subsection—

" (2) In sections 7 to 14, both inclusive, of this Act a reference to "hire" or "hiring" means lending whether for a consideration or not. ".

5. Section 10 of the principal Act is amended— Section 10
amended.

(a) in subsection (1)—

(i) by deleting “or” after paragraph (a)
(i);

(ii) by deleting the comma after paragraph (a) (ii) and substituting the following—

“ ; or ”; and

(iii) by inserting after paragraph (a) (ii) the following subparagraph—

“(iii) in relation to a publication that is a cinematographic or other type of film, videotape, videodisc, slide or other form of recording from which a visual image can be produced, a report has been made for the purposes of the Customs Cinematographic Films Regulations of the Commonwealth that the publication is a publication or is of a class of publication the distribution of which should be restricted or the publication has been reported under those regulations as a publication or of a class of publication that is considered to be not unsuitable for distribution in Australia restricted to persons who are 18 or more years of age, ”;

(b) in subsection (4), by inserting after the word "section" where secondly occurring the following—

“ or a report made for the purposes of the Customs Cinematographic Films Regulations of the Commonwealth ”; and

- (c) in subsection (8), in paragraph (b) of the definition of “person aggrieved”, by inserting after “selling” the following—

“ or hiring ”.

Section 11
amended.

6. Section 11 of the principal Act is amended—

- (a) in subsection (1)—

- (i) by inserting after “sells” in paragraph (a) the following—

“ or hires ”;

- (ii) by inserting after “selling” in paragraph (b) the following—

“ or hiring ”; and

- (iii) by inserting after “distributes” in paragraph (c) the following—

“ or displays ”;

- (b) in subsection (2), by inserting after “exhibits” the following—

“ or displays ”;

- (c) in subsection (3)—

- (i) by inserting after “sells,” in paragraph (a) the following—

“ hires, ”; and

- (ii) by inserting after “sells” in paragraph (b) the following—

“ or hires ”;

(d) in subsection (4)—

(i) by deleting “subsection (3) of”; and

(ii) by inserting after “sold” the following—

“ , hired, gave or distributed ”;

(e) by repealing subsection (5) and substituting the following subsection—

“ (5) A person who in any shop displays or exhibits a restricted publication in such a manner as to place it on view—

(a) from inside the shop to persons under the age of 18 years; or

(b) from outside the shop,

commits an offence against this section. ”;

(f) in subsection (5a)—

(i) by inserting after “shop,” the following—

“ except on the premises of the shop at which he carries on the business of hiring, selling or distributing restricted publications, ”; and

(ii) by inserting after “perusing” in paragraph (b) the following—

“ , viewing ”; and

(g) by inserting after subsection (5a) the following subsection—

“ (5ab) A person who carries on the business of hiring, selling or distributing restricted publications who permits

or suffers a person under the age of 18 years to enter into or remain in any portion of his premises in which restricted publications are displayed, sold, hired or distributed commits an offence against this section. ”.

Section 11A
amended.

7. Section 11A of the principal Act is amended—

- (a) in subsection (1) by deleting “or selling” and substituting the following—

“ , hiring or selling ”;

- (b) in subsection (5), by deleting “or selling” and substituting the following—

“ , hiring or selling ”; and

- (c) in subsection (7), by inserting after “sale” the following—

“ or hire ”.

Section 12
amended.

8. Section 12 of the principal Act is amended by inserting after “sold” the following—

“ , hired ”.

Section 12A
amended.

9. Section 12A of the principal Act is amended—

- (a) in subsection (1), by inserting after “selling” the following—

“ , hiring ”; and

- (b) in subsection (2), by inserting after “sold,” in paragraph (b) the following—

“ hired, ”.