

# CENSORSHIP OF FILMS.

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No. 104 of 1976.

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AN ACT to amend the Censorship of Films Act,  
1947-1973.

[Assented to 17th November, 1976.]

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 *Censorship of Films Act Amendment Act, 1976.*

Short title  
and  
citation.

(2) In this Act the Censorship of Films Act, 1947-1973, is referred to as the principal Act.

Reprinted  
as approved  
for reprint  
24th March,  
1971, as  
amended by  
Acts No. 23  
of 1971  
and 60  
of 1973.

(3) The principal Act as amended by this Act may be cited as the Censorship of Films Act, 1947-1976.

Commence-  
ment.

2. This Act, or any provision of this Act, shall come into operation on such date as is fixed in relation thereto by proclamation.

Section 9  
amended.

3. Section 9 of the principal Act is amended—

- (a) by deleting the passage “-1936”, in line fourteen of subsection (2); and
- (b) by deleting the word “The”, in line one of subsection (3), and substituting the passage “Subject to the provisions of section twelve B of this Act, the”.

New section  
12B added.

4. The principal Act is amended by inserting after section 12A a new section, to stand as section 12B, as follows—

Ministerial  
control.

12B. (1) Notwithstanding that any film has been approved by the censor, and regardless of the classification assigned to that film or of any appeal relating to the application, the Minister may, if he is satisfied that such is necessary in the public interest, direct that a classification assigned to a film pursuant to section twelve of this Act shall be ineffective in the State and if such a direction is given—

- (a) the film shall bear a classification assigned to it by the Minister in lieu of the classification assigned pursuant to section twelve of this Act; or
- (b) if the Minister refrains from assigning a classification to the film, it shall be deemed to be an unapproved film for the purposes of this Act.

(2) The provisions of section twenty of this Act apply to a film which is the subject of a direction given by the Minister under subsection (1) of this section and is not assigned a classification by the Minister as though that film had been approved subject to a condition which had not been complied with.

(3) A direction given by the Minister under subsection (1) of this section shall extend to trailer films, or reproductions of the film and any part of the film.

(4) A direction given by the Minister under subsection (1) of this section may be limited to the exhibition of the film in circumstances specified by the Minister in that direction.

(5) A direction given by the Minister under subsection (1) of this section shall have immediate effect but—

- (a) the Minister shall so far as is practicable notify persons likely to be thereby affected; and
- (b) a notice as to the direction shall thereafter be published in the *Government Gazette*.

(6) For the purposes of this section the Minister has the powers conferred on the censor by this Act, and this Act shall be construed as though for a reference to the censor there shall be read a reference to the Minister save that where such a direction is given the provisions of section twenty-two of this Act shall not apply. .

5. Section 13 of the principal Act is amended by adding two new subsections as follows—

Section 13  
amended.

(3) The classification of a film by the Minister under section twelve B of this Act shall be signified by a certificate in the prescribed form.

(4) The fact that the Minister has refrained from assigning a classification to a film the subject of a direction given under section twelve B of this Act shall be signified by a certificate in the prescribed form. .

Section 28A  
amended.

6. Section 28A of the principal Act is amended by adding a new subsection as follows—

(5) Where consequent upon a direction given by the Minister pursuant to section twelve B of this Act a film is deemed to be an unapproved film the provisions of this section shall apply in relation to that film as though it were a restricted exhibition film. .

Section 31  
amended.

7. Section 31 of the principal Act is amended—

(a) by deleting the words “except the power mentioned”, in lines ten and eleven of subsection (1), and substituting the passage “subject to the powers conferred by section twelve B and”;

(b) by deleting the passage “Appeal Censor, or other censors or officers”, in lines five and six of subsection (3), and substituting the passage “Board of Review, or other censors, officers or authorities”;

(c) by deleting the passage “-1936”, in line eleven of subsection (3); and

(d) by deleting the words “Appeal Censor”, in lines seventeen and eighteen of subsection (3), and substituting the words “Board of Review”.

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