



ANNO VICESIMO SEPTIMO

ELIZABETHAE II REGINAE

A.D. 1978

No. 91 of 1978

An Act to amend the Classification of Publications Act,
1973-1977.

[Assented to 7th December, 1978]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Classification of Publications Act Amendment Act, 1978". Short titles.

(2) The Classification of Publications Act, 1973-1977, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Classification of Publications Act, 1973-1978".

2. Section 4 of the principal Act is amended—

(a) by inserting after the definition of "adult" the following definition:— Amendment of principal Act, s. 4— Interpretation.

"film" includes—

(a) a slide;

(b) a video-tape;

(c) any other form of optical or electronic record from which a visual image can be produced;

and

(b) by striking out from the definition of "publication" the word "slide".

3. Section 18 of the principal Act is amended by inserting after subsection (4) the following subsection:— Amendment of principal Act, s. 18— Offences.

(5) No person shall exhibit images from a film to which a restricted classification has been assigned—

(a) in any premises in which restricted publications are offered for sale;

or

(b) in any other premises associated, or used in conjunction, with any such premises.

Penalty: One thousand dollars.

Enactment of ss. 18a and 18b of principal Act.

4. The following sections are enacted and inserted in the principal Act after section 18 thereof:—

Person who has control or management of premises in which offence is committed to be also liable.

18a. (1) Where an offence is committed under this Act in relation to a restricted publication, a person who has the control or management of the premises in which the offence was committed shall also be guilty of an offence and liable to the same penalty as that prescribed for the principal offence.

(2) It shall be a defence to a charge of an offence under subsection (1) of this section for the defendant to prove that he could not, by the exercise of reasonable precautions, have prevented the commission of the principal offence.

Liability to attach to certain officers of bodies corporate.

18b. (1) Where a body corporate is guilty of an offence under this Act—

(a) every director, or member of the governing body, of the body corporate;

and

(b) every manager or secretary of the body corporate,

shall be guilty of an offence and each liable to the same penalty as that prescribed for the principal offence.

(2) It shall be a defence to a charge of an offence under subsection (1) of this section for the defendant to prove that he could not, by the exercise of reasonable diligence, have prevented the commission of the offence by the body corporate.

Repeal of s. 21 of principal Act and enactment of section in its place.

5. Section 21 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Proceedings.

21. Proceedings in respect of an offence against this Act—

(a) shall be disposed of summarily;

and

(b) may be commenced at any time within two years of the date on which the offence is alleged to have been committed.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

K. D. SEAMAN, Governor