



INFORMATION SHEET

NEW LAWS ABOUT THE DISPLAY AND PROMOTION OF R18+ FILMS

IMPORTANT INFORMATION

**THESE NEW LAWS APPLY TO MANY RETAILERS WHO RENT OR SELL R18+ FILMS.
DEADLINE FOR COMPLIANCE IS 10 JANUARY 2010.**

What are the new laws?

Parliament has passed new laws about the display and promotion of R18+ films that may affect your business.

The new laws are contained in the *Classification (Publications, Films and Computer Games) (R 18+ Films) Amendment Act 2009*. The Act may be viewed at www.agd.sa.gov.au.

When do the new laws commence?

The new laws commence on 10 January, 2010.

To which businesses do the new laws apply?

The new laws apply to businesses that occupy premises (other than adult-only premises) at which films with a classification lower than R18+ (e.g., G, PG, M and MA15+) are sold or let on hire or are displayed for sale or hire.

New laws about the display of material for R18+ films

There are new restrictions on how material for an R18+ film may be displayed. Material for a film includes a disc or other device on which a film is recorded, or the container, wrapping, casing or other item that bears images or markings representing a film.

To comply with new section 40A, either:

- the material for an R18+ film must be displayed in a different area from that in which material for other films is displayed. A different area includes, for example, a different aisle, a different shelving case, a different stand or different table. The different area must be marked with a prescribed notice displayed [see below] in a prominent place near the area. The surface area of the material that is on display (for example, the front cover of a D.V.D. container) may be not more than 300 cm²; or
- the displayed material for an R18+ film may bear no images or markings other than the name of the film in letters of 10 millimetres or less in height and the determined markings relevant to the film's classification.

The prescribed notice must contain the following statement (printed in legible type of at least 15 millimetres in height and of a colour that contrasts with the background colour of the notice):

R 18+ FILMS AREA—THE PUBLIC ARE WARNED THAT MATERIAL DISPLAYED IN THIS AREA MAY CAUSE OFFENCE.

Failure to comply with either of these requirements is an offence. The maximum penalty for this offence is \$5,000 (expiation fee \$315). It is a defence to a prosecution to prove that the defendant did not know, and could not reasonably have known, that the material was on the premises, or took all reasonable steps to prevent the commission of the offence.

New laws about the exhibition or advertising of R18+ films

There will be new restrictions on the exhibition of films or parts of films classified R18+, and on the display of promotional material about films classified R18+.

New section 69A prohibits affected businesses from:

- exhibiting for promotional purposes at the premises a film or part of a film (eg a trailer) classified R18+; or
- displaying for promotional purposes at the premises a poster, pamphlet or other printed material in relation to a film classified R18+.

To do so would be an offence. The maximum penalty for this offence is \$5,000 (expiation fee \$315). It is a defence to a prosecution to prove that the defendant took all reasonable steps to prevent the commission of the offence.

Changes to powers of entry, seizure and forfeiture

Police and other authorised persons will have new powers of entry, seizure and forfeiture.

This Information Sheet is not intended to be legal advice. You should read the summary in conjunction with the new laws and if you are unsure about how they will affect you or your business, you should seek your own legal advice.