



NO. 18 OF 1989

**Classification of Publication
(Censorship) Act 1989**

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INDEPENDENT STATE OF PAPUA NEW GUINEA

No 18 of 1989

Classification of Publication (Censorship) Act 1989

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INDEPENDENT STATE OF PAPUA NEW GUINEA

No. 18 of 1989

AN ACT

Entitled,
Classification of Publication (Censorship) Act 1989

Being a Act to provide for ó

- (a) the classification of publications; and
- (b) the prohibition of objectionable and unclassified publications; and
- (c) related purposes,

MADE by the National Parliament to come into operation accordance with notice published in the National Gazette by Head of State, acting with, and in accordance with, the advice the Minister. ART I. - PRELIMINARY.

1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS

- (1) This Act regulates or restricts the exercise of ó
 - (a) the freedom of arbitrary search and entry conferred by Section 44 of the n; and
 - (b) the freedom of expression conferred by Section of the constitution; and
 - (c) the right to privacy conferred by Section 49 of constitution; and
 - (d) the right to freedom of information conferred Section 51 of the constitution,

and to the extend that the regulation or restriction is necessary taking into account the National Goals and Directive Principles the Basic Social Obligations, for the purposes of giving effect the public interest in public order and welfare, is a law that made for that purpose.

Classification of Publication (Censorship)

(2) For the purposes of Section 29 of the Organic Law
On the Provincial Government, it is hereby declared that this law relates to a matter of national interest.

2. INTERPRETATION.

(1) In this Act, unless the contrary intention appears ó òadultö means a person of or above the age of 18 years òadvertising matterö means any poster, picture, photographer, sketch, figure, handbill, slide, newspaper advertisement, programme and other matter intended for use in connection with the publishing of a publication;

òBoardö means the Censorship Board;

òbroadcastingö means the dissemination of any form of communication by the ó

- (a) wireless; or
- (b) electrical cable,

transmission of writing, signs, signals, pictures, images and sounds of all kinds by means of the Hertzian waves intended to be received by

- (c) in the case of wireless transmission- the general public; and
- (d) in the case of electrical cable transmission ó subscribers,

either directly or through the medium of relay stations;

òCensorö means the Chief Censor, the Deputy Chief Censor or a Deputy Censor or the Censorship Board;

òCensorship Boardö means the Censorship Board established under this Act;

òChairmanö means the Chairman of the Censorship Board;

òChief Censorö means the Chief Censor appointed under this Act;

òClassifiedö means classified in accordance with this Act;

òCourtö means District Court;

òDeclared publicationö means a publication or class or category of publications declared under Section 37

òDeputy Censorö means a Deputy Censor appointed under this Act;

òDeputy Chief Censorö means a Deputy Chief Censor appointed under this Act;

òFilmö means a cinematograph film, slide, video tape or video disc, television programme or any other of recording from which a visual image can be produced;

òLicenceö means a licence under this Act;

òMemberö means a member of the Censorship Board;

òMinorö means a person under the age of 18 years;

òObjectionable publicationö means a publication that-

- (a) describes, depicts, expresses or otherwise deals with matters of sex, drug misuse or addiction, crime, cruelty, blasphemy, immorality, violence or revolting or abhorrer phenomena in a manner that is likely to be offensive to a reasonable adult person and is undesirable in the interest of the public; or

- (b) depicts a child (whether engaged in sexual activity or otherwise) who is, or who apparently, under the age of 18 years, in manner that is likely to cause offence to reasonable adult person and is undesirable the interest of the public; or

- (c) promotes, incites or encourages terrorism;

òPrescribed activityö means an activity referred to in section 26;

òPublication premisesö means premises in or on which are prescribed activity is to be established or are being operated;

“Public place” means any premises, street, road, footpath, public park, village, community, resort or other place which the public are entitled use;
“Publication” means any book, paper, magazine, audio cassette, film or other written or sound or pictorial matter and advertising matter relating such goods;
“Publish” includes sell, offer for sale, let on hire, exhibit, screen, display, distribute or advertise
“Publisher” means a person who publishes a publication
“restricted publication” means a publication that is classified as a restricted publication in accordance with this Act;
“restricted publication area” means an area in publication premises in which a restricted publication may be published;
“terrorism” has the same meaning as in the National Intelligence Organization Act (Chapter 405);
“This Act” includes the Regulations

- (2) A publication shall be deemed to be under custom control when it is deposited or held in a customs warehouse licensed warehouse, or in a post office, vessel, vehicle, conveyance, aircraft or place from which it may not be removed except with the permission of a proper officer of customs accordance with the Customs Act (Chapter 101).

3. APPLICATION.

The Act does not apply to a publication ó

- (a) that is sponsored by the National Government or Provincial Government; or
- (b) that is being transhipped within Papua New Guinea for delivery at a place outside Papua New Guinea

PART II - ADMINISTRATION

Division 1 Censorship Board

4. THE CENSORSHIP BOARD.

(1) There is established a Board called the Censorship Board

(2) The Board shall consist of :-

- (a) the Chief Censor or his delegate; and
- (b) a member of the Police Force nominated by the Commissioner for Police; and
- (c) an officer nominated by the Departmental Head and the Department responsible for education matters and
- (d) a member representing and nominated by the National Council of Women; and
- (e) a member representing and nominated by the Melanesian Council of churches; and
- (f) a lawyer nominated by the Departmental Head of the Department responsible for justice matters; and
- (g) a member representing the mass media industry; and

- (h) a member representing and nominated by the National Cultural Council;
and
- (i) a member representing and nominated by the National Youth Council;
and
- (j) a psychologist nominated by the Departmental Head of the Department
responsible for health matter and
- (k) two female members.

(3) The members of the Board referred to in Subsection
(2) (b), (c), (d), (e), (f), (g), (h), (i), (j), and (k) shall ó

- (a) be citizens; and
- (b) be appointed by the Minister by notice in the National Gazette; and
- (c) be appointed for a term of three years and eligible for
re- appointment.

(4) The members of the Board (other than members who are officers of the
National Public Service or any other State Service) shall be paid fees and allowances in
accordance with the Boards (Fees and Allowances) Act (Chapter 299).

5. CHAIRMAN AND DEPUTY CHAIRMAN OF THE BOARD.

(1) The Minister may appoint one of the members of the Board to be Chairman of the
Board and another member to be Deputy Chairman of the Board.

(2) The Chief Censor is not eligible to be appointed as Chairman or Deputy
Chairman of the Board.

6. RESIGNATION OF APPOINTED MEMBERS.

A member of the Board appointed under Section 4 (2), (b), (c), (d), (e), (f), (g), (h), (i),
(j) or (k) may resign his office by writing signed by him and delivered to the Minister.

7. LEAVE OF ABSENCE.

The Minister may grant leave of absence to a member of the Board on such terms and
conditions as the Minister determines.

8. VACATION OF OFFICE

- (1) If a member of the Board ó
- (a) is absent, except on leave of absence granted under Section 7, from three
consecutive meetings of the Board; or
 - (b) becomes permanently incapable of performing his duties; or
 - (c) resigns his office in accordance with Section 6; or
 - (d) fails to comply with the obligations under Section 9,

The Minister may terminate his appointment.

(2) Where the Minister believes that a member of the Board is guilty of misbehaviour or misconduct which has, or is likely to affect the performance of his functions and duties under this Act, the Minister shall give written notice to the member advising him of his intention to terminate the member's appointment, and shall in the notice specify the reasons for his decision.

(3) Within 14 days of the receipt of a notice under Subsection (2), the member may reply in writing to the Minister who shall consider the reply and as soon as is practicable deliver written notice of his decision to the member.

(4) Where the member referred to in Subsection (2) does not, within 14 days of the receipt of a notice under that subsection, reply to the Minister, his appointment is terminated.

9. DISCLOSURE OF PECUNIARY INTEREST.

(1) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Board otherwise than as a member and in common with other members of an incorporated company consisting of not less than 2 person, shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at the meeting of the Board.

(2) A disclose under Subsection (1), shall be recorded just the minutes of the meeting of the Board and the member shall not

- (a) be present during any deliberations of the Board with respect to that matter; or
- (b) take part in any decision of the Board with respect to that matter.

(3) Where a member fails, without reasonable excuse, to comply with the requirements of this section, the Minister shall terminate the appointment of the member.

10. MEETINGS OF BOARD.

(1) The Board shall hold at least four meetings each year, at such times and places as the Chairman shall appoint.

(2) The Chairman of the Board or, in his absence, the Deputy Chairman, shall preside at all meetings of the Board.

(3) At a meeting of the Board, a quorum is constituted by the Chairman or the Deputy Chairman and three members.

(4) A question arising at a meeting shall be determined by a majority of votes of the members present and voting.

(5) The person presiding at a meeting of the Board has a deliberative vote, and in the event of an equality of votes, also has casting vote.

(6) The Board shall cause full minutes of its proceedings to be kept in such manner as the Minister directs.

(7) Subject to this Act, the Board may regulate its own proceedings.

11. FUNCTIONS OF THE BOARD.

The Board shall ó

- (a) formulates policies on censorship; and
- (b) decide on matters or goods including publications either on its own motion or as referred to it by the Chief Censor, whether or not the matters or goods are matters or goods to which this Act applies; and
- (c) perform any function as may be required under this Act or any other law.

12. POWERS OF THE BOARD.

The Board has and may exercise such powers as are conferred by this Act and such other powers as are necessary or convenient to enable the Board to carry out its functions.

Division 2 Office of Censorship

13. OFFICE OF CENSORSHIP

- (1) An office of Censorship is hereby established.
- (2) The office of Censorship shall consist of a Chief Censor, a Deputy Chief Censor and such number of Deputy Censors and staff referred to in Section 14 (3).
- (3) The Chief Censor is the head of the Office of Censorship.

14. APPOINTMENT OF CHIEF CENSOR AND OTHER CENSORS.

(1) The Head of State acting with, and in accordance with, the advise of the Minister, shall appoint persons to be ó

- (a) the Chief Censor; and
- (b) the Deputy Chief Censor.

(2) The Minister may, by notice in the National Gazette appoint person (including officers) to be Deputy Censors.

(3) Any other staff required for the purpose of this Act shall be officers or employees of the Public Service.

15. CONDITIONS OF SERVICE OF THE CHIEF CENSOR AND DEPUTY CHIEF CENSOR.

(1) Subject to the Salaries and Conditions Monitoring Committee Act 1988, the terms and conditions of service (including the tenure of office) of the Chief Censor and the Deputy Chief Censor are as determined by the Minister.

(2) Where ó

- (a) the Chief Censor; or
- (b) the Deputy Chief Censor,

was, immediately before the date of his appointment under this Act an officer of the Public Service, his service as the Chief Censor or the Deputy Chief Censor, as the case may be,

shall, for purpose of determining his existing and accruing rights, be counted as service in the Public Service.

- (3) In Subsection (2), "existing and accruing rights" mean rights in respect of
- (a) leave of absence on the ground of illness; and
 - (b) furlough or pay in lieu of furlough (including to dependants or personal representatives on death of the officer).

16. CONDITIONS OF SERVICE OF OTHER MEMBERS OF THE OFFICE.

Subject to the Salaries and Conditions Monitoring Committee Act 1988, the terms and conditions of service (including the tenure of the office) of Deputy Censors who are not officers of Public Service are as determined by the Minister.

17. FUNCTIONS OF THE CHIEF CENSOR

- (1) The functions of the Chief Censor are
- (a) to advise the Minister in respect of such matter relating to publishing and
 - (b) to exercise and perform such other functions powers and duties in relation to publication broadcasting as are conferred or imposed on him or under this Act or any other law.

(2) The Chief Censor is administratively responsible to Board for the efficient performance of his functions.

18. POWERS OF THE CHIEF CENSOR.

(1) For the purpose of the exercise and performance of his functions, the Chief Censor may

- (a) commission publication, programme or audience research or market, technical or other surveys the purpose of obtaining information not available to the Chief Censor; and
- (b) obtain such expert advice as the Chief Censor considers appropriate on any matter to be considered by him; and
- (c) by instrument under his hand, require a person to produce a document, books, paper or any other items in his possession or control; and
- (d) inspect any such document, book, paper or such other item; and
- (e) retain any such document, book, paper or such other item for a reasonable time; and
- (f) make copies of such material, or take extracts from any such document, book, paper or such item.

(2) In addition to the powers specified in Subsection (1) and this Act, the Chief Censor generally has such powers as are reasonable necessary or expedient or enable him to carry out his function.

(3) A person who, when required under this section to do so fails without reasonable excuse (proof of which is on him) ó

(a) to give evidence; or

(b) to produce a document, book, paper or any such item in his possession or control, is guilty of an offence.

(4) It is a defence against a charge of an offence against Subsection (3) (b), if the defendant proves that the document, book, paper or such other item, was not relevant to the matter in connection with which the production was required.

19. DELEGATION BY CHIEF CENSOR.

(1) The Chief Censor may, by writing under his hand ó

(a) delegate to the Deputy Chief Censor or Deputy Censor all or any of his powers, duties and functions under this Act (except this power of delegation); or

(b) authorise any person or group to assist as directed by him for the purposes of the Act.

(2) For the purposes of Subsection (1) (b), the Chief Censor may ó

(a) appoint a member of the group to be the Chairman of the group; and

(b) determine the functions, powers and procedures of the group.

Division 3 Miscellaneous

20. MINISTER TO ISSUE DIRECTIONS.

The Minister may from time to time issue to the Chief Censor and the Censorship Board directions of a general character not inconsistent with the provisions of this Act as to the exercise of their powers and the performance of their functions and duties which apply to him to give effect to government policy relating to publishing of publications, and the Chief Censor and Censorship Board shall give effect to all such directions

21. VALIDITY OF EXERCISE OF POWERS.

No act or proceeding of the Board and no act done by any person acting as the Chairman or as a member of the Board, Chief Censor, the Deputy Chief Censor or a Deputy Chief Censor or a Deputy Censor.

22. PROTECTION OF MEMBERS OF THE BOARD, CHIEF CENSOR, DEPUTY CHIEF CENSOR AND DEPUTY CENSOR.

No action or proceeding, civil or criminal, lies against member of the Board or the Chief Censor, the Deputy Chief Censor or a Deputy Censor for or in respect of any act or thing done in good faith by member of the Board, the Chief Censor, Deputy Chief Censor or a Deputy Censor in his capacity as a member of Board of the Chief Censor, Deputy Chief Censor or Deputy Censor.

23. ANNUAL REPORT.

(1) The Chief Censor shall, as soon as practicable after 31 December in each year, prepare and furnish to the Minister report of the activities of the Office during the year ending that date.

(2) The Minister shall cause a copy of each report furnished to him under Subsection (1) to be tabled at the first meeting of the Parliament after its receipt by him.

PART II - REGISTRATION OF PUBLICATION PREMISES

24. OTHER LAWS NOT AFFECTED.

(1) Nothing in this Part shall ó

- (a) relieve any person from an obligation to obtain comply with a licence under the Radiocommunication Act (Chapter 152) or any other law, in respect broadcasting station; or
- (b) affect the provisions of the Radiocommunication Act (Chapter 152) or any other law, with respect to a broadcasting station.

(2) Where a registration of the premises of a broadcasting station is revoked or suspended under this Act, a licence is under the Radiocommunication Act (Chapter 152) in respect of the broadcasting station shall, for the purposes of the Act, be deemed to be revoked or, as the case may require, suspended for the same period as the period of suspension of the registration.

(3) Where a licence issue under the Radiocommunications Act (Chapter 152) in respect of a broadcasting station is revoked or suspended in accordance with the provisions of that Act, the registration under this Act in respect of the premises of that broadcasting station is revoked or as the case may require, suspended for the same period of suspension as the licence.

25. REGISTRATION OF PUBLICATION PREMISES.

(1) The Chief Censor shall keep or cause to be kept a register of publication premises registered under this Act.

(2) A register of publication premises shall be in such form as the Chief Censor shall determine.

26. PRESCRIBED ACTIVITIES.

For the purpose of this part, the following activities are prescribed activities: -

- (a) a publisher;
- (b) the operation of a television station;
- (c) the operation of a radio station;
- (d) the operation of a cable television
- (e) the operation of a film theatre;
- (f) any other activity declared by the Minister to be an activity to which this part applies.

27. PUBLICATION PREMISES TO BE REGISTERED.

(1) A person shall not establish or operate a prescribed activity, unless the premises, in or on which the activity is to be established or is being operated, are registered under this Act as publication premises.

(2) A person, who contravenes or fails to comply with Subsection (1), is guilty of an offence.

Penalty: A fine not exceeding K10, 000.00.

Default Penalty: A fine not exceeding K1, 000.00

(3) Where a person convicted of an offence under Subsection (2), is a corporation, every director of the corporation is, in addition to any penalty to which the corporation may be liable, liable on summary conviction to a fine not exceeding K1, 000.00 or a term of imprisonment not exceeding six months.

28. APPLICATION FOR REGISTRATION OF PREMISES.

(1) A person may apply to the Chief Censor for the registration or for a renewal of registration as publication premises of the premises on or in which a prescribed activity is to be established or is being operated.

(2) An application under Subsection (1) shall be ó

- (a) in the prescribe form; and
- (b) accompanied by the prescribed particulars; and
- (c) accompanied by the prescribed fee.

(3) An application for a renewal of registration shall be lodged not later than three months before the date of expiration of the registration.

29. REGISTRATION OF PUBLICATION PREMISES.

(1) The Chief Censor may, after consideration of an application ó

- (a) register the premises; or
- (b) register the premises subject to conditions and restrictions; or
- (c) refuse to register the premises, as publication premises.

(2) Where the Chief Censor has registered the premises under Subsection (1) (a) or (b), he shall issue to the applicant certificate of registration which shall ó

- (a) be in the prescribed form; and
- (b) specify the conditions and restrictions (if any under which the registration is issued.

(3) Subject to Section 30, a certification under Subsection (2) remains valid for a period of one year from the date of issue.

SUSPENSION OR REVOCATION OF REGISTRATION.

(1) Where ó

- (a) the holder of a certificate or registration fail to comply with this Act, or with a condition of restriction of the registration;
- (b) the Chief Censor considers that it would be in the public interest to do so,

the Chief Censor may, by written notice to the holder of the certificate, suspend for a period specified in the notice, or revoke, the registration.

- (2) Before suspending or revoking the registration, the Chief Censor shall ó
 - (a) give written notice of its intention to do so to the holder of the certificate of registration; and
 - (b) give the holder of the certificate an opportunity to make such written representations as it thinks fit within such period as is specified in the notice.
- (3) The period of the licence continues to run during the period of suspension.

31. CHANGE OF PUBLICATION PREMISES.

(1) The Chief Censor may, on receipt of an application, approve a change of publication premises.

- (2) An application for the purposes of Subsection (1) shall be ó
 - (a) in the prescribed form; and
 - (b) accompanied by a statement of the reasons for the change of premises; and
 - (c) accompanied by the prescribed fee.

32. INSPECTION OF PREMISES

The Chief Censor, or a person authorised by the Chief Censor for that purpose, may, at all reasonable times, enter any publication premises or any premises in which any publication is being or is about to be published, and may examine any such publication, and if on such examination he has reasonable grounds for believing that an offence under this Act has been or is about to be committed in respect of any such publication he may seize the publication.

PART IV - STANDARDS FOR PUBLISHING AND BROADCASTING

33. STANDARDS.

(1) The Board shall, from time to time, determine standards to which publishing and broadcasting of all publications shall conform.

- (2) In determining the standards under Subsection (1), the Board shall give effect, as far as possible, to ó
 - (a) the standards of morality, decency and propriety generally accepted by a reasonable adult person in Papua New Guinea; and
 - (b) the principles that ó
 - (i) an adult person is entitled to read and view what he wishes; and
 - (ii) a person is entitled to protection from exposure to unsolicited material that he finds offensive.

PART V - CLASSIFICATION OF PUBLICATIONS

Division 1 General

34. GUIDELINES.

(1) In this section, "prescribed authority" means the Censorship Board or the Chief Censor.

(2) The prescribed authority

(a) in considering whether a publication is an objectionable publication, or is suitable or unsuitable for perusal or viewing by a minor, shall have regard to

- (i) the standards of morality, decency and propriety generally accepted by a reasonable adult person in Papua New Guinea; or
- (ii) any literary, artistic or educational merit the publication may possess and the general character of the publication including whether it is of a medical, legal, scientific or military character; and

(b) in deciding what classification (if any) should be given to a publication, shall have regard to

- (i) the persons or class of persons, to or for whom, it is published or is intended to be published; and
- (ii) the conditions or restrictions (if any) subject to which it should be published.

35. IMPORTATION OF DECLARED PUBLICATIONS AND FILMS, ETC., AND REMOVAL OF DECLARED PUBLICATIONS AND FILMS, ETC., FROM CUSTOMS CONTROL.

(1) No declared publication or film or advertising matter relating to a film or any part of a declared publication or film or advertising matter relating to a film which has not been classified under this Part shall be removed from customs control without the written permission of the Chief Censor.

(2) A declared publication or film or advertising matter relating to a film or any part of a declared publication or film or advertising matter relating to a film removed from customs control under Subsection (1) shall immediately be deposited with the Chief Censor by the importer.

(3) A person who

- (a) in contravention of Subsection (1), removes from customs control; or
- (b) in contravention of Subsection (2), fails immediately to deposit with the Chief Censor a declared publication or film or advertising matter relating to a film or part of a declared publication or film or advertising matter relating to a film which has not been classified under this Part, is guilty of an offence.

Penalty: A fine not exceeding K1, 000.00.

Division 2 Publications other than films

36. INTERPRETATION

In this Division, "publication" means publication other than a film or advertising matter relating to a film.

37. DECLARATION OF PUBLICATIONS

- (1) The Minister may, by notice in the National Gazette, declare
- (a) a publication; or
 - (b) a class or category of publications,

To be a declared publication

(2) A publication declared under Subsection (1) shall not be published unless classified in accordance with this Part.

(3) A person may request the Minister to declare a publication or a class or category of publications under Subsection (1) and the Minister may, at his discretion, comply with such a request.

38. CONSIDERATION OF DECLARED PUBLICATION FOR CLASSIFICATION.

(1) A declared publication shall be considered for classification on application by any person or at the instance of the Chief Censor.

(2) An application under Subsection (1) shall be -

- (a) in the prescribed form; and
- (b) lodged with the Chief Censor; and
- (c) accompanied by
 - (i) the prescribed fee; and
 - (ii) a synopsis of the subject matter of the declared Publication; and
 - (iii) a copy of the declared publication.

(3) On receipt of an application, the Chief Censor shall consider the declared publication the subject of the application and any -

- (a) classify the declared publication in accordance with this Division; or
- (b) refuse to classify the declared publication in accordance with this Division; or
- (c) before making a decision under Paragraph (a), require that a part of the declared publication be excised or amended.

(4) Where the Chief Censor has made a decision under Subsection (3) (a) or (b), he shall

- (a) inform the applicant in writing of his decision and

- (b) cause notification of his decision to be published in the National Gazette within 30 days after the date on which the decision was made

39. CLASSIFICATION OF DECLARED PUBLICATION

- (1) Where the Chief Censor decides that a declared publication ó
 - (a) is not an objectionable publication; and
 - (b) is suitable for perusal by a minor,

He shall classify the declared publication as an unrestricted publication.

- (2) Subject to this section, where the Chief Censor decide that a declared publication -
 - (a) describes, depicts, expresses or otherwise deal with matter of sex, drug misuse or addiction crime, cruelty, violence or revolting or abhorrence phenomena in a manner that is not likely ot be generally accepted by a reasonable adult person; or
 - (b) is unsuitable for perusal by a minor,

The Chief Censor shall classify the declared publication as restricted publication, which is to be available for adults only.

(3)The Chief Censor shall refuse to classify a declared publication where he is satisfied that the publication describes depicts, expresses or otherwise deals with matters of sex, drug misuse of addiction, crime, cruelty, violence or revolting or abhorrent phenomena in such a manner that it offends against the standards of morality, decency and propriety generally accepted by a reasonable adult person.

- (4) The Chief Censor shall refuse to classify a declared publication being a publication

-

- (a) that depicts in pictorial form a child (whether engaged in sexual activity or otherwise) who is or who is apparently under the age of 18 years in a manner that is likely to cause offence to a reasonable adult person; or
- (b) that promotes, incites or encourages terrorism.

(5) Where the Chief Censor classifies a declared publication that is a single issue of a series of weekly, fortnightly or monthly periodic publications, he may declare that the classification applies to all future issues in the series as are specified in the declaration, and the classification shall apply to hose issues accordingly.

40. APPLICATION FOR REVIEW OF DECISION

(1) Where the Chief Censor has made a decision classifying or refusing to classify a declared publication ó

- (a) the person who applied for the classification; or
- (b) the publisher of the declared publication; or
- (c) any other person,

May apply to the Board for a review of the decision

(2) Where the Board has received an application by a person referred to in Subsection (1) (c), the Board shall cause a copy of the application to be issued to the person referred to in Subsection (1) (a).

(3) An application under Subsection (1) shall be -

- (a) in the prescribed form; and
- (b) signed by, or on behalf of, the applicant; and

(c) accompanied by the prescribed fee; and

(d) lodged with the Chairman ó

- (i) where the applicant is a person referred to in Subsection (1) (a) or (c) ó within 30 days after the date on which he received written notification of the decision to which the application relates; and
- (ii) where the applicant is a person referred to in Subsection (1) (b) within 60 days after the date of publication of the notice of the decision in the National Gazette.

41. REVIEW OF DECISION.

(1) On receipt of an application under Section 40 for review of a decision, the Board shall review the decision and may ó

- (a) confirm the decision; or
- (b) set aside the decision

(2) Where the Board sets aside a decision under Subsection (1) (b), it may -

- (a) classify the publication; or
- (b) refuse to classify the publication; or
- (c) refer the matter back to the Chief Censor for reconsideration

(3) The Chairman of the Board shall, within 21 days after the date on which the decision of the Board is made -

- (a) notify the applicant in writing of its decision; and
- (b) cause a notice setting out the terms of its decision to be published in the National Gazette.

(4) The Chairman of the Board shall keep a record of all decisions made by the Board under this section.

(5) The Chairman of the Board shall provide copies of decisions of the Board to the Chief Censor.

(6) A decision made by the Board under this section shall take effect on the day on which the notice of the decision published in the National Gazette in accordance with Subsection (1) (b).

(7) Subject to section 155 (5) of the Constitution (the National Judicial System) the decision of the Board on the revived is final.

Division 3 Films etc

42. INTERPRETATION

In this Division, "advertising matter" means advertising matter relating to a film.

43. FILMS ETC., PRODUCED IN PAPUA NEW GUINEA TO BE DEPOSITED

(1) The owner of any film produced in Papua New Guinea shall within 14 days after the completion of the production of the film deposited the film with the Chief Censor.

(2) A person who fails to deposit a film in accordance with Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K1,000.00

44. LIABILITY FOR DAMAGE TO DEPOSITED FILMS.

All films deposited in or delivered to the Chief Censor shall be stored at the risk and expense of the owner and neither the Chief Censor nor the State shall be liable for any loss of, or damage to the films other than for loss or damage caused by some wilful act on the part of the Chief Censor, or its officers.

45. APPLICATION FOR CLASSIFICATION OF A FILM.

(1) A film shall be considered for classification on application by any person or at the instance of the Chief Censor.

(2) An application for the classification of a film shall be -

- (a) in the prescribed form; and
- (b) lodged with the Chief Censor; and
- (c) accompanied by
 - (i) the prescribed fee; and
 - (ii) a synopsis of the story depicted by the film; and
 - (iii) a copy of any advertising matter relating to the film.

(3) Where an application is made for a classification of a film that contains dialogue or captions in a foreign language, the applicant shall lodge a translation fee as prescribed.

46. APPLICATION, ETC., FOR CLASSIFICATION OR ADVERTISING MATTER.

(1) Advertising matter shall be considered for classification on application by any person or at the instance of the Chief Censor or where submitted under Section 45 (2) (c) (iii).

(2) An application for classification of advertising matter shall -

- (a) be in the prescribed form; and
- (b) be lodged with the Chief Censor; and
- (c) be accompanied by
 - (i) the prescribed fee; and
 - (ii) a copy of the advertising matter.

- (3) The Chief Censor may, if he thinks fit -
 - (a) classify the advertising matter as suitable for publication (subject to such conditions, if any, as he thinks fit); or
 - (b) refuse to classify the advertising matter suitable for publication.
- (4) The publication of advertising matter -
 - (a) shall not be in a form other than the form in which it was classified; and
 - (b) shall be used without any addition or comment unless the written consent of the Chief Censor the addition or comment has first been obtained.

47. SCREENING OF FILMS OR EXHIBITION OF ADVERTIZING MATTER.

(1) The Chief Censor may require a film or advertising matter that is the subject of an application for classification to be screened or exhibited and may direct the screening of a film or exhibition of advertising matter to take place before

- (a) the Board; or
- (b) a member of the Board; or
- (c) the Deputy Chief Censor or a Deputy Censor.

(2) Where the Chief Censor requires a film or advertising matter to be screened or exhibited, the film or advertising matter shall be screened or exhibited as and when required by the Chief Censor.

(3) The screening or exhibition under this section shall be carried out at the risk of the person who applied for classification of the film or advertising matter.

(4) At a screening of a film or exhibition of advertising matter under Subsection (1), the person who applied for classification of the film or advertising matter and any other persons approved by the Chief Censor are entitled to be presented.

48. CLASSIFICATION OF FILMS OR ADVERTIZING MATTER.

(1) Where the Chief Censor decides that a film or advertising matter

- (a) is not an objectionable publication; or
 - (b) is a film or advertising matter to which Subsection (2) applies,
- The Chief Censor shall approve the classification of the film or advertising matter
- (c) as a "G" film or advertising matter, where it is the opinion that the film or advertising matter is suitable for general exhibition; or
 - (d) as a "PG" film or advertising matter, where it is of the opinion that the film or advertising matter may be viewed by a person under the age of 18 years with the guidance of a parent or guardian of the person; or
 - (e) as an "M" film or advertising matter, where it is of the opinion that the film or advertising matter cannot be recommended for viewing by persons under the age of 18 years.

(2) Subject to this section, where the Chief Censor decides that a film or advertising matter -

- (a) describes, depicts, expresses or otherwise deals with matters of sex, drug misuse or addiction, crime, cruelty, violence or revolting or

- abhorrent phenomena in a manner that is likely to cause offence to a reasonable adult person; or
- (b) is unsuitable for viewing by a minor, the Chief Censor shall approve the classification of the film or advertising matter as a **õRö** film.

(3) The Chief Censor may, before classifying a film or advertising matter under Subsection (1) or (2), require that a part of the film or advertising matter be excised or amended.

(4) The Chief Censor shall refuse to approve the classification of a film or advertising matter if he is satisfied that the film is an objectionable publication.

(5) The Chief Censor shall refuse to approve the classification of a film or advertising matter that: -

- (a) depicts a child (whether engaged in sexual activity or otherwise) who is or who is apparently under the age of 18 years in a manner that is likely to cause offence to a reasonable adult person; or
- (b) promotes, incites or encourages terrorism.

49. REFERENCE TO BOARD.

(1) The Chief Censor may, after the screening of a film, refer the application for classification to the Censorship Board.

(2) Where the Chief Censor refers an application for classification to the Board under Subsection (1), the Chief Censor shall cause the film to be screened before the Board.

(3) After viewing the screening of the film, the Board shall -

- (a) classify; or
- (b) refuse to classify,

The film in accordance with Section 48.

50. GRANT OF LICENCE OR CERTIFICATE ON CLASSIFICATION.

(1) Where a film has been classified under this Division, the Chief Censor shall issue to the applicant for classification licence for the publication of the film.

(2) A licence under Subsection (3) shall -

- (a) be in the prescribed form; and
- (b) specify details of the classification; and
- (c) otherwise contain such information as is prescribed.

(3) Where advertising matter has been classified under the Division, the Chief Censor shall issue to the applicant for classification a certificate for the publication of the advertising matter.

(4) A certificate under Subsection (3) shall -

- (a) be in the prescribed form; and

- (b) specify details of the classification; and
- (c) otherwise contain such information as is prescribed.

51. OTHER PROVISIONS RELATING TO A LICENCE.

A person, to whom a licence is issued under Section 50 respect of a film, shall ó

- (a) ensure that the licence accompanies the film at times; and
- (b) where required by the Chief Censor to do display the licence or cause the licence to displayed prominently on the premises where film is published, together with any notices where the Chief Censor considers necessary.

52. RELEASE OF FILMS, ADVERTIZING MATTER ETC., FROM THE CHIEF CENSOR AND CUSTOMS CONTROL.

(1) Subject to this Part, a film shall not be delivered from the Chief Censor or the customs control until it has been licence in accordance with this Division.

(2) Subject to this Part, advertising matter shall not be delivered from the Chief censor or customs control until a certificate has been granted in accordance with this Division.

53. NOTIFICATION OF DECISION CONCERNING CLASSIFICATION.

- (1) Where the Chief Censor or the Censorship Board makes a decision ó
- (a) classifying; or
 - (b) refusing to classify,

A film or advertising matter, the Chief Censor shall give notification of the decision ó

- (a) in writing to the person applying for classification; and
- (b) by notice in the National Gazette.

(2) A notice under Subsection (1) shall be in the prescribed form and, in the case of refusal to classify, shall give reasons for the refusal.

(3) A decision under Subsection (1) takes effect on the date on which the notice of the decision is published in the National Gazette.

54. RETENTION OF PROHIBITED FILMS OR ADVERTIZING MATTER.

Where the Chief Censor has refused to authorize the publication of a film or advertising matter or any part of a film or advertising matter, he may retain the film or advertising matter or any excised part of the film or advertising matter until it is exported or destroyed under Section 59.

55. RECONSTRUCTION OF FILMS.

(1) Where ó

- (a) an application for classification of a film has been refused; and
- (b) the Board has not, on a review under this Division, directed the Chief Censor to classify the film,

The applicant may apply for permission to reconstruct the film.

(2) An application for permission to reconstruct a film shall be made within 14 days, or within such further time as the Chief Censor in any particular case allows, after the date of the notice of the refusal of the application for classification or the date of the decision of the Board, as the case may be, and shall be accompanied by details of -

- (a) the grounds on which the applicant claims that the reconstruction should be permitted; and
- (b) the proposed alterations or additions to, or deletions from, the film.

(3) The Chief Censor may approve or not approve of a plan for the reconstruction of a film, or may alter or amend the plan as he thinks fit.

(4) The Chief Censor may, on application by the applicant, classify the film if the film is reconstructed in accordance with the plan as approved, or as altered or amended by the Chief Censor.

(5) For the purpose of enabling a film to be reconstructed, the Chief Censor may grant permission for the film to be removed to a specified place, on the following conditions: -

- (a) that the film shall not be screened before any person other than the person who applied for the reconstruction and such other persons as are approved by the Chief Censor; and
- (b) that the film as reconstructed shall, within 14 days after removal from the Chief Censor, be returned to the Chief Censor or the place from which it was removed; and
- (c) that all matter eliminated from the film in the reconstruction of the film shall be properly tagged, described and forwarded to the Chief Censor.

(6) The applicant shall, when forwarding matter eliminated from a film to the Chief Censor, forward one positive print of the eliminated matter, which shall be filed by the Chief Censor and dealt with in such manner as the Chief Censor directs.

(7) If ó

- (a) a positive film has been printed in the country for a negative film; and
- (b) part of the film is eliminated in the course of the reconstruction of the film,

The part eliminated shall be forwarded to the Chief Censor and dealt with in such manner as the Chief Censor directs.

(8) All matter eliminated from a film in the course of the reconstruction of the film shall, unless it is exported within 30 days after it is forwarded to the Chief Censor, be destroyed under the supervision of the Chief Censor.

56. EXAMINATION BEFORE CLASSIFICATION.

(1) Subject to Subsection (2), the Chief Censor may grant to an applicant, who has applied for classification of a film, approval to remove the film to a specified place in a sealed container or package for the purpose of ó

- (a) waxing; or
- (b) inspecting; or
- (c) repairing; or

(d) making alterations to, or deletions from, the film, or if the film is a negative film, printing a positive film from it, subject to the applicant depositing with the Chief Censor the appropriate classification fee.

- (2) An approval under Subsection (1) is subject to the following conditions: -
- (a) that the applicant shall not remove the film, unless he has given to the Chief Censor at least 24 hours notice of the address of the place to which the film is to be removed;
 - (b) that the film shall, within 24 hours or such further period as the Chief Censor in any particular case allows, be delivered to the place referred to in Paragraph (a);
 - (c) that the film shall be treated, repaired or altered, or if it is a negative, shall be printed, under the supervision of an officer within 48 hours, or such further time as the Chief Censor in any particular case allows, after the film is delivered to that place;
 - (d) that, if the film is negative film or a soft positive film, not more than one positive print shall be printed from it;
 - (e) that the film or a part of the film shall not otherwise be printed, reproduced or copied;
 - (f) that no person other than the applicant and such number of persons approved by the Chief censor shall be present at any screening of the film while it is removed;
 - (g) that the film and, if a negative film has been delivered, the negative film and the resultant positive film shall be returned to the place from which the film was removed or to the office of the Chief Censor within 14 days after the removal of the film by the applicant under this Subsection;
 - (h) that all matter eliminated from the film shall be properly tagged and described and shall be returned with the film.

(3) If the Chief Censor has not granted approval under Subsection (1), the applicant may arrange for the film to be screened at a place approved by the Chief Censor and may make, under the supervision of the Chief Censor or an officer authorised by the Chief Censor, such alterations or eliminations as the applicant thinks fit.

57. APPLICANT FOR REVIEW OF CLASSIFICATION.

(1) Where the Chief Censor has made a decision classifying or refusing to classify a film or advertising matter ó

- (a) the person who applied for the classification; or
- (b) the publisher of the film; or
- (c) any other person,

May apply to the Board for a review of the decision

(2) Where the Board has received an application by a person referred to in Subsection (1) (c), the Board shall cause a copy of the application to be issued to the person referred to in Subsection (1) (a).

- (3) An application under Subsection (1) shall be -
- (a) in the prescribed form; and
 - (b) signed by, or on behalf of, the applicant; and
 - (c) accompanied by the prescribed fee; and
 - (d) lodged with the Chairman ó

- (i) where the applicant is a person referred in Subsection (1) (a) or (c) ó within 3 days after the date on which he received written notification of the decision to which the application relates; and
- (ii) Where the applicant is a person referred in Subsection (1) (b) ó within 60 days after the date of publication of the notice of the decision in the National Gazette.

58. REVIEW OF CLASSIFICATION

(1) On receipt of an application for review, the Board shall review that decision and may make a decision ó

- (a) confirming the decision of the Chief Censor; or
- (b) setting aside the decision and directing the Chief Censor to classify or refuse to classify, the film or advertising matter in accordance with the findings of the Board.

(2) The Chairman shall, within 21 days after the date on which the decision of the Board is made -

- (a) notify the applicant in writing of the Boards decision; and
- (b) cause a notice setting out the terms of the decision to be published in the National Gazette.

(3) The Chairman shall keep a record of all decisions made by the Board under this section.

(4) The Chairman shall provide copies of all decisions made by the Board under this section to be forwarded to the Chief Censor.

(5) A decision made by the Board under this section shall take effect on the day on which a notice of the decision is published in the National Gazette in accordance with Subsection (2).

(6) Subject in Section 155 (5) of the Constitution (the National Judicial System), the decision of the Board on the review is final.

59. REJECTED FILMS ETC.

Where a film or advertising matter is refused classification under this Division, the applicant shall either export the film or advertising matter, or destroy it under the supervision of an officer appointed by the Chief Censor, within 30 days ó

- (a) after the date on which the classification of the film or advertising matter was refused; or
- (b) if an application is made to the Board against the decision of the Chief Censor to refuse classification of the film or advertising matter and the decision of the chief Censor is confirmed by the Board ó after the date of the decision of the Board.

60. DUPLICATE FILMS.

(1) If the owner of a film makes a statutory declaration that duplicates, identical in detail, subject matter and footage of a film already classified are deposited with the Chief

Censor, the Chief Censor may, without any further inspection, issue in respect of the film the appropriate classification and licence authorizing the publication of the film.

(2) The Chief Censor or Deputy Chief Censor is hereby authorized to take and receive declarations for the purposes of Subsection (1), which shall be admissible in evidence in any judicial proceedings.

(3) A person who makes a statutory declaration under this section which is false or incorrect in any particular is guilty of an offence and shall, on conviction -

- (a) if the declaration was false or incorrect to the knowledge of the maker, be liable to imprisonment for a term not exceeding six months; and
- (b) in any other case, be liable to a fine not exceeding K500.00. and the licence issued in respect of any such film shall cease to be valid.

61. APPLICATION OF DIVISION.

Nothing in this Division applies to or in relation to an application for classification of a film where

- (a) previous application for classification of the same film has been made but not determined; or
- (b) a decision approving, or refusing to approve, the classification of the film is the subject of application for review by the Censorship Board and the Board has not determined that application.

Division 4 Miscellaneous

62. CONDITIONS APPLYING TO RESTRICTED PUBLICATIONS.

The following conditions apply in relation to a publication that is classified as a restricted publication: -

- (a) the publication shall not be sold, let on hire, displayed or delivered to a minor;
- (b) the publication shall not be published in a public place unless the publication is contained in sealed package;
- (c) the sealed package referred to in Paragraph (b) must be made of opaque material and both publication and the package shall bear appropriate classification markings.

63. CONDITIONS APPLYING TO "R" FILMS OR ADVERTISING MATTER.

The following conditions apply in relation to a film or advertising matter that is classified as an "R" film

- (a) the film or advertising matter shall not be sold let on hire, displayed or delivered to a minor;
- (b) the film or advertising matter shall not be published in a public place unless the contained wrapping and casing in which the film is advertising matter is contained, bears appropriate classification markings.

64. REVOCATION OF CLASSIFICATION.

(1) Subject to this section, the Chief Censor may, on application made in accordance with this section by any person or on his own motion, revoke the classification of a publication (other than a film) or a decision refusing to classify a publication (other than a film).

(2) Subject to this section, the Chief Censor may, on application made in accordance with this section or on its own motion, revoke -

- (a) the classification of a film or advertising matter; or
- (b) the decision not to classify a film or advertising matter.

(3) An application under this section: -

- (a) shall be in writing signed by or on behalf of the applicant; and
- (b) shall be lodged with the Chief Censor at any time after the expiration of the period of one month from the date on which the classification or decision to which the application relates, come into effect.

(4) The Chief Censor shall not, on his own motion, revoke a classification or a decision at any time before the expiration of the period of one month from the date on which the classification or decision came into effect.

(5) The Chief Censor shall not revoke a classification or a decision unless he is satisfied that It is proper to do so, having regard to the provisions in this Part relating to the classification of publications and conditions applying to classified publications.

(6) Where the Chief Censor revokes a classification or a decision under this section, he shall cause a notice of revocation to be published in the National Gazette.

65. INTERDICTION OF CLASSIFIED FILMS, ETC.,

(1) A licence or certificate issued under Section 50 with respect to a film or advertising matter shall cease to be valid when a notice to that effect is given by the Chief Censor ó

- (a) to the person who had submitted the film or advertising matter for classification; or
- (b) to any person in possession of the film or advertising matter; or
- (c) where the Chief Censor is not able to find any of the persons referred to in Paragraphs (a) or (b) is published in the National Gazette.

(2) On receipt or publication of a notice under Subsection (1), the person in whose possession or under whose control the film or advertising matter is, shall within the time stated in the notice, return the licence or certificate to the Chief Censor and shall, if so required by the Chief Censor, return the film or advertising matter for further examination and censorship.

(3) A person who fails to comply with Subsection (2) is guilty of an offence.

Penalty: A fine not exceeding K1, 000.00.

66. INSPECTION OF PREMISES ETC.,

(1) An officer may, at all reasonable times, enter any premises in which a film or publication is being or is about to published, and may examine any such film, and if on

such examination he has reasonable grounds for believing that an offence under this Act has been or is about to be committed in respect in any such film or publication he may seize the film or publication ó

(2) For the purposes of Subsection (1), "officer" means -

- (a) the Chief Censor; or
- (b) the Deputy Chief Censor; or
- (c) a Deputy Censor; or
- (d) a police officer; or
- (e) a customs officer.

67. LIABILITY FOR DAMAGE TO DEPOSITED PUBLICATIONS.

All publications deposited with or delivered to the Chief Censor shall be stored at the risk and expense of the owner, are neither the Chief Censor nor the State shall be liable for any loss of, or damage to the publications other than for loss or damage caused by some wilful act on the part of the Chief Censor or his officers.

PART VI - OFFENCES

Division 1 Unclassified Publications

68. INTERPRETATION

In this Division, unless the contrary intention appears ó

“prescribed publication” means an objectionable publication of the kind referred to in Paragraph (b) of the definition of objectionable publication in Section 2.

69. PUBLISHING OF UNCLASSIFIED PUBLICATION.

A person who has in his possession or publishes or causes to be published any publication ó

- (a) which being a declared publication has not been classified under Division 3, Sub-division 2; or
- (b) being a declared publication in respect of which a classification under Division 3. Sub-division 2 has been set aside or revoked; or
- (c) being a film or advertising matter relating to a film, in respect of which a licence or certificate has not been issued; or
- (d) being a film or advertising matter relating to a film, in respect of which the licence or certificate issued has ceased to be valid; or
- (e) being a film or advertising matter relating to a film, which, since the licence or certificate was issued, has been altered or tampered with in any way; or
- (f) in breach of any condition or restriction imposed in relation to the publication, is guilty of an offence.

Penalty: A fine not exceeding K1, 000.00,

70. PUBLISHING OF OBJECTIONABLE PUBLICATIONS.

(1) A person who publishes an objectionable publication, other than a prescribed publication, is guilty of an offence punishable ó

- (a) in the case of a body corporate ó by a fine not exceeding K5, 000.00; and

(b) in the of an individual ó by a fine not exceeding K1, 000.00 or by imprisonment for a term not exceeding six months, or both.

(2) A person who publishes a prescribed publication is guilty of an offence, punishable

- (a) in the case of a body corporate ó by a fine not exceeding K10, 000.00; and
- (b) in the case of an individual ó by a fine not exceeding K1, 000.00 or by imprisonment for a term not exceeding six months, or both.

71. POSSESSION OF OBJECTIONABLE PUBLICATION

(1) A person who has in his possession an objectionable publication, other than a prescribed publication, is guilty of an offence punishable, -

- (a) in the case of a body corporate ó by a fine not exceeding K5, 000.00; and
- (b) in the case of a individual ó by a fine not exceeding K1, 000.00 or by imprisonment for a term not exceeding six months, or both.

(2) A person who has in his possession a prescribed publication is guilty of an offence punishable -

- (a) in the case of a body corporate ó by a fine not exceeding K10, 000.00; and
- (b) in the case of an individual ó by a fine not exceeding K1, 000.00 or by imprisonment for a term not exceeding six months, or both.

72. KEEPING OBJECTIONABLE PUBLICATIONS AT PREMISES.

(1) The occupier of premises who keeps or permits to be at or in the premises an objectionable publication, other prescribed publication, is guilty of an offence punishable -

- (a) in the case of a body corporate ó by fine not exceeding K5, 000.00; and
- (b) in the case of an individual ó by a fine not exceeding K10,000.00 or by imprisonment for a not exceeding six months, or both.

(2) The occupier of premises who keeps or permits to be at or in those premises prescribed publication is guilty of offence punishable-

- (a) in the case of a body corporate ó by a fine not exceeding K1 0,000.00;and
- (b) in the case of an individual ó by a fine no exceeding K1,0 00.00 or by imprisonment for a exceeding six months, or both.

73. PUBLISHING OBJECSTABLE PUBLICATIONS IN A PUBLIC PLACE.

(1) A person who exhibits or displays an objectionable publication, other than a prescribed publication, in a public place or such manner that it is visible to person in or on a public place is guilty of an offence punishable

- (a) in the case of a body corporate ó by a fine not exceeding K5, 000.00; and
- (b) in the case of an individual ó by a fine not exceeding

K1, 000.00 or by imprisonment for a term not exceeding six months, or both.

(2) A person who exhibits or displays a prescribed publication in a public place, or in such a manner that it is visible to persons in or on a public place, is guilty of an offence punishable -

- (a) in the case of body corporate ó by a fine not exceeding K10, 000.00; and
- (b) in the case of an individual ó by a fine not exceeding K1, 000.00 or by imprisonment for a term not exceeding six months, or both.

74. MAKING OBJECTIONABLE PUBLICATIONS.

(1) A person who involves himself in the printing or otherwise in the making of or producing an objectionable publication is guilty of an offence punishable ó

- (a) in the case of body corporate ó by a fine not exceeding K5, 000.00; and
- (c) in the case of an individual ó by a fine not exceeding K1, 000.00 or by imprisonment for term not exceeding six months, or both.

(2) A person who involves himself in the printing or otherwise in the making of or producing a prescribed publication is guilty of an offence punishable -

- (a) in the case of body corporate ó by a fine not exceeding K5, 000.00; and
- (c) in the case of an individual ó by a fine not exceeding K1, 000.00 or by imprisonment for term not exceeding six months, or both.

75. SUBSEQUENT CLASSIFICATION OF PUBLICATION.

A person shall not be convicted of an offence under this Division in relation to an objectionable publication if he establishes that ó

- (a) since the offence was alleged ot have been committed the publication has been classified under this Act; and
- (b) the act alleged to constitute the offence did not infringe any conditions (other than the conditions relating to prescribed markings) that would have been applicable to the publication had it been so classified at the time when the act was done.

Division 2 Classified Publications

76. PUBLISHING OF CLASSIFIED PUBLICATIONS.

(1) A person who is in charge of, or who has the management or control of, a restricted publication area shall not permit a minor to enter that area.

(2) A person who is in charge of a restricted publication area shall cause to be displayed in a prominent place, on or near each entrance to the area, so that it is clearly visible from outside the area, a notice containing such particulars as may be approved by the Chief Censor.

(3) A person who contravenes or fails to comply with subsection (1) or (2) is guilty of an offence punishable-

- (a) in the case of body corporate ó a fine not exceeding K5,000.00; and
- (b) in the case of an individual ó by a fine not exceeding K500.00 or by imprisonment for a term not exceeding three months, or both.

(4) A person shall be not convicted of an offence against subsection (1), if he adduces evidence that he believed on reasonable grounds that person in relation to whom the offences is alleged to have been committed was of or above the age of 18 years and that evidence is not rebutted by the prosecutor.

PART IV - MISCELLANEOUS

78. OFFICER INCLUDES POLICE ETC...

A reference in this Division to an officer shall be read as including a member of the Police Force or a customs officer.

79. FORFEITURE AND RETURN OF PULICATIONS.

(1) Where a person is convicted of an offence against this Act in relation to an objectionable publication, the court may order that the publication be forfeited to the state.

(2) Where a publication has been lawfully seized by an officer as an objectionable publication but no person has been charged with an offence against the Act , in respect of that publication, the court shall, on the application by an officer made within 30 days after seizure of the publication, issue a summons requiring the occupier of the premises from which the publication was seized, or the person from whom it was seized, or both, as the court determines, to appear before the court and show cause why the publication seized should not be forfeited to the state.

(3) Where the court issues a summons under subsection (2) in relation to a publication, the court shall, so far as it considers it reasonably practicable to do so, cause notice of the proceedings to be given to every person whose name appears on the publication as the author, publisher, printer, manufacture, or owner of the publication.

(4) In proceeding under this section, the court may permit a person who claims to be the author, publisher, printer, manufacture or the owner of the publication to which the proceedings relate, (wether or not a notice has been given to him under subsection (3)), and who appears or represented in the proceedings, to intervene in the proceedings for the purpose maintaining that the publication is not objectionable.

(5) Upon the hearing of a summons issues under subsection (2), the court shall, if it is satisfied that there was a contravention of a provision of this Act in respect of the publication and that it is desirable that the publication be forfeited to the state, order the publication to be forfeited to the state.

(6) Subject to subsection (7), a publication which is forfeited to the state under this section shall be held under the custody of the Chief Censor.

(7) Where the court has ordered a publication to be forfeited to the state, the Chief Censor shall not direct the destruction of the publication before the expiration of the time allowed for instituting an appeal against the order, or if a appeal is lodged within time, before the determination of the appeal.

80. EXEMPTIONS.

(1) The Chief Censor may, by notice in writing, exempt a person or body specified in the notice from any of all of the provision of this Act, subject to such conditions (if any), as are specified in the notice.

(2) The Chief Censor may, subject to any conditions that he may impose, exempt any publication or class of publications from the application of any of the provisions of this Act.

81. DISPOSAL OF UNCLASSIFIED PUBLICATION

The Chief Censor may, destroy or otherwise dispose of the publication which-

- (a) Has been submitted to him in relation to an application for classification; and
- (b) Has not been removed from his custody within two months of the publication in the National Gazette of the decision in respect of the application.

83. REGULATION.

The Head of state, acting on advice, may make regulations not inconsistent with this Act, prescribed all matters that by this Act are required or permitted to be prescribed or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act, including-

- (a) The manner of submitting publications to the Chief Censor for the purpose of classification; and
- (b) The procedure in relation to the importation and publishing of publication ; and
- (c) The imposition of a penalty not exceeding one year imprisonment or fine not exceeding one K10,000.00 or both for a contravention of the regulation; and
- (d) Fees to be paid in respect of applications and for other matters specified in the Act; and
- (e) Forms to be used in connection with applications.

I here certify that the above is a fair print of the classification of publication (Censorship) Act 1989 which has been made by the National Parliament.

(Signed 4 December 1989)
Clerk of the National Parliament.

I hereby certify that the Classification of Publication (Censorship) Act 1989 was by the National Parliament on 7 November 1989 by an absolute majority in accordance with the Constitution.

(Signed 4 December 1989)
Speaker of the National Parliament.

STATUTORY INSTRUMENT

No. 10 Of 1990.

Being a Regulation,

Made by the of state, acting with, and in accordance with, the advice of the National Executive Council under the **classification of publication** (Censorship) Act 1989.

1.APPLICATION FOR REGISTRATION,ETC.,OF PUBLICATION PREMISES

- (1) An application under section 28 of the Act for registration or renewal of registration of publication premises shall be in form 1 schedule 1.
- (2) An application referred to in subsection (1) shall contain-
 - (a) The name and address of the applicant;
 - (b) The name and address of the premises in respect
Of which registration is sought; and
 - (c) Particular of the prescribed activity proposed to
be carried on in premises.
- (3) The fee payable for an application referred to in subsection (1) is as specified in schedule 1.

2. CERTIFICATE OF REGISTRATION OF PUBLICATION PREMISES

A certificate of registration of publication premises shall be inform 2 of schedule 1.

3. APPLICATION FOR CHANGE OF PUBLICATION PREMISES.

(1) An application under section 31 of the Act for a change of publication premises shall be in Form 3 schedule 1.

(2) An application referred to in subsection (1) shall contain-

- (a) The name and address of the applicant; and
- (b) The name and address of the publication premises registered; and
- (c) The name and address of the proposed new premises and
- (d) Particular of the prescribed activity.

(3) The fee payable for an application referred to in subsection (1) is as specified in schedule

2.

4. APPLICATION FOR CLASSIFICATION OF DECLARED PUBLICATION.

(1) An application under section 38 (1) of the Act for classification of a declared publication shall be in form 4 of schedule 1.

(2) The fee payable for an application referred to subsection (1) is as specified in schedule 3.

5. APPLICATION FOR CLASSIFICATION OF DECISION ON CLASSIFICATION OF DECLARED PUBLICATION.

(1) An application under section 40 (1) of the Act for a review of a decision on the classification of a declared publication shall be in form 5 of schedule 1.

(2) The fee payable for an application referred to in subsection (1) is as specified in schedule 3.

6. APPLICATION FOR CLASSIFICATION OF A FLIM.

(1) An application under section 45 of the Act for classification of a flim shall be in form 6 of schedule 3.

(2) The fee payable for an application referred to in subsection (1) is as specified in schedule 3.

7. APPLICATION FOR CLASSIFICATION OF ADVERTISING MATTER.

(1) An application under section 46 of the Act for classification of advertising matter shall be in form 7 of schedule 1.

(2) The fee payable for an application referred to in subsection (1) is as specified in schedule 3.

8. LICENCE TO PUBLISH A FLIM ETC.

(1) A licence under section 50 of the Act to publish a flim shall be in form in schedule 1.

(2) A licence under section 50 of the Act to publish advertising matter shall be in form 9 of schedule 1.

9. NOTIFICATION OF DECISION CONCENING CLASSIFICATION.

Notification required under section 53 of the Act of a decision in respect of the classification of a flim or advertising matter shall be in Form 10 of schedule 1.

SCHEDULE 1

INDEPENDENT STATE OF PAPUA NEW GUINEA

Classification of publication (Censorship Act 1989 FORM 1

Act, Part III 28
Reg. Sec 1.

APPLICATION FOR REGISTRATION OF PUBLICATION PREMISES

To the Chief Censor,

I, í í í í í í í í í í í í í í orí í í í í í í í í í í .apply for the-
registration of (name, address, including Section and Lot numbers of publication premises
to be established):

Or

Renewal of registration of (name, address, including section and Lot numbers
of publication premises being operated):

For the establishment/operation of a prescribed activity (insert particulars of the prescribed
activity which will be established or in operation).

Dated this 19í ..

Signature of Applicant.

Strike out whichever is inapplicable.

INDEPENDENT STATE OF PAPUA NEW GUINEA

Classification of publication (Censorship) Act 1989.

Act, Part III 29
Reg. Sec 2.

CERTIFICATE OF REGISTRATION OF PUBLICATION PREMISES

Subject to Classification of Publication (Censorship) Act 1989 and to any conditions and restriction specified in the schedule.

Is granted

Premises to register/renew registration* to establish/operate* (particular of a prescribed activity) at premises situated at

And known as

SCHEDULE.

Dated 19í .

Chief Censor.

* Strike out whichever is inapplicable.

INDEPENDENT STATE OF PAPUA NEW GUINEA

Classification of Publication (Censorship) Act 1989

Act, Part III 29
Reg. Sec. 2

CERTIFICATE OF REGISTRATION OF PUBLICATION PREMISES

Subject to classification of Publication (Censorship) Act 1989 and to any conditions and restrictions specified in the schedule.

Premises to register/renew registration* to establish/operate* (particulars of a prescribed activity) at premises situated at

SCHEDULE

Dated 19í ..

Chief Censor.

*Strike out whichever is inapplicable.

INDEPDENT STATE OF PAPUA NEW GUINEA

Classification of Publication (Censorship) Act 1989

Act, Part III. 31
Reg. Sec. 3.

APPLICATION FOR CHANGE OF PUBLICATION PREMISE

To the Chief Censor,

I/ I I I I I I I I I I I I I I I I or/ I I I I I I I I I I I I I I I I ..,
apply for the change of publication premises from (name, address, including
Section and Lot numbers) for the establishment/ operations* of a prescribed
activity).

Dated 19 I ..

Signature of Applicant

*Strike out whichever is inapplicable.

INDEPENDENT STATE OF PAPUA NEW GUINEA

Classification of Publication (Censorship) Act 1989

Act, Part V, 38
Reg. Sec. 4.

APPLICATION FOR CLASSIFICATION OF DECLEARED PUBLICATION

To the Chief Censor,

I, *í í í í í í í í í í í í í í í í* of *í í í í í í í í í í* ,
apply for the classification of the declared publication described in the
schedule of this application.

Dated 19í .

Signature of Applicant

S C H E D U L E

INDEPENDENT STATE OF PAPUA NEW GUINEA

FORM 5.

Classification of Publication (Censorship) Act 1989.

Act, Part V, 39
Reg. Sec.5.

Act, Part V, 45
Reg. Sec. 6.

APPLICATION FOR CLASSIFICATION OF A FLIM

To the Chief Censor

I, í í í í í í í í í í í í í í í í of
í í í í í í í í í í í
apply for

Classification of a flim, specified in the schedule to this application.

Dated 19í .

Signature of Applicant.

SCHEDULE

- (a) Title of flim:
- (b) Format (35mm, 16m, Video tape (VHS) etcí):
- (c) Name of production Company:
- (d) Name of Producer:
- (e) Name of Director
- (f) Total length of flim:

(g) Overseas Censorship Classification:

INDEPENDENT STATE OF PAPUA NEW GUINEA

FORM 7

Classification of Publication (Censorship) Act 1989

Act , Part V, 46
Reg. Sec. 7

**APPLICATION FOR CLASSIFICATION OF ADVERTISING
MATTER.**

To the Chief Censor,

I, *í í* of *í í í í í í í í í í í í í í í í í*.,
apply for

Classification of advertising matter specified in the schedule to this application.

Dated *í í í* 19*í* .

Signature of Applicant.

SCHEDULE.

INDEPENDENT STATE OF PAPUA NEW GUINEA

FORM 8.

Classification of Publication (Censorship) Act 1989

Act, Part V, 50
Reg. Sec. 8.

LICENCE TO PUBLISH A FLIM

Subject to classification of Publication (Censorship) Act 1989 and to any conditions and restrictions specified in the schedule
í í í í í í í í í í í í í is licensed to publish the flim (insert title of the flim the subject of the licensed) ó

* for general exhibition (G) ; or

* for viewing by persons under the age of 18 years with the guardian of the parent (PGK) ; or

* for viewing by persons over the age of 18 years only (M) ; or

* for restricted audience only, as scenes may cause offence to adult persons and are unsuitable for viewing by minors (R).

SCHEDULE

Dated

19í

Chief Censor

Include whichever is applicable.

INDEPENDENT STATE OF PAPUA NEW GUINEA

FORM 9

Classification of Publication (Censorship) Act 1989

Act, Part V. 53
Reg. Sec. 9

**NOTICE OF DECISION CONCERNING
CLASSIFICATION**

I certify that the Chief Censor/Censorship Board* has decided: -

* to classify a flim/advertising matter* (insert particulars of the flim/advertising matter for which classification is permitted):

Or

* to refuse classification of a flim/advertising matter* (insert particulars of the flim/advertising matter for which classification is refused).

Toí í í í í í í í í í í í í í ..offí í í í í í í í í í í í í í í ..,th
e person applying for classification of the flim/advertising matter*
described in the notice for the following reason:-

(insert reasons for refusal).

Dated 19í .

Chief Censor

Strike out whichever is inapplicable.

SCHEDULE 2

FEES FOR REGISTRATION OF PUBLICATION PREMISES

1. Publisher's Certificate:	K 100.00 per year
2. Television Station Certificate:	K2,000.00 per year
3. Radio station Certificate:	K2,000.00 per year
4. Public Cable Television Certificate:	K3,000.00 per year
5. Limited Hotel Cable Television Certificate:	K1,000.00 per year
6. Special Cable Television Certificate:	K 500.00 per year
7. Film Theatre Certificate:	K 200.00 per year
8. Video Dealer's Certificate:	K 500.00 per year
9. Video Library Certificate:	K 200.00 per year
10. Video Theatre Certificate:	K 100.00 per year
11. Literature Distributor's Certificate:	K 300.00 per year
12. Literature Dealer Certificate:	K 150.00 per year
13. Audio Cassette Dealer's Certificate:	K 150.00 per year
14. Audio Cassette Distributor's Certificate:	K 300.00 per year
15. Change of Publication Premises:	K 100.00 per year

Note: Where an application to which a fee referred to in this schedule is not granted, 90% of the application fee paid shall be refunded to the applicant.

SCHEDULE 3

CLASSIFICATION FEES.

Item	Subject Matter	Fee
1.	Foreign Publication other flim	K 2.00 per tittle
2.	Papua New Guinea ó produced publication Other than flim.	K 1.00 per tittle
3.	Foreign periodic series publication other than flim.	K 15.00 per tittle
4.	Papua New Guinea ó produced periodic series publication other than flim.	K 8.00 per tittle
5.	Review of foreign publication other than flim	K 6.00 per tittle
6.	Review of Papua New Guinea ó produced publication tittle Other than flim.	K 3.00 per
7.	Review of Foreign periodic series publication other tittle than flim.	K 30.00 per
8.	Review of Papua New Guinea ó produced periodic per tittle Series publication other than flim.	K 15.00
9.	Foreign cinematographic feature flim. tittle	K 13.00 per
10.	Papua New Guinea ó produced cinematographic tittle feature flim.	K 10.00 per

11.	Translation of cinematographic flim that contains title dialogue or captions in a foreign language. classification fee	K 7.00 per Plus the
12.	Foreign cinematographic flim advertising matter. per year	K 2.00
13.	Papua New Guinea ó produced cinematographic flim per year advertising matters.	K 1.50
14.	Translation of cinematographic flim advertising matter that contains dialogue captions in a foreign language.	K 4.00 per year
15.	Foreign Video tape or Video disc feature flim.	K 16.00 per year
16.	Papua New Guinea ó produced video or video disc feature flim.	K 12.00 per year

SCHEDULE 3. Cont....d)

Item	Subject Matter	Fee
17.	Translation of video tape or video disc feature flim	K 10.00 per tittle (plus classification fee
18.	Translation of video tape or video disc advertising matter that contains dialogue or cations in a foreign language.	K 7.00 per tittle (plus classification fee
19.	Foreign video tape or video disc flim advertising	K 3.00 per tittle
20.	Papua New Guinea ó produced video tape or video disc flim.	K 2.00 per tittle
21.	Foreign flim intended for television broadcasting	K 3.00 per tittle/ Episode tittle
22.	Papua New Guinea ó produced flim intended for television broadcasting.	K 2.00 per tittle/ Episode tittle
23.	Flim advertising matter intended for television broadcasting.	K 1.00 per tittle
24.	Commercials intended for television broadcasting.	K 20.00 per tittle
25.	Review of foreign cinematographic feature of flim.	K 30.00 per tittle
26.	Review of foreign cinematographic advertising matter.	K 5.00 per tittle

- | | | |
|-----|--|--------------------|
| 27. | Review of Papua New Guinea ó produced cinematographic Feature flim. | K20.00 per tittle |
| 28. | Review of Papua New Guinea ó produced cinematographic flim advertising matter. | K 2.50 per tittle |
| 29. | Review of foreign video tape or video disc feature flim. | K 40.00 per tittle |
| 30. | Review of Papua New Guinea ó video tape or video disc feature flim. | K 25.00 per tittle |
| 31. | Review of foreign video tape or video disc feature flim advertising matter. | K 7.00 per tittle |

SCHEDULE. Cont...d

Item	Subject Matter	Fee
32.	Review of Papua New Guinea ó produced video tape	K 5.00 per tittle
33.	Review of foreign flim intended for television broadcasting.	K 10.00 per tittle/ Episode tittle
34.	Review of Papua New Guinea ó produced flim intended for television broadcasting	K 5.00 per tittle/ Episode tittle
35.	Review of flim advertising matter intended for television Broadcasting.	K 2.00 per tittle
36.	Review of commercials intended for television broadcasting	K 40.00 per tittle

Note: Where an application to which a fee referred to in this schedule is not granted, 90% of the application fee paid shall be refunded to the applicant.

Made this 05th day of June, 1990.

(Signed)
GOVERNOR-GENERAL.

STATUTORY- INSTRUMENT

No. 11 of 1990

Customs (prohibited Imports) (Films, etc..) Regulation 1990,

Being a Regulation to amend the customs (Prohibited Imports) Regulation (Chapter 101), as mended.

MADE by the Head of State, acting with, and in accordance with, the advice of the National Executive Council under the Customs Act (Chapter 101), to come into operation on the date of coming into operation of the Classification of Publication (Censorship) Act 1989.

1. **INTERPRETION OF PART I (AMENDMENT OF SECTION 1)**

Section 1 of the Principal Regulation is amended ó

(a) by inserting after the definition of õdrug import licenceö

The following:-

õflim means a cinematographic film, slide, video tape form of recording from which a visual image can be produced; õ ; and

(b) by adding the following definition:-

õøslide means a glass or film slide intended for project as a still picture by lantern or other type of projector, and includes a series of still pictures included in a single strip of glass or film.

2. **REPEAL OF PART IV**

Part IV of the Principal Regulation is repealed.

3. **REPEAL OF PART V**

Part V of the Principal Regulation is repealed.

4. **AMENDMENT OF SCHEDULE 1.**

Schedule 1 to the Principal Regulation is amended by repealing Forms 3, 4, 5, 6, 7, and 8.

Customs (Prohibited Imports) (Films, etc.,)

AMENDMENT OF SCHEDULE 2. Con.....d)

5. AMENDMENT OF SCHEDULE 2.

Schedule 2 to the Principal Regulation is amended ó

(a) by inserting after item 4 the following :-

4A. Advertising matter,
not including in item 4,
as defined in the classification
of Publication (Censorship) Act 1989.

Subject to
compliance with the
provisions of the
Classification of Publication
(Censorship) Act 1989 and
Regulations the render.ó; and

(b) in item 83 in column 3, by repealing the words
“Subject to Part III” and replacing them with the
following:-

“Subject to compliance with the provision
Classification of Publication (Censorship) Act
1989 and Regulation of there under. ó ; and

(c) in item 97 in column 3, by repealing the words “Subject to
Part IV” and replacing them with the following:-

“Subject to compliance with the provisions of the
Classification of Publication (Censorship) Act
1989. ó ; and

(d) by inserting after item 206 the following:-

“206A. Slides

Subject to
compliance
with the Classification
of Publication (Censorship)
Act 1989 and the Regulation
the render.

MADE this 05th day of June, 1990

(Signed)
GOVERNOR-GENERAL