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REPUBLIC OF SOUTH AFRICA

PORTFOLIO COMMITTEE AMENDMENTS TO

FILMS AND PUBLICATIONS AMENDMENT BILL

[B 27B—2006]

(As agreed to by the Portfolio Committee on Home Affairs (National Assembly))

[B 27C—2006]

ISBN 978-1-77037-333-4

No. of copies printed 800

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AMENDMENTS AGREED TO

FILMS AND PUBLICATIONS AMENDMENT BILL
[B 27B—2006]

CLAUSE 1

1. On page 3, after line 10, to insert the following paragraph:

(f) by the insertion after the definition of **"distributor"** of the following definition:
" **'domestic violence'** means depictions or descriptions of—
(a) physical abuse;
(b) sexual abuse; or
(c) emotional, verbal and psychological abuse,
and includes any other abusive behaviour involving persons who are or have been in an intimate relationship or who are family members, regardless of gender or sexual orientation;";

2. On page 3, in line 16, to omit "characteristically associated with sexual intercourse" and to substitute "contemplated in the definition of "sexual conduct" in this Act".

3. On page 3, after line 61, to insert the following paragraph:

(q) by the insertion after the definition of **"sexual conduct"** of the following definition:
" **'sexual violence'** means conduct or acts contemplated in the definitions of "sexual conduct" and "explicit sexual conduct" that are accompanied either by force or coercion, actual or threatened, or that induces fear or psychological trauma in a victim;".

CLAUSE 19

1. On page 9, in line 45, after the first "a", to insert "*bona fide*".

2. On page 9, from line 45, to omit "the Newspaper Association of South Africa" and to substitute "a body, recognised by the Press Ombudsman, which subscribes, and adheres, to a code of conduct that must be enforced by that body".

3. On page 9, from line 48, to omit subsection (2) and to substitute the following subsection:

"(2) Any person, except the publisher of a newspaper contemplated in subsection (1), who, for distribution or exhibition in the Republic creates, produces, publishes or advertises any publication that—
(a) contains sexual conduct which—
(i) violates or shows disrespect for the right to human dignity of any person;
(ii) degrades a person; or
(iii) constitutes incitement to cause harm;
(b) advocates propaganda for war;
(c) incites violence; or

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(d) advocates hatred based on any identifiable group characteristic and that constitutes incitement to cause harm,

shall submit, in the prescribed manner, such publication for examination and classification to the Board before such publication is distributed, exhibited, offered or advertised for distribution or exhibition.''.

4. On page 10, from line 12, to omit ''visual presentations, descriptions or representations of or amounting to''.

5. On page 10, from line 22, to omit ''visual presentations, descriptions or representations of or amounting to''.

6. On page 10, in line 34, after ''merit'', to insert ''or is on a matter of public interest''.

7. On page 10, from line 38, to omit ''visual presentations, descriptions or representations of''.

8. On page 10, in line 42, after ''merit'', to insert ''or is on a matter of public interest''.

9. On page 10, from line 46, after ''contains'', to omit ''visual presentations, descriptions or representations'' and to substitute ''material''.

10. On page 10, from line 58, to omit ''visual presentations, descriptions or representations of, or amounts to,''.

CLAUSE 21

1. On page 11, in line 20, after ''contains'', to omit ''depictions or scenes of''.

2. On page 11, from line 43, to omit ''visual presentations, descriptions or representations of''.

3. On page 11, in line 51, after ''contains'', to omit ''scenes'' and to substitute ''a scene''.

4. On page 12, in line 4, after ''contains'', to omit ''visual presentations, descriptions or representations of, or amounts to,''.

5. On page 12, after line 7, to insert the following:

''(6) A broadcaster who is subject to regulation by the Independent Communications Authority of South Africa shall, for the purposes of broadcasting, be exempt from the duty to apply for classification of a film or game and, subject to section 24A (2) and (3), shall, in relation to a film or game, not be subject to any classification or condition made by the Board in relation to that film or game.''.

CLAUSE 27

1. On page 14, from line 24, to omit subsection (3).

CLAUSE 29

1. On page 16, from line 26, after ''offence'' to omit ''and liable, upon conviction, to a fine or imprisonment for a period not exceeding 10 years or to both fine and such imprisonment''.

2. On page 16, from line 36, after ‘‘offence’’ to omit ‘‘and liable, upon conviction, to a fine or imprisonment for a period not exceeding 10 years or to both fine and such imprisonment’’.

3. On page 16, from line 39, to omit subsections (3), (4) and (5).

4. On page 16, from line 59, after ‘‘offence’’, to omit ‘‘and liable, upon conviction, to a fine or imprisonment for a period not exceeding 10 years or to both fine and such imprisonment’’.

Printed by Creda Communications

ISBN 978-1-77037-333-4