



REPUBLIC OF SOUTH AFRICA  
**GOVERNMENT GAZETTE**

TO  
ANNOUNCE THE PROVISIONS OF THE PUBLICATIONS AND ENTERTAINMENTS  
AMENDMENT ACT, 1971, AS TO THE EXERCISE BY PUBLIC AUTHORITIES  
OF CERTAIN POWERS AND DUTIES IN ACCORDANCE WITH THE  
PROVISIONS OF THE ACT.

**STAATSKOERANT**

**VAN DIE REPUBLIEK VAN SUID-AFRIKA**

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SECTION I OF THE PUBLICATIONS AND ENTERTAINMENTS ACT,  
1971 (HEREAFTER REFERRED TO AS THE "ACT") IS HEREBY  
ANNEXED.

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CAPE TOWN, 12TH MAY, 1971.

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[No. 3096.

KAAPSTAD, 12 MEI 1971.

**DEPARTMENT OF THE PRIME MINISTER.**

794.

12th May, 1971.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

32 of 1971: Publications and Entertainments Amendment Act, 1971.

**DEPARTEMENT VAN DIE EERSTE MINISTER.**

No. 794.

12 Mei 1971.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 32 van 1971: Wysigingswet op Publikasies en Vermaakklike, 1971.

Act No. 32, 1971

PUBLICATIONS AND ENTERTAINMENTS AMENDMENT  
ACT, 1971.REPUBLIC OF SOUTH AFRICA  
GOVERNMENT ACT

To amend the provisions of the Publications and Entertainments Act, 1963, to prohibit the exhibition to any person of any cinematograph film intended to be exhibited in public unless such cinematograph film has been approved by the Publications Control Board; to provide for the unfettered performance of functions by the Board and the Minister; to authorize the said Board to impose certain conditions in respect of the giving of any public entertainment; to define certain offences with greater particularity; to confer powers of entry, examination and seizure upon members of the said Board and persons authorized by the Minister; to empower the Minister to make regulations relating to the issue of copies of permits and certificates issued or given under the said Act; to apply the said Act to the territory of South-West Africa; and to provide for incidental matters.

(English text signed by the State President.)  
(Assented to 5th May, 1971.)

**BE IT ENACTED** by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of  
section 1 of Act 26  
of 1963.

1. Section 1 of the Publications and Entertainments Act, 1963 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the substitution in subsection (1) for the definition of "importer" of the following definition:  
"importer" has the meaning assigned thereto in the Customs and Excise Act, 1964 (Act No. 91 of 1964);";
- (b) by the insertion in subsection (1) after the definition of "publication or object" of the following definition:  
"Republic" includes the territory of South-West Africa;"; and
- (c) by the substitution for paragraph (b) of subsection (2) of the following paragraph:  
"(b) which according to the decision of the board under section 113 (3) of the Customs and Excise Act, 1964, is not indecent or obscene or objectionable,".

Amendment of  
section 5 of Act 26  
of 1963.

2. Section 5 (1) of the principal Act is hereby amended by the substitution for the expression "subsection (3) of section twenty-one of the Customs Act, 1955 (Act No. 55 of 1955)" of the expression "section 113 (3) of the Customs and Excise Act, 1964 (Act No. 91 of 1964)".

Amendment of  
section 8 of  
Act 26 of 1963,  
as amended by  
section 1 of  
Act 85 of 1969.

3. Section 8 of the principal Act is hereby amended by the substitution for the expression "Customs Act, 1955 (Act No. 55 of 1955)", wherever it occurs, of the expression "Customs and Excise Act, 1964 (Act No. 91 of 1964)".

**WYSIGINGSWET OP PUBLIKASIES EN  
VERMAAKLIKHEDE, 1971.**

Wet No. 32, 1971

**WET**

**Tot wysiging van die bepalings van die Wet op Publikasies en Vermaaklikhede, 1963, om die vertoning aan enigiemand van 'n rolprent wat bestem is om in die openbaar vertoon te word, te verbied tensy sodanige rolprent deur die Raad van Beheer oor Publikasies goedgekeur is; om voorsiening te maak vir die onbelemmerde verrigting van werkzaamhede deur die Raad en die Minister; om gemelde Raad te magtig om sekere voorwaardes op te lê met betrekking tot die hou van 'n openbare vermaaklikheid; om sekere oortredings meer in besonderhede te omskryf; om bevoegdhede van betreding, ondersoek en beslaglegging te verleen aan lede van gemelde Raad en persone deur die Minister gemagtig; om die Minister te magtig om regulasies uit te vaardig met betrekking tot die uitreiking van afskrifte van permitte en sertifikate kragtens gemelde Wet uitgereik of verstrek; om gemelde Wet op die gebied Suidwes-Afrika van toepassing te maak; en om vir bykomstige aangeleenthede voorsiening te maak.**

(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 5 Mei 1971.)

**DAAR WORD BEPAAL** deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 1 van die Wet op Publikasies en Vermaaklikhede, Wysiging van 1963 (hieronder die Hoofwet genoem), word hierby gewysig— artikel 1 van
  - deur in subartikel (1) die omskrywing van „invoerder“ Wet 26 van 1963. deur die volgende omskrywing te vervang:  
„invoerder“ dieselfde as wat dit in die Doeane- en Aksynswet, 1964 (Wet No. 91 van 1964), beteken;”;
  - deur in subartikel (1) na die omskrywing van „raad“ die volgende omskrywing in te voeg:  
„Republiek“ ook die gebied Suidwes-Afrika;”; en
  - deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:  
„(b) wat volgens die besluit van die raad kragtens artikel 113 (3) van die Doeane- en Aksynswet, 1964, nie onbetaamlik of onwelvoeglik of aansoeklik is nie.”.
2. Artikel 5 (1) van die Hoofwet word hierby gewysig deur Wysiging van artikel 5 van die uitdrukking „subartikel (3) van artikel een-en-twintig van die Doeane-wet, 1955 (Wet No. 55 van 1955)“ deur die uitdrukking „artikel 113 (3) van die Doeane- en Aksynswet, 1964 (Wet No. 91 van 1964)“ te vervang.

3. Artikel 8 van die Hoofwet word hierby gewysig deur die uitdrukking „Doeane-wet, 1955 (Wet No. 55 van 1955)“, oral waar dit voorkom, deur die uitdrukking „Doeane- en Aksynswet, 1964 (Wet No. 91 van 1964)“ te vervang.

Wysiging van artikel 8 van Wet 26 van 1963, soos gewysig deur artikel 1 van Wet 85 van 1969.

**Act No. 32, 1971****PUBLICATIONS AND ENTERTAINMENTS AMENDMENT ACT, 1971.**

Amendment of  
section 9 of  
Act 26 of 1963.

- 4. Section 9 of the principal Act is hereby amended—**  
**(a) by the substitution for subsection (1) of the following subsection:**

“(1) No person shall—

(a) exhibit to any person, except to a person concerned in the making thereof, any cinematograph film intended to be exhibited in public or at any place to which admission is obtained by virtue of membership of any association of persons or for any consideration, direct or indirect, or by virtue of any contribution towards any fund, unless such cinematograph film has been approved by the board; or

(b) publish any such cinematograph film which has not been so approved:

Provided that the provisions of paragraph (a) shall not be construed as prohibiting the exhibition of any cinematograph film to any person in the course of his business as distributor or exhibitor of cinematograph films or to any agent of such exhibitor or distributor, acting for the purposes of such business.”;

- (b) by the substitution for subsection (4) of the following subsection:

“(4) The board may approve or reject a cinematograph film unconditionally or approve a cinematograph film subject to a condition that such film shall be exhibited only to a group of persons specified by the board or only after any specified portion or portions have been excised.”;

- (c) by the insertion after subsection (4) of the following subsection:

“(4A) No person shall in relation to any cinematograph film intended by him to be exhibited in public or at any place referred to in subsection (1), do anything calculated to influence the board or the Minister in its or his decision in respect of such cinematograph film in terms of this section or section 11, as the case may be: Provided that the provisions of this subsection shall not be construed as prohibiting any person from making representations in the prescribed manner to the board or the Minister in relation to any cinematograph film submitted by that person to the board for approval.”;

- (d) by the substitution for paragraph (a) of subsection (7) of the following paragraph:

“(a) contravenes any provision of subsection (1), (4A) or (5);” and

- (e) by the addition of the following subsection:

“(8) It shall be a sufficient defence to any charge that any cinematograph film was exhibited in conflict with any condition imposed under subsection (4) in respect of such cinematograph film, to any person who was under a specified age or who fell within a specified age group, if it is proved that the accused believed on reasonable grounds that such person was above such age or did not fall within such age group, as the case may be.”.

Amendment of  
section 10 of  
Act 26 of 1963.

- 5. Section 10 of the principal Act is hereby amended by the substitution for subparagraph (xiii) of paragraph (c) of the following subparagraph:**

“(xiii) scenes of violence;”.

Amendment of  
section 12 of  
Act 26 of 1963.

- 6. Section 12 of the principal Act is hereby amended—**  
**(a) by the substitution for subsection (1) of the following subsections:**

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**4. Artikel 9 van die Hoofwet word hierby gewysig—**

Wysiging van  
artikel 9 van  
Wet 26 van 1963.

(a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Niemand mag—

(a) 'n rolprent wat bestem is om in die openbaar of op 'n plek waartoe toegang verkry word op grond van lidmaatskap van 'n vereniging van persone of teen vergoeding, regstreeks of onregstreeks, of op grond van 'n bydrae tot 'n fonds, vertoon te word, aan enigiemand, behalwe iemand wat met die vervaardiging daarvan gemoeid is, vertoon nie tensy sodanige rolprent deur die raad goedgekeur is; of

(b) enige sodanige rolprent wat nie aldus goedgekeur is, uitgee nie:

Met dien verstande dat die bepalings van paraaf (a) nie so uitgelê word dat dit die vertoning van 'n rolprent aan 'n persoon in die loop van sy besigheid as verspreider of vertoner van rolprente of aan 'n agent van sodanige vertoner of verspreider handelende vir die doeleindes van sodanige besigheid, belet nie.”;

(b) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Die raad kan 'n rolprent onvoorwaardelik goed-of afkeur of 'n rolprent goedkeur op voorwaarde dat dié rolprent slegs aan 'n groep persone deur die raad bepaal of slegs met weglatting van 'n bepaalde deel of dele vertoon mag word.”;

(c) deur na subartikel (4) die volgende subartikel in te voeg:

(4A) Niemand mag met betrekking tot 'n rolprent wat deur hom bestem is om in die openbaar of op 'n plek in subartikel (1) bedoel, vertoon te word, enigets doen wat daarop bereken is om die raad of die Minister in sy beslissing ten opsigte van sodanige rolprent ingevolge hierdie artikel of artikel 11, na gelang van die geval, te beïnvloed nie: Met dien verstande dat die bepalings van hierdie subartikel nie so uitgelê word nie dat dit iemand belet om op die voorgeskrewe wyse vertoë tot die raad of die Minister te rig met betrekking tot 'n rolprent deur daardie persoon aan die raad vir goedkeuring voorgelê.”;

(d) deur paragraaf (a) van subartikel (7) deur die volgende paragraaf te vervang:

„(a) 'n bepaling van subartikel (1), (4A) of (5) oortree;”;  
en

(e) deur die volgende subartikel by te voeg:

„(8) Dit is 'n voldoende verweer teen 'n aanklag dat 'n rolprent in stryd met 'n voorwaarde kragtens subartikel (4) ten opsigte van sodanige rolprent opgelê, vertoon is aan iemand wat onder 'n bepaalde ouderdom was of wat in 'n bepaalde ouderdomsgroep gevall het, indien bewys word dat die beschuldigde op redelike gronde geglo het dat so iemand bo sodanige ouderdom was of nie in sodanige ouderdomsgroep gevall het nie, na gelang van die geval.”.

**5. Artikel 10 van die Hoofwet word hierby gewysig deur subparagraaf (xiii) van paragraaf (c) deur die volgende subparagraaf te vervang:**

Wysiging van  
artikel 10 van  
Wet 26 van 1963.

„(xiii) tonele van geweld;”.

**6. Artikel 12 van die Hoofwet word hierby gewysig—**

Wysiging van  
artikel 12 van  
Wet 26 van 1963.

(a) deur subartikel (1) deur die volgende subartikels te vervang:

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ACT, 1971.

"(1) The board may by notice in writing or by telegraph addressed to any person who is or is believed by the board to be in charge of any public entertainment or intended public entertainment—

(a) prohibit the giving of such public entertainment either in its entirety or in part if the board is satisfied that such public entertainment or the relevant part thereof—

(i) may have the effect of—

(aa) giving offence to the religious convictions or feelings of any section of the inhabitants of the Republic; or

(bb) bringing any section of the inhabitants of the Republic into ridicule or contempt; or

(ii) is contrary to the public interest or is indecent or obscene or offensive or harmful to public morals; or

(b) if the board deems it to be in the public interest to do so, impose conditions subject to which such public entertainment may be given.

(1A) Any condition imposed under subsection (1)

(b) may require that any group of persons specified by the board shall not be permitted to attend the public entertainment or intended public entertainment or that such public entertainment shall not be given at a place or places so specified.”;

(b) by the substitution for subsection (2) of the following subsection:

"(2) Any person who gives or permits the giving of any public entertainment contrary to any prohibition or condition imposed under subsection (1), shall be guilty of an offence unless it is proved that he was unaware of such prohibition or condition, as the case may be, and could not reasonably be expected to have become aware thereof.”; and

(c) by the addition of the following subsection:

"(4) It shall be a sufficient defence to any charge that any person who was under a specified age or who fell within a specified age group was permitted to attend any public entertainment in conflict with a condition imposed under subsection (1) (b) in respect of such public entertainment, if it is proved that the accused believed on reasonable grounds that such person was above such age or did not fall within such age group, as the case may be.”.

Insertion of  
section 13A in  
Act 26 of 1963.

7. The following section is hereby inserted in the principal Act after section 13:

**"Powers of entry, examination and seizure.** 13A. (1) Any person, including any member of the board, authorized thereto in writing by the Minister, either generally or specially—

(a) may enter upon any place in or upon which it is upon reasonable grounds suspected—

(i) that any undesirable publication or object is printed, published, manufactured, made or produced; or

(ii) that any publication or object referred to in section 5 (1) (b) is displayed, exhibited, sold, or offered or kept for sale;

(b) may examine any publication or object suspected on reasonable grounds of being a publication or object referred to in paragraph (a);

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„(1) Die raad kan by skriftelike of telegrafiese kennisgiving gerig aan iemand wat in beheer is of na vermoede van die raad in beheer is van 'n openbare vermaaklikheid of voorgenome openbare vermaaklikheid—

(a) die hou van so 'n openbare vermaaklikheid of in sy geheel of gedeeltelik verbied, indien die raad oortuig is dat dié openbare vermaaklikheid of die betrokke deel daarvan—

(i) die uitwerking kan hê om—

(aa) ten opsigte van die godsdienstige oortuigings of gevoelens van 'n bevolkingsdeel van die Republiek aanstoot te gee; of

(bb) enige bevolkingsdeel van die Republiek belangrik of veragtelik te maak; of

(ii) strydig is met die openbare belang of onbetaamlik of onwelvoeglik of vir die openbare sedes aanstootlik of skadelik is; of

(b) indien die raad dit in die openbare belang ag om dit te doen, voorwaardes oplê onderworpe waaraan sodanige openbare vermaaklikheid gehou kan word.

(1A) 'n Voorwaarde kragtens subartikel (1) (b) opgelê, kan vereis dat 'n groep persone deur die raad bepaal, nie toegelaat mag word om die openbare vermaaklikheid of voorgenome openbare vermaaklikheid by te woon nie of dat sodanige openbare vermaaklikheid nie op 'n plek of plekke aldus bepaal, gehou mag word nie.”;

(b) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Iemand wat in stryd met 'n verbod of voorwaarde kragtens subartikel (1) opgelê 'n openbare vermaaklikheid hou of die hou daarvan toelaat, is aan 'n misdryf skuldig tensy bewys word dat hy nie van daardie verbod of voorwaarde, na gelang van die geval, geweet het nie en daar nie redelikerwys van hom verwag kan word om dit te wete te gekom het nie.”; en

(c) deur die volgende subartikel by te voeg:

„(4) Dit is 'n voldoende verweer teen 'n aanklag dat iemand wat onder 'n bepaalde ouderdom was of wat in 'n bepaalde ouderdomsgroep gevallen het, toegelaat is om 'n openbare vermaaklikheid by te woon in stryd met 'n voorwaarde kragtens subartikel (1) (b) ten opsigte van sodanige openbare vermaaklikheid opgelê, indien bewys word dat die beskuldigde op redelike gronde geglo het dat so iemand bo sodanige ouderdom was of nie in sodanige ouderdomsgroep gevallen het nie, na gelang van die geval.”.

7. Die volgende artikel word hierby in die Hoofwet na artikel 13 ingevoeg:

**Bevoegdheid van betreding, ondersoek en beslaglegging.** 13A. (1) Enigiemand, met inbegrip van 'n lid van die raad, wat of in die algemeen of in 'n bepaalde gevallen deur die Minister skriftelik daartoe gemagtig is—

(a) kan 'n plek betree waarin of waarop daar op redelike gronde vermoed word—

(i) dat 'n ongewenste publikasie of voorwerp gedruk, uitgegee, vervaardig, gemaak of voortgebring word; of

(ii) dat 'n in artikel 5(1)(b) bedoelde publikasie of voorwerp uitgestal, tentoongestel, verkoopt of te koop aangebied of te koop gehou word;

(b) kan 'n publikasie of voorwerp wat op redelike gronde vermoed word 'n in paragraaf (a) bedoelde publikasie of voorwerp te wees, ondersoek;

Invoeging van artikel 13A in Wet 26 van 1963.

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ACT, 1971.**

**Amendment of section 14 of Act 26 of 1963, as amended by section 3 of Act 85 of 1969.**

**Amendment of section 16 of Act 26 of 1963.**

**Repeal of section 20 of Act 26 of 1963.**

**Insertion of section 22A in Act 26 of 1963.**

**Repeal of laws.**

**Short title.**

(c) may seize any publication or object appearing to afford evidence of a contravention of any provision of this Act.

(2) Any person who hinders or obstructs any person authorized under subsection (1) in the exercise of his powers under that subsection, shall be guilty of an offence.”.

**8. Section 14 (1) of the principal Act is hereby amended by the substitution for paragraph (b) of the following paragraph:**

“(b) is the importer of goods referred to in section 113 (3) of the Customs and Excise Act, 1964 (Act No. 91 of 1964); or”.

**9. Section 16 of the principal Act is hereby amended—**

(a) by the insertion after paragraph (d) of subsection (1) of the following paragraph:

“(dA) the issue of copies of permits and certificates issued or given under this Act and the fees payable in respect of such copies;”; and

(b) by the substitution for subsection (2) of the following subsection:

“(2) Any regulation under paragraph (d), (dA) or (e) of subsection (1) shall be made in consultation with the Minister of Finance.”.

**10. Section 20 of the principal Act is hereby repealed.**

**11. The following section is hereby inserted in the principal Act after section 22:**

**“Application of Act to South-West Africa.** 22A. This Act, except section 10 (c) (xiv), and any amendment thereof, shall apply also in the territory of South-West Africa, including the Eastern Africa. Caprivi Zipfel.”.

**12. (1) The Obscene Publications Suppression Ordinance, 1926 (Ordinance No. 5 of 1926), the Cinematographic Film Ordinance, 1928 (Ordinance No. 9 of 1928), the Cinematographic Film Amendment Ordinance, 1939 (Ordinance No. 4 of 1939), and the Cinematographic Film Amendment Ordinance, 1968 (Ordinance No. 2 of 1968), of the territory of South-West Africa, are hereby repealed.**

(2) Any cinematograph film approved under the said Cinematographic Film Ordinance, 1928, and any condition imposed thereunder in respect of any cinematograph film, shall, in so far as the said territory is concerned, be deemed to have been approved or imposed under the corresponding provision of the principal Act.

(3) This section and section 11 shall come into operation on a date to be determined by the State President by proclamation in the *Gazette*.

**13. This Act shall be called the Publications and Entertainments Amendment Act, 1971.**

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- (c) kan op 'n publikasie of voorwerp wat bewys skyn te lewer van 'n oortreding van 'n bepaling van hierdie Wet, beslag lê.

(2) Iemand wat 'n persoon wat kragtens subartikel (1) gemagtig is, in die uitoefening van sy bevoegdhede kragtens daardie subartikel hinder of belemmer, is aan 'n misdryf skuldig.”.

8. Artikel 14 (1) van die Hoofwet word hierby gewysig deur paragraaf (b) deur die volgende paragraaf te vervang:

„(b) die invoerder is van goedere in artikel 113 (3) van die Doeane- en Aksynswet, 1964 (Wet No. 91 van 1964), bedoel; of”.

#### **9. Artikel 16 van die Hoofwet word hierby gewysig—**

- (a) deur na paragraaf (d) van subartikel (1) die volgende paragraaf in te voeg:

„(dA) die uitreiking van afskrifte van permitte en sertifikate kragtens hierdie Wet uitgereik of verstrek en die geldte ten opsigte van sodanige afskrifte betaalbaar;”; en

(b) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Enige regulasie kragtens paragraaf (d), (dA) of (e) van subartikel (1) word in oorleg met die Minister van Finansies uitgevaardig.”.

**10.** Artikel 20 van die Hoofwet word hierby herroep.

## **Herroeping van artikel 20 van Wet 26 van 1963.**

**11.** Die volgende artikel word hierby in die Hoofwet na artikel 22 ingevoeg:

a Invoeging van artikel 22A in Wet 26 van 1963.

**22A.** Hierdie Wet, uitgesonderd artikel 10 (c) van Wet op Suidwes-Afrika (xiv), en 'n wysiging daarvan, is ook in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel, van toepassing.”.

**12. (1)** Die Onsedelike Publikasies Onderdrukings Ordon- Herroeping van  
nansie, 1926 (Ordonnansie No. 5 van 1926), die Kienemato- wette.  
grafiese Rolprent Ordonnansie, 1928 (Ordonnansie No. 9 van  
1928), die Wysigingsordonnansie op Kinematografiese Rol-  
prente, 1939 (Ordonnansie No. 4 van 1939), en die Wysigings-  
ordonnansie op Kinematografiese Rolprente, 1968 (Ordonnan-  
sie No. 2 van 1968), van die gebied Suidwes-Afrika, word  
hierby herroep.

(2) 'n Rolprent goedgekeur kragtens gemelde Kienemato-grafiese Rolprent Ordonnansie, 1928, en 'n voorwaarde daar-kragtens opgelê ten opsigte van 'n rolprent, word, in soverre dit gemelde gebied betref, geag kragtens die ooreenstemmende bepaling van die Hoofwet goedgekeur of opgelê te wees.

(3) Hierdie artikel en artikel 11 tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

**13.** Hierdie Wet heet die Wysigingswet op Publikasies en Kort titel. Vermaaklikhede, 1971.

