

2008

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

# **Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2008**

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# **Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2008**

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## **A Bill for**

An Act to amend the *Classification (Publications, Films and Computer Games)  
(Enforcement) Act 1995*

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

**1 Name of Act**

This Act is the *Classification (Publications, Films and Computer Games) (Enforcement) Amendment Act 2008*.

**2 Commencement**

(1) This Act (other than schedule 2) commences on the day after this Act's notification day.

(2) Schedule 2 commences on the later of—

(a) the day after this Act's notification day; and

(b) the commencement of the *Classification (Publications, Films and Computer Games) Amendment (Assessments and Advertising) Act 2008* (Cwlth), schedule 1.

*Note* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

**3 Legislation amended**

This Act amends the *Classification (Publications, Films and Computer Games) (Enforcement) Act 1995*.

**4 Dictionary, note 2, new dot point**

*insert*

- under

**5 Dictionary, definition of *computer game***

*substitute*

***computer game***—see the Commonwealth Act, section 5A (Meaning of *computer game*).

**Schedule 1      Amendments consequential on  
the Classification  
(Publications, Films and  
Computer Games) Amendment  
Act 2007 (Cwlth)**

(see s 3)

**[1.1]      New section 5A**

*insert*

**5A      Films consisting only of classified films**

(1) This section applies to a film that—

(a) is on 1 device; and

(b) consists only of 2 or more classified films.

(2) Despite any other provision of this Act, the film is to be treated, for this Act, as if each of the classified films were on a separate device.

**[1.2]      New section 7 (3)**

*insert*

(3) A person does not commit an offence against subsection (2) in relation to a classified film if either or both of the following apply:

(a) the film—

(i) is exhibited under a title different from that under which it is classified; and

(ii) is contained on 1 device that consists only of 2 or more classified films;

**Schedule 1**

Amendments consequential on the Classification (Publications, Films and Computer Games) Amendment Act 2007 (Cwlth)

Amendment [1.3]

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- 1 (b) the classified film is exhibited with modifications mentioned in  
2 the Commonwealth Act, section 21 (2).

3 **[1.3] New section 17 (2)**

4 *insert*

- 5 (2) A person does not commit an offence against subsection (1) in  
6 relation to a classified film if either or both of the following apply:

- 7 (a) the film—

8 (i) is sold under a title different from that under which it is  
9 classified; and

10 (ii) is contained on 1 device that consists only of 2 or more  
11 classified films;

- 12 (b) the film is sold with modifications mentioned in the  
13 Commonwealth Act, section 21 (2).

14 **[1.4] Section 19 (4) (b)**

15 *omit*

16 , section 22B (3) (Classification of a publication, film or computer  
17 game that may be the same as or similar to a classified item)

18 **[1.5] Section 44 (7) (b)**

19 *omit*

20 , section 22B (3) (Classification of a publication, film or computer  
21 game that may be the same as or similar to a classified item)

- 1 **[1.6] Section 53B (1) (b) (ii)**
- 2 *omit*
- 3 decided by the director
- 4 *substitute*
- 5 determined
- 6 **[1.7] Section 53B (3) (b)**
- 7 *omit*
- 8 , section 22B (3) (Classification of a publication, film or computer
- 9 game that may be the same as or similar to a classified item)
- 10 **[1.8] Section 56 (1)**
- 11 *substitute*
- 12 (1) The Minister or director may, on application, by notice, exempt an
- 13 organisation approved under section 57—
- 14 (a) in relation to the exhibition of a film at an event that is
- 15 specified in the notice from the provisions of this Act specified
- 16 in the notice; or
- 17 (b) in relation to all or any of the organisation's activities or
- 18 functions that relate to films or computer games.
- 19 **[1.9] New section 57 (2A)**
- 20 *insert*
- 21 (2A) An organisation may be approved for section 56 (1) (b) only if the
- 22 organisation—
- 23 (a) is established under an Act; and
- 24 (b) carries on activities of an educational, cultural or artistic
- 25 nature.

- 1 **[1.10] Section 57 (6)**
- 2 *omit*
- 3 subsection (3)
- 4 *substitute*
- 5 subsection (2A) or (3)
- 6 **[1.11] Section 63 (1)**
- 7 *omit*
- 8 or deputy director
- 9 *substitute*
- 10 , deputy director or convenor
- 11 **[1.12] Dictionary, definition of *approved form***
- 12 *substitute*
- 13 *approved form* means a form approved under the Commonwealth
- 14 Act, section 8A.
- 15 **[1.13] Dictionary, new definition of *convenor***
- 16 *insert*
- 17 *convenor* means the Convenor of the Review Board appointed
- 18 under the Commonwealth Act, section 74.



**Schedule 2      Amendments consequential on  
the Classification  
(Publications, Films and  
Computer Games) Amendment  
(Assessments and Advertising)  
Act 2008 (Cwlth)**

(see s 3)

**[2.1]      Section 50 (1)**

*substitute*

- (1) A person commits an offence if the person publishes an advertisement for an unclassified film otherwise than in accordance with the advertising scheme or a transitional Commonwealth regulation.

Maximum penalty: 50 penalty units.

**[2.2]      Section 50 (2) (d)**

*omit*

**[2.3]      New section 50 (2A)**

*insert*

- (2A) A person commits an offence if the person publishes an advertisement for an unclassified computer game otherwise than in accordance with the advertising scheme.

Maximum penalty: 30 penalty units.

**Schedule 2** Amendments consequential on the Classification (Publications, Films and Computer Games) Amendment (Assessments and Advertising) Act 2008 (Cwlth)

Amendment [2.4]

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- 1 **[2.4] New section 50 (5)**
- 2 *insert*
- 3 (5) In this section:
- 4 *transitional Commonwealth regulation* means a regulation under
- 5 the *Classification (Publications, Films and Computer Games)*
- 6 *Amendment (Assessments and Advertising) Act 2008* (Cwlth),
- 7 schedule 1, item 13.
- 8 *Note* Item 13 allows for transitional regulations in relation to the advertising
- 9 of unclassified films that had been granted a certificate of exemption by
- 10 the board under the Commonwealth Act, s 33 as in force before the
- 11 commencement of item 13.
- 12 **[2.5] New section 51 (1A)**
- 13 *insert*
- 14 (1A) A person commits an offence if—
- 15 (a) the person screens an advertisement for an unclassified film in
- 16 a public place; and
- 17 (b) the advertisement does not comply with the advertising
- 18 scheme.
- 19 Maximum penalty: 50 penalty units.
- 20 **[2.6] New section 53 (1A)**
- 21 *insert*
- 22 (1A) A person commits an offence if—
- 23 (a) the person sells a classified film (the *feature film*); and
- 24 (b) the feature film is accompanied by an advertisement for an
- 25 unclassified film; and

1 (c) the advertisement does not comply with the advertising  
2 scheme.

3 Maximum penalty: 50 penalty units.

4 **[2.7] New section 53A (1A)**

5 *insert*

6 (1A) A person commits an offence if—

7 (a) the person sells or demonstrates a classified computer game  
8 (the *main game*) in a public place; and

9 (b) the main game is accompanied by an advertisement for an  
10 unclassified computer game; and

11 (c) the advertisement does not comply with the advertising  
12 scheme.

13 Maximum penalty: 50 penalty units.

14 **[2.8] Dictionary, new definition of *advertising scheme***

15 *insert*

16 *advertising scheme* means the scheme determined from time to time  
17 under the Commonwealth Act, section 31 (1).

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 2008.

**2 Notification**

Notified under the Legislation Act on 2008.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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