

**EXPLANATORY STATEMENT**

**ORDINANCE NO. 4 OF 1994**

**ISSUED BY THE AUTHORITY OF THE ATTORNEY-GENERAL**

**SEAT OF GOVERNMENT (ADMINISTRATION) ACT 1910**

**CLASSIFICATION OF PUBLICATIONS (AMENDMENT)**  
**ORDINANCE (NO. 2) 1994**

Subsection 12(1) of the *Seat of Government (Administration) Act 1910* provides that the Governor-General may make Ordinances for the peace, order and good government of the Territory including for the purpose of censorship.

The *Classification of Publications Ordinance 1983* ('the Principal Ordinance'), provides for the classification of publications and films (including video cassettes) in the Australian Capital Territory. It is part of a censorship classification scheme agreed to by Commonwealth, State and Territory Ministers with responsibility for censorship matters.

The *Classification of Publications (Amendment) Ordinance 1994* (the amending Ordinance), which was made on 11 February 1994, provides for the classification of computer games and computer generated images under a scheme similar to that provided for films by the Principal Ordinance. The amending Ordinance was made at the instigation of Commonwealth, State and Territory Ministers responsible for censorship matters to enable a classification scheme for computer games to be introduced as soon as possible. As part of the co-operative scheme, it is proposed that the States and Territories will adopt, for the purposes of complementary enforcement legislation, the computer games classification decisions made under the Ordinance.

Apart from the formal provisions in sections 1 and 2 the amending Ordinance has not yet been brought into force.

At a meeting of Commonwealth, State and Territory Ministers responsible for censorship matters on 18 February 1994, two Ministers requested changes to the amendments to the Principal Ordinance made by the amending Ordinance which the other jurisdictions involved have now agreed to.

These changes, which are reflected in this latest amending Ordinance, are to make mandatory the application of the agreed classification guidelines when making a classification decision for computer games (rather than being just one of the several matters to be taken into account) and to alter the criteria for the 'R' classification for computer games. The latter will have the effect, through the mandatory application of the guidelines, of making more prescriptive the factors to be applied when deciding whether a computer game falls within this classification.

Details of the Ordinance are set out in the attachment.

1994/35

ATTACHMENT

Details of the Ordinance are as follows:

Section 1 provides that the Ordinance may be cited as the *Classification of Publications (Amendment) Ordinance (No. 2) 1994*.

Section 2 provides for the commencement of the Ordinance. Sections 1 and this section commence on the day on which the Ordinance is notified in the *Gazette*. The remaining provisions commence on a day fixed by the Minister by notice in the *Gazette*.

Section 3 defines the "Principal Ordinance" to be the *Classification of Publications Ordinance 1983*.

Section 4 amends section 25A of the Principal Ordinance to provide that the Censorship Board shall approve the classification of a computer game as an 'R(18+)' computer game on the basis of the Board's decision that it is unsuitable for viewing or playing by a minor. A consequential amendment is also made to the criteria for 'X' classifications.

Section 5 amends section 34 of the Principal Ordinance to provide that the classification guidelines for computer games, films and publications, must be applied in making a classification decision. It also makes some consequential amendments to section 34.