

1995

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

**CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES)
(ENFORCEMENT) BILL 1995**

**SUPPLEMENTARY
EXPLANATORY MEMORANDUM**

Amendments to be moved on behalf of the Government

Circulated by authority of the Attorney-General

Gary Humphries MLA

**CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES)
(ENFORCEMENT) BILL 1995**

These amendments to the Classification (Publications, Films and Computer Games) (Enforcement) Bill 1995 are to correct three provisions and to clarify a fourth provision.

Amendment 1 amends subclause 21(6) by substituting a new subclause. In its present form, paragraph (c) of this subclause does not make sense when read with the opening words of the subclause. The amendment is to correct a drafting error and does not effect any change in the substance of the provision.

Amendment 2 amends subclause 40(2) by substituting a new subclause. As noted by the Standing Committee on the Scrutiny of Bills and Subordinate Legislation in Report No. 16 of 1995, the subclause as presently drafted does not make sense. The Committee correctly suggested that the defence in paragraph 40(2)(b) is intended to go to knowledge. This amendment corrects this error.

Amendment 3 amends subclause 41(3) in a manner similar to the amendment to subclause 21(6). In its present form, paragraph 41(3)(c) does not make sense when read with the opening words of the subclause. The amendment is to correct a drafting error and does not effect any change in the substance of the provision.

Amendment 4 substitutes a new clause 69. This amendment is of a formal nature. At present, clause 69 repeals only the *Film Classification Act 1971* and the *Publications Control Act 1989*. This amendment ensures that all subsequent amending Acts are also repealed. The specific repeal clears the statute book and avoids any question of implied repeals.