



AUSTRALIAN CAPITAL TERRITORY

# **Classification (Publications, Films and Computer Games) (Enforcement) (Amendment) Act 1996**

**No. 46 of 1996**

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

*[Notified in ACT Gazette S234: 19 September 1996]*

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

### **Short title**

**1.** This Act may be cited as the *Classification (Publications, Films and Computer Games) (Enforcement) (Amendment) Act 1996*.

### **Commencement**

**2.** This Act commences on the day on which it is notified in the *Gazette*.

### **Principal Act**

**3.** In this Act, “Principal Act” means the *Classification (Publications, Films and Computer Games) (Enforcement) Act 1995*.<sup>1</sup>

### **Interpretation**

**4.** Section 3 of the Principal Act is amended by omitting “62” from the definition of “restricted publications area” and substituting “61”.

**Certain publications, films and computer games not to be advertised**

5. Section 45 of the Principal Act is amended by omitting from paragraph (2) (b) “film” and substituting “publication”.

**Exemption—publications, films, computer games or advertisements**

6. Section 55 of the Principal Act is amended—

- (a) by inserting in subsection (1) “or Director” after “Minister”; and
- (b) by omitting from subsection (1) “the Act” and substituting “this Act”.

**Exemption—approved organisation**

7. Section 56 of the Principal Act is amended—

- (a) by inserting in subsection (1) “or Director” after “Minister”; and
- (b) by omitting from subsection (1) “the Act” and substituting “this Act”.

**Organisations may be approved**

8. Section 57 of the Principal Act is amended—

- (a) by inserting after subsection (1) the following subsection:

“(1A) The Director may, on application, by notice in the *Commonwealth Gazette*, approve an organisation for the purposes of this Part.”; and
- (b) by inserting in subsections (2), (4) and (5) “or Director” after “Minister” (wherever occurring).

**Insertion**

9. After section 57 of the Principal Act the following section is inserted:

**Ministerial directions and guidelines**

“57A. In exercising any power under this Part, the Director shall give effect to any directions or guidelines issued by the Minister in relation to the application of this Part.”.

**Notice of decisions**

10. Section 58 of the Principal Act is amended—

- (a) by inserting in subsection (1) “or Director” after “Minister” (wherever occurring);
- (b) by omitting from paragraphs (1) (b) and (c) “the Act” and substituting “this Act”; and
- (c) by inserting in paragraph (1) (e) “or (1A)” after “(1)”.

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**Consequential amendments of other Acts**

**11. (1)** The *Business Franchise (“X” Videos) Act 1990* and the *Taxation (Administration) Act 1987* are amended as set out in the Schedule.

**(2)** The amendments effected by subsection (1) shall be taken to have commenced on 1 January 1996.

**(3)** Notwithstanding the amendments of the *Business Franchise (“X” Videos) Act 1990* effected by subsection (1), a reference in paragraph 5 (3) (d) or 10 (1) (c) or (d) of that Act to the *Classification (Publications, Films and Computer Games) (Enforcement) Act 1995* shall, in relation to a contravention or offence that occurred at any time before the expiration of 31 December 1995, be read as a reference to the *Publications Control Act 1989*.

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**SCHEDULE**

Section 11

**CONSEQUENTIAL AMENDMENTS OF OTHER ACTS**

***Business Franchise (“X” Videos) Act 1990***

**Section 4 (definition of “ ‘X’ video”)**—

Omit the definition, substitute the following definition:

“ ‘ “X” video’ means a video that is a film classified X under the *Classification (Publications, Films and Computer Games) Act 1995* of the Commonwealth.”.

**Paragraph 5 (3) (d)**—

Omit “*Publications Control Act 1989*”, substitute “*Classification (Publications, Films and Computer Games) (Enforcement) Act 1995*”.

**Paragraph 10 (1) (c)**—

Omit “*Publications Control Act 1989*”, substitute “*Classification (Publications, Films and Computer Games) (Enforcement) Act 1995*”.

**Subparagraph 10 (1) (d) (i)**—

Omit “*Publications Control Act 1989*”, substitute “*Classification (Publications, Films and Computer Games) (Enforcement) Act 1995*”.

***Taxation (Administration) Act 1987***

**Subsection 12 (4) (definition of “ ‘X’ video”)**—

Omit the definition, substitute the following definition:

“ ‘ “X” video’ means a video tape or video disc—

- (a) that is a film classified X under the *Classification (Publications, Films and Computer Games) Act 1995* of the Commonwealth; or
- (b) not classified under that Act, but which an authorised tax officer believes on reasonable grounds would be a film classified X if it were to be classified under that Act.”.

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**NOTE**

**Principal Act**

1. Act No. 47, 1995.

*[Presentation speech made in Assembly on 27 June 1996]*

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