



Australian Capital Territory

Classification (Publications, Films and Computer Games) (Enforcement) Amendment Act 2009

A2009-3

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Australian Capital Territory

Classification (Publications, Films and Computer Games) (Enforcement) Amendment Act 2009

A2009-3

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

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

J2008-717

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

1 Name of Act

This Act is the *Classification (Publications, Films and Computer Games) (Enforcement) Amendment Act 2009*.

2 Commencement

- (1) This Act (other than schedule 2) commences on the day after its notification day.

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

- (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.

3 Legislation amended

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

4 Dictionary, note 2

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;

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

[1.3] New section 17 (2)

insert

- (2) A person does not commit an offence against subsection (1) in relation to a classified film if either or both of the following apply:
- (a) the film—
- (i) is sold 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;
- (b) the film is sold with modifications mentioned in the Commonwealth Act, section 21 (2).

[1.4] Section 19 (4) (b)

omit

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

[1.5] Section 44 (7) (b)

omit

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

[1.6] Section 53B (1) (b) (ii)

omit

decided by the director

substitute

determined

[1.7] Section 53B (3) (b)

omit

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

[1.8] Section 56 (1)

substitute

- (1) The Minister or director may, on application, by notice, exempt an
organisation approved under section 57—
 - (a) in relation to the exhibition of a film at an event that is
specified in the notice from the provisions of this Act specified
in the notice; or
 - (b) in relation to all or any of the organisation's activities or
functions that relate to films or computer games.

[1.9] New section 57 (2A)

insert

- (2A) An organisation may be approved for section 56 (1) (b) only if the
organisation—
 - (a) is established under an Act; and
 - (b) carries on activities of an educational, cultural or artistic
nature.

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

Amendment [1.10]

[1.10] Section 57 (6)

omit

subsection (3)

substitute

subsection (2A) or (3)

[1.11] Section 63 (1)

omit

or deputy director

substitute

, deputy director or convenor

[1.12] Dictionary, definition of *approved form*

substitute

approved form means a form approved under the Commonwealth Act, section 8A.

[1.13] Dictionary, new definition of *convenor*

insert

convenor means the Convenor of the Review Board appointed 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.

[2.4] New section 50 (5)

insert

(5) In this section:

transitional Commonwealth regulation means a regulation under the *Classification (Publications, Films and Computer Games) Amendment (Assessments and Advertising) Act 2008* (Cwlth), schedule 1, item 13.

Note Item 13 allows for transitional regulations in relation to the advertising of unclassified films that had been granted a certificate of exemption by the board under the Commonwealth Act, s 33 as in force before the commencement of item 13.

[2.5] New section 51 (1A)

insert

(1A) A person commits an offence if—

- (a) the person screens an advertisement for an unclassified film in a public place; and
- (b) the advertisement does not comply with the advertising scheme.

Maximum penalty: 50 penalty units.

[2.6] New section 53 (1A)

insert

(1A) A person commits an offence if—

- (a) the person sells a classified film (the *feature film*); and
- (b) the feature film is accompanied by an advertisement for an unclassified film; and

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

Maximum penalty: 50 penalty units.

[2.7] New section 53A (1A)

insert

- (1A) A person commits an offence if—
 - (a) the person sells or demonstrates a classified computer game (the *main game*) in a public place; and
 - (b) the main game is accompanied by an advertisement for an unclassified computer game; and
 - (c) the advertisement does not comply with the advertising scheme.

Maximum penalty: 50 penalty units.

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

insert

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

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 11 December 2008.

2 Notification

Notified under the Legislation Act on 18 February 2009.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2009, which originated in the Legislative Assembly as the Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2008 (No 2) and was passed by the Assembly on 12 February 2009.

Clerk of the Legislative Assembly

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