

1996
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

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

A BILL

FOR

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

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

Short title

- 5 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.

Job No.. 1996/25 86031 (T31/96)

*Classification (Publications, Films and Computer Games)
(Enforcement) (Amendment) No. , 1996*

Principal Act

3. In this Act, "Principal Act" means the *Classification (Publications, Films and Computer Games) (Enforcement) Act 1995*.¹

Interpretation

5 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

10 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—

- 15 (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—

- 20 (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—

- 25 (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).

30 **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.”.

5 **Notice of decisions**

10. Section 58 of the Principal Act is amended—

- (a) by inserting in subsection (1) “or Director” after “Minister” (wherever occurring);
- 10 (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)”.

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.

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

20 (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*.

SCHEDULE

Section 11

25 **CONSEQUENTIAL AMENDMENTS OF OTHER ACTS**

Business Franchise (“X” Videos) Act 1990

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

Omit the definition, substitute the following definition:

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

*Classification (Publications, Films and Computer Games)
(Enforcement) (Amendment) No. , 1996*

SCHEDULE—continued

Paragraph 5 (3) (d)—

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

Paragraph 10 (1) (c)—

5 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*”.

10 ***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—

- 15
- (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.”.