

# Classification (Publications, Films and Computer Games) (Enforcement) (Fees) Determination 2020

## Disallowable instrument DI2020-142

made under the

**Classification (Publications, Films and Computer Games) (Enforcement) Act 1995, s 67 (Determination of fees)**

## EXPLANATORY STATEMENT

---

The *Classification (Publications, Films and Computer Games) (Enforcement) Act 1995*, division 6.2 provides for the licensing of the selling and copying of X 18+ films.

Section 67 of the Act provides the Minister with the power to determine fees for the purposes of the Act.

This determination revokes the previous fee determination [DI2018-142] and sets reduced fees for the application and renewal of X 18+ film licences.

The determination commences on 1 July 2020.

The ACT Government originally imposed a licensing scheme to enable regulation of the X 18+ film industry. However, the ‘brick and mortar’ X 18+ film industry is now experiencing an annual decline in demand for its products as a result of a trend towards consumers accessing material through the online market. The objective of this reform to the X 18+ licensing scheme is to provide a sustainable fee structure for business owners in the local industry.

The fee structure has changed to reduce the annual fee for each license category and the monthly license fees have been reduced in line with this change.

Fees in the 2020-21 Financial Year have been reduced to:

1. ensure that a regulatory framework continues to exist to ensure safe distribution of X 18+ films to adult consumers and to filter content that is harmful and offensive;

2. assist to minimise the risk of an underground DVD and video pornographic market, which distributes unclassified films that potentially contain very high impact content;
3. ensure the ACT Government continues to accrue some revenue from the X 18+ film industry despite industry decline; and
4. support growth in the industry and potentially encourage new licensees.

The licence fees allow for the recovery of costs associated with the licensing and regulation of the industry and also for some additional revenue to be collected.

The reduced licence fees allow some financial relief to current licensees thereby supporting the operation and sustainability of their businesses, while also making it viable for new business owners to enter the market, in line with the ACT Government priority of economic development and diversification.

‘X 18+ films’ has been used in place of ‘X films’ to align with the language of the Act. Item numbers, included in the schedule, column 2, enable the comparison of past fees set under the Act with those set by this instrument.