

TASMANIA

**CLASSIFICATION (PUBLICATIONS, FILMS AND
COMPUTER GAMES) ENFORCEMENT
AMENDMENT BILL 2015**

CONTENTS

PART 1 – PRELIMINARY

1. Short title
2. Commencement

**PART 2 – CLASSIFICATION (PUBLICATIONS, FILMS AND
COMPUTER GAMES) ENFORCEMENT ACT 1995
AMENDED**

3. Principal Act
4. Section 14 amended (Conditions applying to category 1 restricted publications)
5. Section 15 amended (Conditions applying to category 2 restricted publications)
6. Section 19 amended (Offences in relation to misleading or deceptive markings)
7. Section 35 amended (Film sold or delivered is to bear determined markings and consumer advice)
8. Section 51 amended (Computer game sold or delivered is to bear determined markings and consumer advice)
9. Section 61 amended (Misleading or deceptive advertisement not to be published)
10. Section 63 amended (Certain advertisements to contain determined markings and consumer advice)

PART 3 – CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) ENFORCEMENT ACT 1995 FURTHER AMENDED

11. Principal Act
12. Section 3 amended (Interpretation)
13. Section 3A amended (Application of Act)
14. Part 7 repealed
15. Section 88D inserted
88D. Transitional provisions (2015 amendments)

PART 4 – CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) ENFORCEMENT ACT 1995 FURTHER FURTHER AMENDED

16. Principal Act
17. Section 20 amended (Requirements for exhibiting film in public place)
18. Section 33 amended (Classified film not to be sold or delivered under different title or in altered form)
19. Section 49 substituted
49. Requirements for selling, &c., computer game in public place

PART 5 – LEGISLATION RESCINDED

20. Legislation rescinded

PART 6 – MISCELLANEOUS

21. Repeal of Act

SCHEDULE 1 – LEGISLATION RESCINDED

**CLASSIFICATION (PUBLICATIONS, FILMS AND
COMPUTER GAMES) ENFORCEMENT
AMENDMENT BILL 2015**

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

S. G. DONNELLY, *Clerk of the House*
19 March 2015

*(Brought in by the Minister for Information Technology and
Innovation, the Honourable Michael Darrel Joseph Ferguson)*

A BILL FOR

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

Be it enacted by Her Excellency the Governor of Tasmania, by
and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Classification
(Publications, Films and Computer Games)
Enforcement Amendment Act 2015*.

*Classification (Publications, Films and Computer Games)
Enforcement Amendment Act 2015
Act No. of*

s. 2

Part 1 – Preliminary

2. Commencement

- (1) Section 1 and Part 2 and this section commence on the day on which this Act receives the Royal Assent.
- (2) Parts 3 and 5 commence –
 - (a) on the day on which Part 3 of Schedule 3 to the *Classification (Publications, Films and Computer Games) Amendment (Classification Tools and Other Measures) Act 2014* of the Commonwealth commences; or
 - (b) if that Part has commenced before this Act receives the Royal Assent, on Royal Assent.
- (3) Part 4 commences –
 - (a) on the day on which Schedule 4 to the *Classification (Publications, Films and Computer Games) Amendment (Classification Tools and Other Measures) Act 2014* of the Commonwealth commences; or
 - (b) if that Schedule has commenced before this Act receives the Royal Assent, on Royal Assent.

*Classification (Publications, Films and Computer Games)
Enforcement Amendment Act 2015
Act No. of*

Part 2 – Classification (Publications, Films and Computer Games)
Enforcement Act 1995 Amended

s. 3

**PART 2 – CLASSIFICATION (PUBLICATIONS, FILMS
AND COMPUTER GAMES) ENFORCEMENT ACT 1995
AMENDED**

3. Principal Act

In this Part, the *Classification (Publications, Films and Computer Games) Enforcement Act 1995** is referred to as the Principal Act.

4. Section 14 amended (Conditions applying to category 1 restricted publications)

Section 14(1A) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) “section 39 or 97A” and substituting “section 22CH(4), 39 or 97A”;
- (b) by omitting from paragraph (b) “section 22B(3)” and substituting “section 22B(3) or 22CH(1)”.

5. Section 15 amended (Conditions applying to category 2 restricted publications)

Section 15(2) of the Principal Act is amended as follows:

*No. 105 of 1995

*Classification (Publications, Films and Computer Games)
Enforcement Amendment Act 2015
Act No. of*

s. 6 Part 2 – Classification (Publications, Films and Computer Games)
Enforcement Act 1995 Amended

- (a) by omitting from paragraph (a) “section 39 or 97A” and substituting “section 22CH(4), 39 or 97A”;
- (b) by omitting from paragraph (b) “section 22B(3)” and substituting “section 22B(3) or 22CH(1)”.

6. Section 19 amended (Offences in relation to misleading or deceptive markings)

Section 19(3) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) “section 39 or 97A” and substituting “section 22CH(4), 39 or 97A”;
- (b) by omitting from paragraph (b) “section 22B(3)” and substituting “section 22B(3) or 22CH(1)”.

7. Section 35 amended (Film sold or delivered is to bear determined markings and consumer advice)

Section 35(4) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) “section 39 or 97A” and substituting “section 22CH(4), 39 or 97A”;

*Classification (Publications, Films and Computer Games)
Enforcement Amendment Act 2015
Act No. of*

Part 2 – Classification (Publications, Films and Computer Games)
Enforcement Act 1995 Amended

s. 8

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- (b) by omitting from paragraph (b) “section 22B(3)” and substituting “section 22B(3) or 22CH(1)”.

8. Section 51 amended (Computer game sold or delivered is to bear determined markings and consumer advice)

Section 51(4) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) “section 39” and substituting “section 22CH(4) or 39”;
- (b) by omitting from paragraph (b) “section 22B(3)” and substituting “section 22B(3) or 22CH(1)”.

9. Section 61 amended (Misleading or deceptive advertisement not to be published)

Section 61(3) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) “section 39 or 97A” and substituting “section 22CH(4), 39 or 97A”;
- (b) by omitting from paragraph (b) “section 22B(3)” and substituting “section 22B(3) or 22CH(1)”.

*Classification (Publications, Films and Computer Games)
Enforcement Amendment Act 2015
Act No. of*

s. 10 Part 2 – Classification (Publications, Films and Computer Games)
Enforcement Act 1995 Amended

10. Section 63 amended (Certain advertisements to contain determined markings and consumer advice)

Section 63(3) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) “section 39 or 97A” and substituting “section 22CH(4), 39 or 97A”;
- (b) by omitting from paragraph (b) “section 22B(3)” and substituting “section 22B(3) or 22CH(1)”.

*Classification (Publications, Films and Computer Games)
Enforcement Amendment Act 2015
Act No. of*

Part 3 – Classification (Publications, Films and Computer Games)
Enforcement Act 1995 Further Amended

s. 11

**PART 3 – CLASSIFICATION (PUBLICATIONS, FILMS
AND COMPUTER GAMES) ENFORCEMENT ACT 1995
FURTHER AMENDED**

11. Principal Act

In this Part, the *Classification (Publications, Films and Computer Games) Enforcement Act 1995** is referred to as the Principal Act.

12. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended by inserting after the definition of *sell* the following definition:

subject to a conditional cultural exemption
has the same meaning as in the
Commonwealth Act;

13. Section 3A amended (Application of Act)

Section 3A of the Principal Act is amended by inserting after paragraph (a) the following paragraph:

- (ab) a publication, film or computer game that is subject to a conditional cultural exemption; or

*No. 105 of 1995

*Classification (Publications, Films and Computer Games)
Enforcement Amendment Act 2015
Act No. of*

s. 14 Part 3 – Classification (Publications, Films and Computer Games)
 Enforcement Act 1995 Further Amended

14. Part 7 repealed

Part 7 of the Principal Act is repealed.

15. Section 88D inserted

After section 88C of the Principal Act, the following section is inserted in Division 2:

88D. Transitional provisions (2015 amendments)

- (1) An exemption under Part 7 of this Act, that was in force immediately before the commencement of Part 3 of the *Classification (Publications, Films and Computer Games) Enforcement Amendment Act 2015*, is taken to remain in force according to its terms after the commencement of that Part and that Part is taken to remain in effect in respect of that exemption while the exemption remains in force.
- (2) If –
 - (a) a person made an application to the Minister, or Director, under Part 7 of this Act as in force immediately before the commencement of Part 3 of the *Classification (Publications, Films and Computer Games) Enforcement Amendment Act 2015*; and

*Classification (Publications, Films and Computer Games)
Enforcement Amendment Act 2015
Act No. of*

Part 3 – Classification (Publications, Films and Computer Games)
Enforcement Act 1995 Further Amended

s. 15

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- (b) the Minister or Director has not, before the commencement of Part 3 of that Act, made a decision in relation to the application –

the application is taken never to have been made and any fee paid in respect of the application must be refunded to the person who made the application.

*Classification (Publications, Films and Computer Games)
Enforcement Amendment Act 2015
Act No. of*

- s. 16 Part 4 – Classification (Publications, Films and Computer Games)
Enforcement Act 1995 Further Further Amended
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**PART 4 – CLASSIFICATION (PUBLICATIONS, FILMS
AND COMPUTER GAMES) ENFORCEMENT ACT 1995
FURTHER FURTHER AMENDED**

16. Principal Act

In this Part, the *Classification (Publications, Films and Computer Games) Enforcement Act 1995** is referred to as the Principal Act.

17. Section 20 amended (Requirements for exhibiting film in public place)

Section 20(2)(b) of the Principal Act is amended by omitting “section 21(2)” and substituting “section 20A, 21(2) or 21(3)”.

18. Section 33 amended (Classified film not to be sold or delivered under different title or in altered form)

Section 33(2)(b) of the Principal Act is amended by omitting “section 21(2)” and substituting “section 20A, 21(2) or 21(3)”.

19. Section 49 substituted

Section 49 of the Principal Act is repealed and the following section is substituted:

*No. 105 of 1995

*Classification (Publications, Films and Computer Games)
Enforcement Amendment Act 2015
Act No. of*

Part 4 – Classification (Publications, Films and Computer Games)
Enforcement Act 1995 Further Further Amended

s. 19

49. Requirements for selling, &c., computer game in public place

- (1) A person must not sell, deliver or demonstrate a computer game in a public place unless the computer game –
- (a) is classified; and
 - (b) is sold, delivered or demonstrated under the same title as that under which it is classified; and
 - (c) is sold, delivered or demonstrated in the form, without alteration or addition, in which it is classified.

Penalty: Fine not exceeding 100 penalty units or imprisonment for a term not exceeding 2 years, or both.

- (2) Subsection (1) is not contravened by reason only that the computer game that is, or is to be, sold, delivered or demonstrated has a modification referred to in section 20A, 21(2) or 21(3) of the Commonwealth Act.

*Classification (Publications, Films and Computer Games)
Enforcement Amendment Act 2015
Act No. of*

s. 20

Part 5 – Legislation rescinded

PART 5 – LEGISLATION RESCINDED

20. Legislation rescinded

The legislation specified in Schedule 1 is rescinded.

*Classification (Publications, Films and Computer Games)
Enforcement Amendment Act 2015
Act No. of*

Part 6 – Miscellaneous

s. 21

PART 6 – MISCELLANEOUS

21. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which all of the provisions of this Act commence.

*Classification (Publications, Films and Computer Games)
Enforcement Amendment Act 2015
Act No. of*

sch. 1

SCHEDULE 1 – LEGISLATION RESCINDED

Section 20

*Classification (Publications, Films and Computer Games)
Enforcement Regulations 2006 (No. 69 of 2006)*