

## CLAUSE NOTES

### *Classification (Publications, Films and Computer Games) Enforcement Amendment Bill 2015*

- PART 1: PRELIMINARY**
- Clause 1: Short title**  
The short title of the Act is the Classification (Publications, Films and Computer Games) Amendment Act 2015.
- Clause 2: Commencement**  
Provides the commencement dates for the Act.
- PART 2: CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) ENFORCEMENT ACT 1995 AMENDED**
- Clause 3: Principal Act**  
A reference in this Part to the Principal Act is a reference to the *Classification (Publications, Films and Computer Games) Enforcement Act 1995*.
- Clause 4: Section 14 amended (conditions applying to category 1 restricted publications)**  
Extends existing s.14 so that if a publication is reclassified pursuant to s.22CH(4) of the Commonwealth Act or has its classification revoked pursuant to s.22CH(1) of the Commonwealth Act it is acceptable for the publication to bear the old determined markings for a period of 30 days.
- Clause 5: Section 15 amended (Conditions applying to category 2 restricted publications)**  
Extends existing s.15 so that if a publication is reclassified pursuant to s.22CH(4) of the Commonwealth Act or has its classification revoked pursuant to s.22CH(1) of the Commonwealth Act it is acceptable for the publication to bear the old determined markings for a period of 30 days.
- Clause 6: Section 19 amended (Offences in relation to misleading or deceptive markings)**  
Extends existing s.19 so that if a publication is reclassified pursuant to s.22CH(4) of the Commonwealth Act or has its classification revoked pursuant to s.22CH(1) of the Commonwealth Act it is acceptable for the publication to bear the old determined markings for a period of 30 days.
- Clause 7: Section 35 amended (Film sold or delivered is to bear determined markings and consumer advice)**  
Extends existing s.35 so that if a film is reclassified pursuant to s.22CH(4) of the Commonwealth Act or has its classification

revoked pursuant to s.22CH(1) of the Commonwealth Act it is acceptable for the film to bear the old determined markings and consumer advice for a period of 30 days.

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

Extends existing s.51 so that if a computer game is reclassified pursuant to s.22CH(4) of the Commonwealth Act or has its classification revoked pursuant to s.22CH(1) of the Commonwealth Act it is acceptable for the computer game to bear the old determined markings and consumer advice for a period of 30 days.

**Clause 9: Section 61 amended (Misleading or deceptive advertisement not to be published)**

Extends existing s.61 so that if a publication, film or computer game is reclassified pursuant to s.22CH(4) of the Commonwealth Act or has its classification revoked pursuant to s.22CH(1) of the Commonwealth Act it can still be advertised with the old classification, consumer advice and determined markings for a period of 30 days.

**Clause 10: Section 63 amended (Certain advertisements to contain determined markings and consumer advice)**

Extends existing s.63 so that if a publication, film or computer game is reclassified pursuant to s.22CH(4) of the Commonwealth Act or has its classification revoked pursuant to s.22CH(1) of the Commonwealth Act it is acceptable for the computer game to bear the old determined markings and consumer advice for a period of 30 days.

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

**Clause 11: Principal Act**

A reference in this Part to the Principal Act is a reference to the *Classification (Publications, Films and Computer Games) Enforcement Act 1995*.

**Clause 12: Section 3 amended (Interpretation)**

Inserts into the Principal Act a definition of "subject to a conditional cultural exemption".

**Clause 13: Section 3A amended (Application of Act)**

Excludes publications, films and computer games that are subject to a conditional cultural exemption from the operation of the Act.

Clause 14: **Part 7 repealed**  
Repeals Part 7 of the Principal Act as the Commonwealth Act now covers the field in relation to exemptions.

Clause 15: **Section 88D inserted – transitional provisions**  
Provides transitional provisions.

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

Clause 16: **Principal Act**  
A reference in this Part to the Principal Act is a reference to the *Classification (Publications, Films and Computer Games) Enforcement Act 1995*.

Clause 17: **Section 20 amended (Requirements for exhibiting film in public place)**  
Extends the operation of s.20 so that a film modified under 20A or 21(3) of the Commonwealth Act does not contravene the requirements for exhibiting a film in a public place.

Clause 18: **Section 33 amended (Classified film not to be sold or delivered under different title or in altered form)**  
Extends the operation of s.33 so that a film modified under 20A or 21(3) of the Commonwealth Act does not contravene the requirements for sale or delivery.

Clause 19: **Section 49 substituted**  
Operates to add a new subsection (2) to section 49 which provides that if a computer game is modified under the Commonwealth Act then the sale, delivery and demonstration of that computer game in an unmodified version is not illegal.

**PART 5: LEGISLATION RESCINDED**

Clause 20: **Legislation rescinded**  
The legislation specified in Schedule 1 is rescinded

**PART 6: MISCELLANEOUS**

Clause 21: Is a standard clause in all amending legislation which automatically repeals the amending legislation after the Act commences. The provisions that the amending legislation inserts into the Principal Act still remain in force after the repeal of the Amending Act.

**SCHEDULE 1: LEGISLATION RESCINDED**

*Classification (Publications, Films and Computer Games) Enforcement Regulations 2006*