

FACT SHEET

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

The National Classification Scheme (NCS) is a cooperative arrangement under which the Classification Board (the Board) classifies films (including videos and DVDs), computer games and certain publications. The Commonwealth *Classification (Publications, Films and Computer Games) Act 1995* provides for the classification of publications, films and computer games while States and Territories are responsible for the enforcement of classification decisions. Each State and Territory has classification enforcement legislation that complements the Classification Act. The relevant Act in Tasmania is the *Classification (Publications, Films and Computer Games) Enforcement Act 1995*.

In 2010 Classification Ministers agreed to refer the NCS to the Australian Law Reform Commission (ALRC) for review. This was largely done in light of technological advances since the Act commenced in 1995.

The ALRC consulted extensively on the reform of the classification system. A number of changes to the NCS was recommended. As the Commonwealth Classification Act is the Act that provides for classification, it is this Act that will require significant amendment. Due to the interactions between the Commonwealth Act and the State and Territory Acts, all States and Territories will be required to make a series of minor amendments to their legislation to complement the Commonwealth reforms.

At the April 2013 meeting of the Standing Council on Law and Justice (now the Law Crime Community Safety Council), Classification Ministers agreed that reform of the NCS, as suggested by the ALRC, should be carried out in stages. A number of reforms was identified for implementation in the short term and the Commonwealth, in consultation with States and Territories, commenced work on drafting these reforms.

On 28 August 2014 the Senate passed the *Classification (Publications, Films and Computer Games) Amendment (Classification Tools and Other Measures) Bill 2014 (Cth)* which implements the first of the agreed reforms.

The Commonwealth Amendment Act amends the Commonwealth Principal Act to:

- (a) Broaden the scope of existing exempt film categories and streamline exemption arrangements for festivals and cultural institutions;
- (b) Enable certain content to be classified using classification tools (such as online questionnaires that deliver automated decisions);
- (c) Create an explicit requirement in the Classification Act to display classification markings on all classified content;
- (d) Expand the exceptions to the modifications rule so that films and computer games which are subject to certain types of modifications do not require classification again; and

- (e) Enable the Attorney-General's Department to notify law enforcement authorities of potential Refused Classification content without having the content classified first, to help expedite the removal of extremely offensive or illegal content from distribution.

The Commonwealth amendments listed at (a) and (d) require minor consequential amendments to the Tasmanian Act to facilitate the operation of the Commonwealth Act. This Bill delivers those amendments.