



New South Wales

# **Classification (Publications, Films and Computer Games) Enforcement Amendment (Advertising) Act 2008 No 76**

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# **Classification (Publications, Films and Computer Games) Enforcement Amendment (Advertising) Act 2008 No 76**

Act No 76, 2008

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*An Act to amend the Classification (Publications, Films and Computer Games) Enforcement Act 1995 in relation to the advertising of unclassified films and unclassified computer games. [Assented to 28 October 2008]*

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Classification (Publications, Films and Computer Games) Enforcement Amendment (Advertising) Act 2008*.

**2 Commencement**

This Act commences on a day to be appointed by proclamation.

**3 Amendment of Classification (Publications, Films and Computer Games) Enforcement Act 1995 No 63**

The *Classification (Publications, Films and Computer Games) Enforcement Act 1995* is amended as set out in Schedule 1.

**4 Repeal of Act**

- (1) This Act is repealed on the day following the day on which this Act commences.
- (2) The repeal of this Act does not, because of the operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by this Act.

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## Schedule 1 Amendments

(Section 3)

**[1] Section 4 Definitions**

Insert in alphabetical order in section 4 (1):

*Advertising Scheme* means the scheme determined from time to time under section 31 of the Commonwealth Act.

**[2] Section 39 Certain films, publications and computer games not to be advertised**

Omit section 39 (1) (b) and (e).

**[3] Section 39 (1A)**

Insert after section 39 (1):

(1A) A person must not publish an advertisement for an unclassified film or unclassified computer game otherwise than in accordance with the Advertising Scheme.

Maximum penalty: 100 penalty units for an individual, 200 penalty units for a corporation.

**[4] Section 40 Advertisements with feature films**

Insert after section 40 (2):

(2A) A person must not publicly exhibit an advertisement for an unclassified film during a program for the exhibition of a classified film unless the exhibition of that advertisement with the classified film complies with the Advertising Scheme.

Maximum penalty: 100 penalty units for an individual, 200 penalty units for a corporation.

(2B) A person must not sell a classified film that is accompanied by an advertisement for an unclassified film or unclassified computer game unless the sale of that classified film with that advertisement complies with the Advertising Scheme.

Maximum penalty: 100 penalty units for an individual, 200 penalty units for a corporation.

**[5] Section 41 Advertisements with computer games**

Insert after section 41 (1):

(1A) A person must not sell, or publicly demonstrate, a classified computer game that is accompanied by an advertisement for an unclassified computer game or unclassified film unless the sale or

public demonstration of the classified computer game with that advertisement complies with the Advertising Scheme.

Maximum penalty: 100 penalty units for an individual, 200 penalty units for a corporation.

**[6] Schedule 1 Savings and transitional provisions**

Insert at the end of clause 1 (1):

*Classification (Publications, Films and Computer Games)  
Enforcement Amendment (Advertising) Act 2008*

**[7] Schedule 1, Part 6**

Insert after Part 5:

**Part 6 Provisions consequent on Classification  
(Publications, Films and Computer Games)  
Enforcement Amendment (Advertising)  
Act 2008**

**13 Advertisements for unclassified films**

(1) A person does not commit an offence under section 39 (1A) by publishing an advertisement for an unclassified film if the advertisement is published in accordance with a transitional Commonwealth regulation.

(2) In this clause:

*transitional Commonwealth regulation* means a regulation made under item 13 of Schedule 1 to the *Classification (Publications, Films and Computer Games) Amendment (Assessments and Advertising) Act 2008* of the Commonwealth.

[Second reading speech made in Legislative Council on 24 September 2008

Agreement in principle speech made in Legislative Assembly on 22 October 2008]

BY AUTHORITY