



New South Wales

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

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Classification (Publications, Films and Computer Games) Enforcement Act 1995* as a consequence of the enactment of the *Classification (Publications, Films and Computer Games) Amendment (Assessments and Advertising) Act 2008* of the Commonwealth (the **Commonwealth amending Act**). This Bill provides for the enforcement of a proposed Commonwealth scheme relating to the advertising of unclassified films or unclassified computer games, or both, to be determined by a legislative instrument made under Division 2 of Part 3 of the *Classification (Publications, Films and Computer Games) Act 1995* of the Commonwealth (the **Commonwealth Act**).

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the amendments to the *Classification (Publications, Films and Computer Games) Enforcement Act 1995* set out in Schedule 1.

Clause 4 provides for the repeal of the proposed Act after all the amendments made by the proposed Act have commenced. Once the amendments have commenced the proposed Act will be spent and section 30 of the *Interpretation Act 1987* provides that the repeal of an amending Act does not affect the amendments made by that Act.

Schedule 1 Amendments

Schedule 1 makes amendments that will provide an enforcement mechanism for a scheme under the Commonwealth Act that would make provision for the advertising of unclassified films and unclassified computer games.

Schedule 1 [1] amends section 4 to insert a definition of *Advertising Scheme*.

Schedule 1 [2] and [3] amend section 39 to provide that a person must not publish an advertisement for an unclassified film or computer game otherwise than in accordance with the Advertising Scheme.

Schedule 1 [4] amends section 40 to make it an offence to publicly exhibit an advertisement for an unclassified film during a film program, or to sell a classified film with an advertisement for an unclassified film or unclassified computer game, if the exhibition or sale with the advertisement does not comply with the Advertising Scheme.

Schedule 1 [5] amends section 41 to make it an offence to sell or publicly demonstrate a classified computer game with an advertisement for an unclassified computer game or unclassified film if the sale or public demonstration with the advertisement does not comply with the Advertising Scheme.

Schedule 1 [6] amends Schedule 1 to enable the making of regulations of a savings and transitional nature.

Schedule 1 [7] amends Schedule 1 so that it will not be an offence to publish an advertisement for an unclassified film otherwise than in accordance with the Advertising Scheme under section 39 as to be amended by **Schedule 1 [3]** if the advertisement is published in accordance with a transitional regulation made under the Commonwealth amending Act.

First print



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New South Wales

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

No. , 2008

A Bill for

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.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Classification (Publications, Films and Computer Games) Enforcement Amendment (Advertising) Act 2008</i> .	3 4
2 Commencement	5
This Act commences on a day to be appointed by proclamation.	6
3 Amendment of Classification (Publications, Films and Computer Games) Enforcement Act 1995 No 63	7 8
The <i>Classification (Publications, Films and Computer Games) Enforcement Act 1995</i> is amended as set out in Schedule 1.	9 10
4 Repeal of Act	11
(1) This Act is repealed on the day following the day on which this Act commences.	12 13
(2) The repeal of this Act does not, because of the operation of section 30 of the <i>Interpretation Act 1987</i> , affect any amendment made by this Act.	14 15

Schedule 1	Amendments	1
	(Section 3)	2
[1]	Section 4 Definitions	3
	Insert in alphabetical order in section 4 (1):	4
	<i>Advertising Scheme</i> means the scheme determined from time to time under section 31 of the Commonwealth Act.	5 6
[2]	Section 39 Certain films, publications and computer games not to be advertised	7 8
	Omit section 39 (1) (b) and (e).	9
[3]	Section 39 (1A)	10
	Insert after section 39 (1):	11
	(1A) A person must not publish an advertisement for an unclassified film or unclassified computer game otherwise than in accordance with the Advertising Scheme.	12 13 14
	Maximum penalty: 100 penalty units for an individual, 200 penalty units for a corporation.	15 16
[4]	Section 40 Advertisements with feature films	17
	Insert after section 40 (2):	18
	(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.	19 20 21 22
	Maximum penalty: 100 penalty units for an individual, 200 penalty units for a corporation.	23 24
	(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.	25 26 27 28
	Maximum penalty: 100 penalty units for an individual, 200 penalty units for a corporation.	29 30
[5]	Section 41 Advertisements with computer games	31
	Insert after section 41 (1):	32
	(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	33 34 35

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Schedule 1 Amendments

public demonstration of the classified computer game with that advertisement complies with the Advertising Scheme.	1 2
Maximum penalty: 100 penalty units for an individual, 200 penalty units for a corporation.	3 4
[6] Schedule 1 Savings and transitional provisions	5
Insert at the end of clause 1 (1):	6
<i>Classification (Publications, Films and Computer Games) Enforcement Amendment (Advertising) Act 2008</i>	7 8
[7] Schedule 1, Part 6	9
Insert after Part 5:	10
Part 6 Provisions consequent on Classification (Publications, Films and Computer Games) Enforcement Amendment (Advertising) Act 2008	11 12 13 14
13 Advertisements for unclassified films	15
(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.	16 17 18 19
(2) In this clause:	20
<i>transitional Commonwealth regulation</i> means a regulation made under item 13 of Schedule 1 to the <i>Classification (Publications, Films and Computer Games) Amendment (Assessments and Advertising) Act 2008</i> of the Commonwealth.	21 22 23 24