

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

[2008-76]



New South Wales

Status Information

Currency of version

Repealed version for 28 October 2008 to 1 July 2009 (accessed 6 May 2024 at 5:25)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Act was repealed by sec 4 (1) of this Act with effect from 2.7.2009.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 2 July 2009

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



New South Wales

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.

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- (1) This Act is repealed on the day following the day on which this Act commences.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.

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.