

CENSORSHIP AMENDMENT BILL 2002

Consideration in Detail

Clauses 1 to 21 put and passed.

Clause 22: Part 7A inserted -

Mrs EDWARDES: This clause deals with the call-in provisions for publications, computer games, films, advertisements etc for classification. The limitation on the call-in provision, however, is that publications affected are submittable publications, and that they have been published or are expected to be published in Western Australia. Why is the provision limited to just those publications that are expected to be published in Western Australia as against those that are displayed and/or sold in Western Australia? As the Attorney General and Minister for Justice and Legal Affairs will be aware, much material comes into Western Australia directly from Asia and Europe and it is often very contentious material. If the minister does away with the Censorship Advisory Committee, there will be no provision for people to complain directly to him about those other publications. Can the minister, for the purposes of the House and the public record, advise the process for people with a concern about a publication they believe should be a submittable publication to express that concern now that there is no Censorship Advisory Committee? The publication may not be published in Western Australia, but is about to be distributed and sold here.

Mr McGINTY: If a member of the public has concerns about a submittable publication - that is, an unclassified publication - because of its content, there is a coordinate power in both the Office of Film and Literature Classification and the state minister to call in that publication to be classified.

Mrs Edwardes: Is it restricted by virtue of this legislation to those items likely to be published in Western Australia?

Mr McGINTY: The definition of "publish" in the Bill includes "sell, exhibit, display, distribute and demonstrate", which overcomes the issue the member raised. As we generally understand it, if a document is published in Sydney and sold or exhibited in Western Australia, it is deemed to have been published in Western Australia by virtue of the definition of "publish" contained in the Act. That provision is contained in the state Censorship Act 1996, in which the definition of "publish" includes "sell, exhibit, display and demonstrate". We have marginally expanded that definition to include distribution. To put it another way, it would be sufficient of a trigger if anyone is commercially dealing with a publication that could be called in for classification; by dealing with it, I mean selling, exhibiting, displaying, distributing or demonstrating. There is certainly capacity to do that. Publish does not mean what we probably think it means in the broader sense, which is confined to the act of publishing; it has a far broader definition.

Mrs EDWARDES: If members of the community have an issue in respect of a publication, magazine, video, film, computer game or the like, what steps must they go through to get that item either called in or to receive some advice about or assessment of that publication or other form of media?

Mr McGINTY: Members of the public who are concerned about a particular publication have a range of options. They can contact the minister responsible for the state Censorship Act; that is me currently, so they can contact the Office of the Attorney General. They can contact the Department of Justice, in which is an officer responsible for these matters who will then report to me as the minister. They can contact the director of the Office of Film and Literature Classification or the minister responsible for that office. Assuming the simplest way is to contact either my office or the Department of Justice, we would give consideration to referring that issue to the Office of Film and Literature Classification, and that office would then be required to give consideration to classifying that publication. We believe the legislation contains sufficient safeguards to ensure the State will have an input into these matters if an issue or grievance is raised about a publication that a member of the public thinks should be classified.

Clause put and passed.

Clauses 23 to 49 put and passed.

Title put and passed.

Third Reading

MR McGINTY (Fremantle - Minister for Justice and Legal Affairs) [11.17 am]: I move -

That the Bill be now read a third time.

Question put and a division taken with the following result -

Extract from *Hansard*
[ASSEMBLY - Thursday, 20 June 2002]
p11803b-11804a
Mrs Cheryl Edwardes; Mr Jim McGinty

Ayes (28)

Mr Andrews	Mr Hill	Mr McGowan	Ms Radisich
Mr Bowler	Mr Hyde	Ms McHale	Mr Ripper
Mr Brown	Mr Kobelke	Mr McRae	Mrs Roberts
Mr Carpenter	Mr Kucera	Mr Marlborough	Mr Templeman
Mr Dean	Mr Logan	Mr Murray	Mr Watson
Dr Edwards	Ms MacTiernan	Mr O’Gorman	Mr Whitely
Dr Gallop	Mr McGinty	Mr Quigley	Ms Quirk (<i>Teller</i>)

Noes (22)

Mr Ainsworth	Mrs Edwardes	Mr Masters	Mr Waldron
Mr Barnett	Mr Edwards	Mr Omodei	Ms Sue Walker
Mr Birney	Ms Hodson-Thomas	Mr Pendal	Dr Woollard
Mr Board	Mr House	Mr Barron-Sullivan	Mr Bradshaw (<i>Teller</i>)
Dr Constable	Mr Johnson	Mr Sweetman	
Mr Day	Mr Marshall	Mr Trenorden	

Pair

Mr D’Orazio

Mr Grylls

Question thus passed.

Bill read a third time and transmitted to the Council.