

Classification (Publications, Films and Computer Games) Enforcement Amendment Bill 2016

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Western Australia

LEGISLATIVE COUNCIL

**Classification (Publications, Films and
Computer Games) Enforcement Amendment
Bill 2016**

A Bill for

***An Act to amend the Classification (Publications, Films and
Computer Games) Enforcement Act 1996.***

The Parliament of Western Australia enacts as follows:

s. 1

1 **1. Short title**

2 This is the *Classification (Publications, Films and Computer*
3 *Games) Enforcement Amendment Act 2016*.

4 **2. Commencement**

5 This Act comes into operation as follows —

6 (a) sections 1 and 2 — on the day on which this Act
7 receives the Royal Assent;

8 (b) the rest of the Act — on the day after that day.

9 **3. Act amended**

10 This Act amends the *Classification (Publications, Films and*
11 *Computer Games) Enforcement Act 1996*.

12 **4. Section 3 amended**

13 (1) In section 3 delete the definition of *classification certificate*.

14 (2) In section 3 in the definition of *determined markings* delete
15 “section 8” and insert:

16
17 section 8(1)(a)
18

19 **5. Section 6A inserted**

20 After section 5 insert:
21

22 **6A. Display of determined markings and consumer**
23 **advice**

24 For the purposes of this Act, a publication, film or
25 computer game is taken not to display determined
26 markings or consumer advice unless the markings are,
27 or advice is, displayed in accordance with any

1 determinations under the Commonwealth Act
2 section 8.
3

4 **6. Section 6 amended**

5 (1) At the beginning of section 6 insert:
6

7 (1) In this section —
8 *subject to a conditional cultural exemption* has the
9 meaning given in the Commonwealth Act section 5.
10

11 (2) In section 6 delete “This” and insert:
12

13 (2) This
14

15 (3) At the end of section 6 insert:
16

17 (3) If a publication, film or computer game is subject to a
18 conditional cultural exemption in relation to a
19 demonstration, exhibition or screening (the *relevant*
20 *showing*), this Act does not apply to, or in relation to,
21 that relevant showing.
22

23 **7. Section 64 amended**

24 (1) In section 64(4)(b) delete “bear” and insert:
25

26 display
27

s. 8

- 1 (2) In section 64(6):
2 (a) in paragraph (b) delete “Act,” and insert:
3
4 Act; or
5
6 (b) after paragraph (b) insert:
7
8 (c) the Board revokes a classification for a
9 publication under section 22CH(1) of that Act
10 and classifies it under section 22CH(4) of that
11 Act,
12
13 (c) delete “bears” and insert:
14
15 displays
16
- 17 **8. Section 65 amended**
- 18 (1) In section 65(6) delete “bear” and insert:
19
20 display
21
- 22 (2) In section 65(7):
23 (a) in paragraph (b) delete “Act,” and insert:
24
25 Act; or
26

- 1 (b) after paragraph (b) insert:
2
- 3 (c) the Board revokes a classification for a
4 publication under section 22CH(1) of that Act
5 and classifies it under section 22CH(4) of that
6 Act,
7
- 8 (c) delete “bear” and insert:
9
10 display
11
- 12 **9. Section 65C amended**
- 13 In section 65C(3):
- 14 (a) in paragraph (b) delete “Act,” and insert:
15
16 Act; or
17
- 18 (b) after paragraph (b) insert:
19
- 20 (c) the Board revokes a classification for a
21 publication under section 22CH(1) of that Act
22 and classifies it under section 22CH(4) of that
23 Act,
24
- 25 (c) delete “bears” and insert:
26
27 displays
28

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1 **10. Section 66 amended**

2 In section 66(2)(b) after “section 21(2)” insert:

3

4 or (3)

5

6 **11. Section 74 amended**

7 In section 74(2)(b) after “section 21(2)” insert:

8

9 or (3)

10

11 **12. Section 76 amended**

12 In section 76(4):

13 (a) in paragraph (b) delete “Act,” and insert:

14

15 Act; or

16

17 (b) after paragraph (b) insert:

18

19 (c) the Board revokes a classification for a film
20 under section 22CH(1) of that Act and
21 classifies it under section 22CH(4) of that Act,

22

23 **13. Section 82 amended**

24 (1) In section 82 delete “A person” and insert:

25

26 (1) A person

27

1 (2) At the end of section 82 insert:

2

3 (2) Subsection (1) is not contravened by reason only of the
4 sale or demonstration of a computer game with a
5 modification referred to in the Commonwealth Act
6 section 21(2) or (3).

7

8 **14. Section 86 amended**

9 In section 86(6):

10 (a) in paragraph (b) delete “Act,” and insert:

11

12 Act; or

13

14 (b) after paragraph (b) insert:

15

16 (c) the Board revokes a classification for a
17 computer game under section 22CH(1) of that
18 Act and classifies it under section 22CH(4) of
19 that Act,

20

21 **15. Section 96 amended**

22 (1) In section 96(2) in the definition of *illegal advertisement*
23 paragraph (b)(i) delete “in the manner determined” and insert:

24

25 in accordance with any determinations

26

27 (2) In section 96(3):

28 (a) in paragraph (b) delete “Act,” and insert:

29

30 Act; or

31

s. 16

- 1 (b) after paragraph (b) insert:
2
3 (c) the Board revokes a classification for a
4 publication, film or computer game under
5 section 22CH(1) of that Act and classifies it
6 under section 22CH(4) of that Act,
7

8 **16. Section 97 amended**

9 In section 97(3):

- 10 (a) in paragraph (b) delete “Act,” and insert:
11
12 Act; or
13
14 (b) after paragraph (b) insert:
15
16 (c) the Board revokes a classification for a
17 publication, film or computer game under
18 section 22CH(1) of that Act and classifies it
19 under section 22CH(4) of that Act,
20

21 **17. Section 102E amended**

22 In section 102E(1)(a) delete “proposes” and insert:

23
24 is requested
25

26 **18. Section 105 amended**

27 Delete section 105(1).

28 **19. Section 106 deleted**

29 Delete section 106.

1 **20. Section 107 amended**

2 In section 107:

3 (a) delete “section 105 or 106,” and insert:

4

5 section 105(2),

6

7 (b) delete “or the Director”.

8 **21. Sections 108 and 109 deleted**

9 Delete sections 108 and 109.

10 **22. Section 153B inserted**

11 After section 153A insert:

12

13 **153B. Transitional provision for *Classification***
14 ***(Publications, Films and Computer Games)***
15 ***Enforcement Amendment Act 2016***

16 (1) In this section —

17 *commencement day* means the day on which the
18 *Classification (Publications, Films and Computer*
19 *Games) Enforcement Amendment Act 2016* section 22
20 comes into operation;

21 *repealed provision* means section 105(1) or 106 as in
22 force immediately before commencement day.

23 (2) A direction under a repealed provision that was in force
24 immediately before commencement day remains in
25 force according to its terms.
26

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