

## **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.