Western Australia

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

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Contents

1. Short title 2

2. Commencement 2

3. Act amended 2

4. Section 3 amended 2

5. Section 6A inserted 2

6A. Display of determined markings and consumer advice 2

6. Section 6 amended 3

7. Section 64 amended 3

8. Section 65 amended 4

9. Section 65C amended 5

10. Section 66 amended 6

11. Section 74 amended 6

12. Section 76 amended 6

13. Section 82 amended 6

14. Section 86 amended 7

15. Section 96 amended 7

16. Section 97 amended 8

17. Section 102E amended 8

18. Section 105 amended 8

19. Section 106 deleted 9

20. Section 107 amended 9

21. Sections 108 and 109 deleted 9

22. Section 153B inserted 9

153B. Transitional provision for *Classification (Publications, Films and Computer Games) Enforcement Amendment Act 2016* 9

Western Australia

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

No. 36 of 2016

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

[Assented to 16 November 2016]

The Parliament of Western Australia enacts as follows:

##### 1. Short title

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

##### 2. Commencement

 This Act comes into operation as follows —

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

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

##### 3. Act amended

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

##### 4. Section 3 amended

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

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

 section 8(1)(a)

##### 5. Section 6A inserted

 After section 5 insert:

6A. Display of determined markings and consumer advice

 For the purposes of this Act, a publication, film or computer game is taken not to display determined markings or consumer advice unless the markings are, or advice is, displayed in accordance with any determinations under the Commonwealth Act section 8.

##### 6. Section 6 amended

 (1) At the beginning of section 6 insert:

 (1) In this section —

 subject to a conditional cultural exemption has the meaning given in the Commonwealth Act section 5.

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

 (2) This

 (3) At the end of section 6 insert:

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

##### 7. Section 64 amended

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

 display

 (2) In section 64(6):

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

 Act; or

 (b) after paragraph (b) insert:

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

 (c) delete “bears” and insert:

 displays

##### 8. Section 65 amended

 (1) In section 65(6) delete “bear” and insert:

 display

 (2) In section 65(7):

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

 Act; or

 (b) after paragraph (b) insert:

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

 (c) delete “bear” and insert:

 display

##### 9. Section 65C amended

 In section 65C(3):

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

 Act; or

 (b) after paragraph (b) insert:

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

 (c) delete “bears” and insert:

 displays

##### 10. Section 66 amended

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

 or (3)

##### 11. Section 74 amended

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

 or (3)

##### 12. Section 76 amended

 In section 76(4):

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

 Act; or

 (b) after paragraph (b) insert:

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

##### 13. Section 82 amended

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

 (1) A person

 (2) At the end of section 82 insert:

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

##### 14. Section 86 amended

 In section 86(6):

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

 Act; or

 (b) after paragraph (b) insert:

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

##### 15. Section 96 amended

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

 in accordance with any determinations

 (2) In section 96(3):

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

 Act; or

 (b) after paragraph (b) insert:

 (c) the Board revokes a classification for a publication, film or computer game under section 22CH(1) of that Act and classifies it under section 22CH(4) of that Act,

##### 16. Section 97 amended

 In section 97(3):

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

 Act; or

 (b) after paragraph (b) insert:

 (c) the Board revokes a classification for a publication, film or computer game under section 22CH(1) of that Act and classifies it under section 22CH(4) of that Act,

##### 17. Section 102E amended

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

 is requested

##### 18. Section 105 amended

 Delete section 105(1).

##### 19. Section 106 deleted

 Delete section 106.

##### 20. Section 107 amended

 In section 107:

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

 section 105(2),

 (b) delete “or the Director”.

##### 21. Sections 108 and 109 deleted

 Delete sections 108 and 109.

##### 22. Section 153B inserted

 After section 153A insert:

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

 (1) In this section —

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

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

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



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