



Western Australia

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

As at 16 Nov 2016

No. 36 of 2016

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

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

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*Games) Enforcement Amendment
Act 2016*

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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:

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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

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- (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

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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

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- (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.

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- (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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