



Western Australia

**Classification (Publications, Films and  
Computer Games) Enforcement Regulations  
1996**

Compare between:

[19 Apr 2013, 02-a0-00] and [21 Aug 2013, 02-b0-06]





Western Australia

Reprinted under the  
*Reprints Act 1984* as  
at 19 April 2013

Classification (Publications, Films and Computer Games) Enforcement  
Act 1996

## **Classification (Publications, Films and Computer Games) Enforcement Regulations 1996**

### **1. Citation**

These regulations may be cited as the *Classification (Publications, Films and Computer Games) Enforcement Regulations 1996*<sup>1</sup>.

[Regulation 1 amended ~~in~~ Gazette 14 Dec 2012 p. 6202.]

### **2. Commencement**

These regulations come into operation on the day on which the *Censorship Act 1996*<sup>2</sup> comes into operation<sup>1</sup>.

### **3. Prescribed offences and modified penalties**

- (1) The offences set out in Schedule 1 column 1 are prescribed for the purposes of section 117D of the Act.
- (2) For the purposes of section 117E(2) of the Act, the modified penalty set out in Schedule 1 column 2 opposite an offence referred to in Schedule 1 column 1 is the prescribed modified penalty for an individual for that offence.

r. 4

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- (3) For the purposes of section 117E(2) of the Act, the modified penalty set out in Schedule 1 column 3 opposite an offence referred to in Schedule 1 column 1 is the prescribed modified penalty for a body corporate for that offence.

*[Regulation 3 inserted ~~in~~: Gazette 4 Jun 2004 p. 1929-30.]*

**4. Form of an infringement notice**

Schedule 2 Form 1 is prescribed for the purposes of section 117E(1) of the Act.

*[Regulation 4 inserted ~~in~~: Gazette 4 Jun 2004 p. 1930.]*

**5. Form of notice of withdrawal of an infringement notice**

Schedule 2 Form 2 is prescribed for the purposes of section 117G(1) of the Act.

*[Regulation 5 inserted ~~in~~: Gazette 4 Jun 2004 p. 1930.]*

*[6-8. Deleted ~~in~~: Gazette 27 Jun 2003 p. 2384-5.]*

**9. Fee for registration, or renewal of registration, of premises**

For the purposes of section 131(1)(d) of the Act a fee of \$75 in respect of each premises proposed to be registered, or registered, in the name of the applicant is prescribed.

**10. Fee for inspecting or copying register**

For the purposes of section 135(5) of the Act —

- (a) a fee of \$5 is prescribed for inspecting the register; and
- (b) a fee of \$1 per page is prescribed for copies of the register.

*[11, 12. Deleted ~~in~~: Gazette 27 Jun 2003 p. 2385.]*

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**Schedule 1 — Prescribed offences and modified penalties**

[r. 3]

*[Heading inserted ~~in~~ Gazette 4 Jun 2004 p. 1930.]*

| <b>Offence</b> | <b>Modified penalty<br/>(individual)</b> | <b>Modified penalty<br/>(body corporate)</b> |
|----------------|--|--|
| s. 64(1)       | \$200                                    | \$1 000                                      |
| s. 64(4)       | \$200                                    | \$1 000                                      |
| s. 65(1)       | \$500                                    | \$2 500                                      |
| s. 65(5)       | \$500                                    | \$2 500                                      |
| s. 65(6)       | \$500                                    | \$2 500                                      |
| s. 65A         | \$500                                    | \$2 500                                      |
| s. 65B         | \$200                                    | \$1 000                                      |
| s. 65C(1)      | \$500                                    | \$2 500                                      |
| s. 65C(2)      | \$500                                    | \$2 500                                      |
| s. 65D(5)      | \$20                                     | N/A  |
| s. 67(1)       | \$100                                    | \$500  |
| s. 70(1)(b)    | \$200                                    | \$1 000                                      |
| s. 71(2)       | \$20                                     | N/A  |
| s. 72(1)       | \$200                                    | \$1 000                                      |
| s. 75(1)       | \$100                                    | \$500  |
| s. 76(1)       | \$500                                    | \$2 500                                      |
| s. 76(2)       | \$500                                    | \$2 500                                      |
| s. 76(3)       | \$500                                    | \$2 500                                      |
| s. 77(1)       | \$500                                    | \$2 500                                      |
| s. 79(1)       | \$500                                    | \$2 500                                      |
| s. 79(3)       | \$20                                     | N/A  |
| s. 79(4)       | \$200                                    | \$1 000                                      |
| s. 83(1)       | \$100                                    | \$500  |
| s. 84(2)       | \$20                                     | N/A  |
| s. 85(1)       | \$500                                    | \$2 500                                      |
| s. 85(2)(b)    | \$200                                    | \$1 000                                      |
| s. 85(3)(b)    | \$200                                    | \$1 000                                      |
| s. 86(1)       | \$500                                    | \$2 500                                      |

**Classification (Publications, Films and Computer Games) Enforcement  
Regulations 1996**

**Schedule 1** Prescribed offences and modified penalties

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| <b>Offence</b> | <b>Modified penalty<br/>(individual)</b> | <b>Modified penalty<br/>(body corporate)</b> |
|----------------|--|--|
| s. 86(2)       | \$500                                    | \$2 500                                      |
| s. 86(3)       | \$500                                    | \$2 500                                      |
| s. 86(4)       | \$500                                    | \$2 500                                      |
| s. 87(1)       | \$500                                    | \$2 500                                      |
| s. 88(1A)      | \$500                                    | \$2 500                                      |
| s. 88(1)       | \$500                                    | \$2 500                                      |
| s. 90(1)       | \$500                                    | \$2 500                                      |
| s. 91(1)       | \$500                                    | \$2 500                                      |
| s. 92          | \$200                                    | \$1 000                                      |
| s. 93(1)       | \$200                                    | \$1 000                                      |
| s. 94          | \$200                                    | \$1 000                                      |
| s. 95          | \$200                                    | \$1 000                                      |
| s. 96(1)       | \$200                                    | \$1 000                                      |
| s. 97(1)       | \$200                                    | \$1 000                                      |
| s. 97(2)       | \$200                                    | \$1 000                                      |
| s. 97A(2)      | \$500                                    | \$2 500                                      |
| s. 98          | \$200                                    | \$1 000                                      |
| s. 113         | \$100                                    | N/A  |

[Schedule 1 inserted ~~in~~ Gazette 4 Jun 2004 p. 1930-1; amended ~~in~~ Gazette 14 Dec 2012 p. 6202.]

## Schedule 2 — Forms

[r. 4 and 5]

[Heading inserted ~~in~~ Gazette 4 Jun 2004 p. 1931.]

### Form 1

|  |                                 |            |              |
|--|---------------------------------|------------|--------------|
| <i>Classification (Publications, Films and Computer Games)<br/>Enforcement Act 1996 s. 117E(1)</i> |                                 | Notice No: |              |
| <b>Infringement Notice</b>   |                                 |            |              |
| <b>Alleged offender</b>  | Family name:                    |            |              |
|  | Other names:                    |            |              |
|  | Address:                        | No.:       | Street name: |
|  |                                 | Suburb:    | Postcode:    |
| <b>Alleged offence</b>   | Details of alleged offence:     |            |              |
|  | Description of alleged offence: |            |              |
|  | Where and when:                 |            |              |
| <b>Amount of modified penalty</b>  | \$                              |            |              |
| <b>Police officer who issued this notice</b>   | Name:                           |            |              |
|  | Signature:                      |            |              |
|  | Date:                           |            |              |

**Classification (Publications, Films and Computer Games) Enforcement Regulations 1996**

**Schedule 2 Forms**

|                         |  |
|-------------------------|--|
| <b>What you must do</b> | <p>1. You may elect to have this matter heard and determined by a court. To do this, complete the details in “<b>Electing action by a court</b>” on the reverse of this notice and return this notice to [details to be inserted here] within 28 days after the service of this notice.</p> <p>2. If you do not wish to have this matter heard and determined by a court you may dispose of this matter within 28 days after the service of this notice by paying the modified penalty (see “<b>Paying the modified penalty</b>” on the reverse of this notice).</p> <p>Should you not pursue either of the above options within 28 days, additional administrative charges may be incurred and <del>action may be taken to suspend your Motor Driver’s Licence until you have paid in full the modified penalty and any additional charges OR you have elected to have this matter dealt with before a Court.</del> <u>enforcement action may be taken under the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>. Under that Act, some or all of the following action may be taken — your driver’s licence may be suspended; your vehicle licence may be suspended or cancelled; your details may be published on a website; your vehicle may be immobilised or have its number plates removed; and your property may be seized and sold.</u></p> |
|-------------------------|--|

*Reverse of Form 1*

|                                   |  |
|-----------------------------------|--|
| <b>Electing action by a court</b> | I elect to have the offence alleged in this notice dealt with by a court. I understand that I may receive a summons for the alleged offence. |
|                                   | Signature:   |
|                                   | Date:  |
|                                   | Address for service:   |

|                                    |   |
|------------------------------------|---|
| <b>Paying the modified penalty</b> | <p>You may pay the modified penalty —</p> <p>1. BY POSTING a cheque or money order made payable to [details to be inserted here];</p> <p>OR</p> <p>2. IN PERSON to [details to be inserted here].</p> |
|------------------------------------|---|

[Form 1 inserted ~~in~~; Gazette 4 Jun 2004 p. 1931-2; amended ~~in~~; Gazette 14 Dec 2012 p. 6203; 20 Aug 2013 p. 3860.]

**Form 2**

|  |              |            |              |           |
|--|--------------|------------|--------------|-----------|
| <i>Classification (Publications, Films and Computer Games) Enforcement Act 1996 s. 117G(1)</i> |              | Notice No: |              |           |
| <b>Withdrawal of Infringement Notice</b>   |              |            |              |           |
| <b>To</b><br>[Details of alleged offender]   | Family name: |            |              |           |
|  | Other names: |            |              |           |
|  | Address:     | No.:       | Street name: |           |
|  |              | Suburb:    |              | Postcode: |



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|  |                    |
|--|--------------------|
| <b>AN INFRINGEMENT NOTICE SERVED ON YOU HAS BEEN WITHDRAWN.<br/>ANY PAYMENT THAT HAS BEEN MADE WILL BE REFUNDED AND —</b>            |                    |
| <ul style="list-style-type: none"><li>• <b>NO FURTHER ACTION WILL BE TAKEN*</b></li><li>• <b>A SUMMONS WILL BE ISSUED*</b></li></ul> |                    |
| [* <i>delete whichever is not applicable</i> ]   |                    |
| <b>Details of<br/>withdrawn<br/>notice</b>   | Date notice given: |
|  | Notice number:     |
|  | Alleged offence:   |
| <b>Authorised<br/>person who<br/>issued this<br/>notice</b>  | Name:              |
|  | Signature:         |
|  | Date:              |

[Form 2 inserted ~~in~~; Gazette 4 Jun 2004 p. 1932; amended ~~in~~;  
Gazette 14 Dec 2012 p. 6203.]



## Notes

- <sup>1</sup> This ~~reprint~~ is a compilation ~~as at 19 April 2013~~ of the *Classification (Publications, Films and Computer Games) Enforcement Regulations 1996* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

### Compilation table

| Citation  | Gazettal  | Commencement  |
|---|---|---|
| <i>Censorship Regulations 1996</i> <sup>3</sup>   | 1 Nov 1996<br>p. 5755-62                                  | 5 Nov 1996 (see r. 2 and <i>Gazette</i><br>5 Nov 1996 p. 5845)  |
| <i>Censorship Amendment Regulations 2003</i>  | 27 Jun 2003<br>p. 2384-5                                  | 1 Jul 2003 (see r. 2 and <i>Gazette</i><br>27 Jun 2003 p. 2383)   |
| <b>Reprint 1: The <i>Censorship Regulations 1996</i> as at 5 Dec 2003</b> (includes amendment listed above)   |   |   |
| <i>Censorship Amendment Regulations 2004</i>  | 4 Jun 2004<br>p. 1929-32                                  | 4 Jun 2004 (see r. 2 and <i>Gazette</i><br>4 Jun 2004 p. 1933)  |
| <i>Censorship Amendment Regulations 2012</i>  | 14 Dec 2012<br>p. 6202-3                                  | r. 1 and 2: 14 Dec 2012<br>(see r. 2(a));<br>Regulations other than r. 1 and 2:<br>1 Jan 2013 (see r. 2(b) and<br>Act No. 53 of 2012 s. 2(b)(i))  |
| <b>Reprint 2: The <i>Classification (Publications, Films and Computer Games) Enforcement Regulations 1996</i> as at 19 Apr 2013</b> (includes amendment listed above) |   |   |
| <a href="#"><i>Classification (Publications, Films and Computer Games) Enforcement Amendment Regulations 2013</i></a>   | <a href="#">20 Aug 2013</a><br><a href="#">p. 3859-60</a> | <a href="#">r. 1 and 2: 20 Aug 2013</a><br><a href="#">(see r. 2(a));</a><br><a href="#">Regulations other than r. 1 and 2:</a><br><a href="#">21 Aug 2013 (see r. 2(b) and</a><br><a href="#">Gazette 20 Aug 2013 p. 3815)</a> |

- <sup>2</sup> Now known as the *Classification (Publications, Films and Computer Games) Enforcement Act 1996*.
- <sup>3</sup> Now known as the *Classification (Publications, Films and Computer Games) Enforcement Regulations 1996*; citation changed (see note under r. 1).