Western Australia

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

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Western Australia

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*1.

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

##### 2. Commencement

 These regulations come into operation on the day on which the *Censorship Act 1996*2 comes into operation1.

##### 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.

 (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: 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: 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: Gazette 4 Jun 2004 p. 1930.]

[**6‑8.** Deleted: 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: Gazette 27 Jun 2003 p. 2385.]

Schedule 1 — Prescribed offences and modified penalties

[r. 3]

 [Heading inserted: Gazette 4 Jun 2004 p. 1930.]

| **Offence** | **Modified penalty (individual)** | **Modified penalty(body corporate)** |
| --- | --- | --- |
| 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 |
| 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: Gazette 4 Jun 2004 p. 1930‑1; amended: Gazette 14 Dec 2012 p. 6202.]

Schedule 2 — Forms

[r. 4 and 5]

 [Heading inserted: Gazette 4 Jun 2004 p. 1931.]

**Form 1**

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

|  |  |
| --- | --- |
| **What you must do** | 1. You may elect to have this matter heard and determined by a court. To do this, complete the details in “**Electing action by a court**” 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.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 “**Paying the modified penalty**” on the reverse of this notice).Should you not pursue either of the above options within 28 days, additional administrative charges may be incurred and enforcement action may be taken under the *Fines, Penalties and Infringement Notices Enforcement Act 1994*. 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. |

*Reverse of Form 1*

|  |  |
| --- | --- |
| **Electing action by a court** | 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: |

|  |  |
| --- | --- |
| **Paying the modified penalty** | You may pay the modified penalty —1. BY POSTING a cheque or money order made payable to [details to be inserted here];OR2. IN PERSON to [details to be inserted here]. |

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

**Form 2**

|  |  |
| --- | --- |
| *Classification (Publications, Films and Computer Games) Enforcement Act 1996 s. 117G(1)***Withdrawal of Infringement Notice** | Notice No: |
| **To**[Details of alleged offender] | Family name: |
| Other names: |
| Address: | No.: | Street name: |
| Suburb: | Postcode: |
| **AN INFRINGEMENT NOTICE SERVED ON YOU HAS BEEN WITHDRAWN. ANY PAYMENT THAT HAS BEEN MADE WILL BE REFUNDED AND —** * **NO FURTHER ACTION WILL BE TAKEN\***
* **A SUMMONS WILL BE ISSUED\***

[\* *delete whichever is not applicable*] |
| **Details of withdrawn notice** | Date notice given: |
| Notice number: |
| Alleged offence: |
| **Authorised person who issued this notice** | Name: |
| Signature: |
| Date: |

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



Notes

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

2 Now known as the *Classification (Publications, Films and Computer Games) Enforcement Act 1996*.

3 Now known as the *Classification (Publications, Films and Computer Games) Enforcement Regulations 1996*; citation changed (see note under r. 1).