South Australia

Statutes Amendment and Repeal (Classification of Publications, Films and Computer Games) Act 2019


Contents

Part 1—Preliminary
1 Short title
2 Commencement
3 Amendment provisions

4 Amendment of long title
5 Substitution of section 3
   3 Objects
6 Amendment of section 4—Interpretation
7 Repeal of Parts 2 and 3
8 Amendment of section 28—Exhibition of film in public place
9 Amendment of section 37—Sale of films
10 Amendment of section 40—Films to bear determined markings and consumer advice
11 Amendment of section 47—Category 1 restricted publications
12 Amendment of section 48—Category 2 restricted publications
13 Amendment of section 48A—Sale or delivery of publications contrary to conditions
14 Amendment of section 50—Misleading or deceptive markings
15 Amendment of section 60—Computer games to bear determined markings and consumer advice
16 Amendment of section 66—Certain advertisements not to be published
17 Amendment of section 72—Advertisement to contain determined markings and consumer advice
18 Amendment of section 73—Misleading or deceptive advertisements
19 Amendment of section 83—Evidence
20 Repeal of section 90

Part 3—Amendment of Summary Offences Act 1953
21 Amendment of section 33—Indecent or offensive material
Part 4—Repeal of Classification of Theatrical Performances Act 1978
22 Repeal of Act

Part 5—Transitional provisions
23 Transitional provisions

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title
This Act may be cited as the Statutes Amendment and Repeal (Classification of Publications, Films and Computer Games) Act 2019.

2—Commencement
This Act comes into operation on a day to be fixed by proclamation.

3—Amendment provisions
In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.


4—Amendment of long title
Long title—delete "for the establishment and enforcement of schemes" and substitute:
for the enforcement of a scheme

5—Substitution of section 3
Section 3—delete the section and substitute:

3—Objects
The objects of this Act are—

(a) to give effect to the scheme for the classification of publications, films and computer games set out in the Classification (Publications, Films and Computer Games) Act 1995 of the Commonwealth by—

(i) making provision for the enforcement of classification decisions applying in South Australia; and

(ii) prohibiting the publication of certain publications, films and computer games; and
(b) to provide protection against prosecution under laws relating to obscenity, indecency, offensive materials or blasphemy when classified publications, films or computer games are published in accordance with this Act.

6—Amendment of section 4—Interpretation

(1) Section 4, definition of approved advertisement—delete the definition and substitute:

approved advertisement means an advertisement approved under the Commonwealth Act;

(2) Section 4, definition of classified—delete the definition and substitute:

classified, in relation to a publication, film or computer game, means classified under the Commonwealth Act;

(3) Section 4, definition of consumer advice—delete the definition and substitute:

consumer advice, in relation to a publication, film or computer game, means consumer advice determined under the Commonwealth Act for the publication, film or computer game;

(4) Section 4, definition of Council—delete the definition

(5) Section 4, definition of submittable publication—delete the definition and substitute:

submittable publication has the same meaning as in the Commonwealth Act and includes a publication called in by the National Director under Schedule 1 of this Act;

7—Repeal of Parts 2 and 3

Parts 2 and 3—delete Parts 2 and 3

8—Amendment of section 28—Exhibition of film in public place

Section 28(2)(b)—delete paragraph (b) and substitute:

(b) with modifications referred to in section 21(2) or (3) of the Commonwealth Act,

9—Amendment of section 37—Sale of films

Section 37(2)(b)—delete paragraph (b) and substitute:

(b) with modifications referred to in section 21(2) or (3) of the Commonwealth Act,

10—Amendment of section 40—Films to bear determined markings and consumer advice

(1) Section 40(4)(a)—delete "this Act or"

(2) Section 40(4)(b)—delete "this Act or"

11—Amendment of section 47—Category 1 restricted publications

(1) Section 47(1)(a)(ii)—delete "or by the Council or the Minister under this Act"

(2) Section 47(2)(a)—delete "this Act or"
(3) Section 47(2)(b)—delete "this Act or"

12—Amendment of section 48—Category 2 restricted publications
(1) Section 48(3)(a)—delete "this Act or"
(2) Section 48(3)(b)—delete "this Act or"

13—Amendment of section 48A—Sale or delivery of publications contrary to conditions
Section 48A—delete "this Act or"

14—Amendment of section 50—Misleading or deceptive markings
(1) Section 50(3)(a)—delete "this Act or"
(2) Section 50(3)(b)—delete "this Act or"

15—Amendment of section 60—Computer games to bear determined markings and consumer advice
(1) Section 60(5)—delete "this Act or"
(2) Section 60(6)(a)—delete "this Act or"
(3) Section 60(6)(b)—delete "this Act or"

16—Amendment of section 66—Certain advertisements not to be published
Section 66(1) and (2)—delete "this Act or" wherever occurring

17—Amendment of section 72—Advertisement to contain determined markings and consumer advice
(1) Section 72(2)(a)—delete "this Act or"
(2) Section 72(2)(b)—delete "this Act or"

18—Amendment of section 73—Misleading or deceptive advertisements
(1) Section 73(3)(a)—delete "this Act or"
(2) Section 73(3)(b)—delete "this Act or"

19—Amendment of section 83—Evidence
Section 83(2)—delete subsection (2)

20—Repeal of section 90
Section 90—delete the section
Part 3—Amendment of Summary Offences Act 1953

21—Amendment of section 33—Indecent or offensive material

Section 33(7)—delete subsection (7) and substitute:

(7) In deciding whether to consent to a prosecution under this section, the Minister must have regard to any relevant decision of the National Board or National Review Board under the Classification (Publications, Films and Computer Games) Act 1995 of the Commonwealth.

Part 4—Repeal of Classification of Theatrical Performances Act 1978

22—Repeal of Act

The Classification of Theatrical Performances Act 1978 is repealed.

Part 5—Transitional provisions

23—Transitional provisions

(1) In this section—

Council means the South Australian Classification Council established by the Classification (Publications, Films and Computer Games) Act 1995 (as in force immediately before the commencement of section 7 of this Act);

Minister means the Minister responsible for the administration of the Classification (Publications, Films and Computer Games) Act 1995.

(2) A member of the Council ceases to hold office on the commencement of this section.

(3) Any process or proceeding commenced—

(a) by the Council or the Minister under Part 3 of the Classification (Publications, Films and Computer Games) Act 1995 (as in force immediately before the commencement of section 7 of this Act); or

(b) by the Council under the Classification of Theatrical Performances Act 1978 (as in force immediately before the commencement of section 22 of this Act), may be continued and completed by the Minister after that commencement.

(4) The Minister may, in connection with the operation of subsection (3)—

(a) adopt any findings, determinations, report or recommendations of the Council that may be relevant to the continuation or completion of any process or proceeding by the Minister; and

(b) take other steps to promote the smoothest possible transition to the Minister acting instead of the Council.