

Legislative Council—No 51

As received from the House of Assembly and read a first time, 26 October 2010

South Australia

Classification (Publications, Films and Computer Games) (Exemptions and Approvals) Amendment Bill 2010

A BILL FOR

An Act to amend the *Classification (Publications, Films and Computer Games) Act 1995*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Classification (Publications, Films and Computer Games) (Exemptions and Approvals) Amendment Act 2010*.

5 **2—Commencement**

This Act will come into operation 3 months after assent.

3—Amendment provisions

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

10 **Part 2—Amendment of *Classification (Publications, Films and Computer Games) Act 1995***

4—Amendment of section 76—Exemption of film, publication, computer game or advertisement

(1) Section 76—after "Minister" insert:

15 or the National Director

(2) Section 76—after its present contents (as amended and now to be designated as subsection (1)) insert:

(2) An application made to the Minister under subsection (1) must—

(a) be in writing; and

(b) be made at least 60 days before the publication, exhibition, sale or demonstration of the publication, film, computer game or advertisement in relation to which the exemption is sought; and

(c) be accompanied by—

(i) documents and information of a kind prescribed by regulation; and

(ii) the prescribed fee.

5—Amendment of section 77—Exemptions—organisations

Section 77(1) and (3)—after "Minister" wherever occurring insert:

or the National Director

6—Amendment of section 78—Ministerial directions or guidelines

Section 78—after "Minister" first occurring insert:

or the National Director

7—Amendment of section 79—Organisation may be approved (section 77(1))

(1) Section 79(1)—after "South Australian Government Gazette," insert:

or the National Director, by notice published in the Commonwealth of Australia Gazette,

(2) Section 79—after subsection (1) insert:

(1a) An application made to the Minister under subsection (1) must—

(a) be in writing; and

(b) be accompanied by the prescribed fee.

(3) Section 79(2) and (5)—after "Minister" wherever occurring insert:

or the National Director (as the case may be)

(4) Section 79(4)—delete subsection (4) and substitute:

(4) An approval given by the Minister or the National Director may be revoked by the Minister or the National Director (as the case may be) if, because of a change in any matter referred to in subsection (2), the Minister or the National Director considers that it is no longer appropriate that the organisation be approved.

8—Amendment of section 79A—Organisation may be approved (section 77(3))

(1) Section 79A(1)—after "South Australian Government Gazette," insert:

or the National Director, by notice published in the Commonwealth of Australia Gazette,

(2) Section 79A—after subsection (1) insert:

(1a) An application made to the Minister under subsection (1) must—

(a) be in writing; and

(b) be accompanied by the prescribed fee.

(3) Section 79A(2) and (5)—after "Minister" wherever occurring insert:

or the National Director (as the case may be)

(4) Section 79A(4)—delete subsection (4) and substitute:

(4) An approval given by the Minister or the National Director may be revoked by the Minister or the National Director (as the case may be) if, because of a change in any matter referred to in subsection (2), the Minister or the National Director considers that it is no longer appropriate that the organisation be approved.

9—Insertion of sections 79B and 79C

After section 79A insert:

79B—Referral to National Director

(1) If an application (other than an application under section 79C) is made to the Minister under this Part, the Minister may, with the agreement of the National Director, refer the application to the National Director for determination.

(2) If an application is referred to the National Director under subsection (1)—

(a) the application is taken to have been made to the National Director under this Part; and

(b) the applicant is entitled to be refunded an amount equal to any prescribed fee paid by the applicant on making the application less the amount (if any) prescribed by the regulations as an administration charge for the purposes of this section.

79C—Minister may revoke decision of National Director

(1) A direction made, or approval given, by the National Director under this Part may, either on application or on the Minister's own initiative, be revoked by the Minister if the Minister considers that it is not appropriate that the direction be made or the approval be given.

(2) An application made to the Minister under subsection (1) must—

(a) be in writing; and

(b) be made within the prescribed time; and

(c) be accompanied by—

(i) documents and information of a kind prescribed by regulation; and

(ii) the prescribed fee.

(3) This section has effect despite any other provision of this Part.

10—Amendment of section 91—Regulations

Section 91—after its present contents (now to be designated as subsection (1)) insert:

(2) The regulations may be of general application or vary in their application according to prescribed factors.