

## House of Assembly

As passed all stages and awaiting assent.

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South Australia

# Classification (Publications, Films and Computer Games) (Exemptions and Approvals) Amendment Bill 2011

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 2011*.

### 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.

## **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:

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 or the National Director under subsection (1) must comply with the requirements prescribed by regulation.

### **5—Amendment of section 77—Exemptions—organisations**

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

or the National Director

(2) Section 77(2)—delete subsection (2) and substitute:

(2) An application for a direction under subsection (1) may be made by an approved organisation and must comply with the requirements prescribed by regulation.

(3) Section 77(4)—delete subsection (4) and substitute:

(4) An application for a direction under subsection (3) must comply with the requirements prescribed by regulation.

### **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 or the National Director under subsection (1) must comply with the requirements prescribed by regulation.

(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 or the National Director under subsection (1) must comply with the requirements prescribed by regulation.

(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—Applications taken to have been made to National Director**

- (1) If an application (other than an application under section 79C) is made to the Minister under this Part, the application will, subject to subsection (2), be taken to have been made to the National Director under this Part.
- (2) Subsection (1) does not apply if—
  - (a) the Minister decides that he or she will determine that application; or
  - (b) the National Director or the applicant notifies the Minister that he or she objects to the application being determined by the National Director.

**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 comply with the requirements prescribed by regulation.
- (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—
  - (a) be of general application or vary in their application according to prescribed factors;
  - (b) provide that a matter or thing in respect of which regulations may be made is to be determined according to the discretion of the Minister or the National Director.