

Legislative Council—No 49

As received from the House of Assembly and read a first time, 8 September 2015

South Australia

Classification (Publications, Films and Computer Games) (Miscellaneous) Amendment Bill 2015

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

- 5 This Act may be cited as the *Classification (Publications, Films and Computer Games) (Miscellaneous) Amendment Act 2015*.

2—Commencement

- (1) Subject to this section, this Act will come into operation on the day it receives the assent of the Governor.
- 10 (2) Sections 4 and 5 will come into operation on the day on which Schedule 3, Part 3 of the *Classification (Publications, Films and Computer Games) Amendment (Classification Tools and Other Measures) Act 2014* of the Commonwealth commences.
- 15 (3) Subsection (2) only applies if, at the assent of the Governor to this Act, Schedule 3, Part 3 of the *Classification (Publications, Films and Computer Games) Amendment (Classification Tools and Other Measures) Act 2014* of the Commonwealth has not commenced.

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 6—Application of Act

Section 6—after paragraph (a) insert:

- 5 (ab) a publication, film or computer game that is subject to a conditional cultural exemption (within the meaning of the Commonwealth Act);
or

5—Amendment of section 23—Declassification of classified films or computer games

10 Section 23(2)—after paragraph (c) insert:

or

- (d) a modification of a kind referred to in section 21(3) of the Commonwealth Act.

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

15 Section 28(2)(b)—delete "section 21(2)" and substitute:

section 21(2) or (3)

7—Amendment of section 37—Sale of films

Section 37(2)(b)—delete "section 21(2)" and substitute:

section 21(2) or (3)

8—Amendment of section 54—Sale or demonstration of computer game in public place

Section 54—after its present contents (now to be designated as subsection (1)) insert:

- 25 (2) Subsection (1) is not contravened by the sale or demonstration of a classified computer game with modifications referred to in section 21(2) or (3) of the Commonwealth Act.

9—Repeal of Part 8

Part 8—delete the Part

Schedule 1—Transitional provisions

1—Exemptions

- 30 (1) A direction under section 76 of the *Classification (Publications, Films and Computer Games) Act 1995* (as in force immediately before the commencement of section 9 of this Act) that the Act does not apply to or in relation to a film, publication, computer game or advertisement continues according to its terms after the commencement of section 9 of this Act.

(2) A direction under section 77 of the *Classification (Publications, Films and Computer Games) Act 1995* (as in force immediately before the commencement of section 9 of this Act) that the Act does not apply, or any of the provisions of that Act do not apply, to an organisation in relation to the exhibition of a film at an event continues according to its terms after the commencement of section 9 of this Act.

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(3) If an application, being an application made to the Minister or National Director under Part 8 of the *Classification (Publications, Films and Computer Games) Act 1995* before the commencement of section 9 of this Act, was not determined by the Minister or National Director before that commencement, then the application is taken not to have been made and any fee paid in respect of the application must be refunded to the person who made the application.

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