

# Classification of Films and Publications (Amendment) Bill

## EXPLANATORY MEMORANDUM

*Clause 1* sets out the purpose of the Act.

*Clause 2* provides for the Act to come into operation on the day on which it receives Royal Assent, except for section 5 (2) which is deemed to have come into operation on 19 June 1990.

*Clause 3* defines the **Classification of Films and Publication Act 1990** as the Principal Act.

*Clause 4* inserts a new section 74 into the Principal Act.

Section 74 (1) provides that a video tape or disc that is classified under the Australian Capital Territory's Classification of Publications Ordinance 1983 before the commencement of the agreement dated 25 October 1994 under section 4 of the Principal Act as "G", "PG", "M", "MA" or "R" is deemed to have the same classification under the Principal Act. A video tape or video disc that is classified "X" under the A.C.T. Ordinance is deemed to have been refused classification under the Principal Act.

Section 74 (2) provides that a video tape or video disc which has been refused approval under the Ordinance before the commencement of the agreement under section 4 of the Principal Act is deemed to have been refused classification under the Principal Act.

Section 74 (3) provides for the circumstances when the deemed classification or deemed refusal of classification ceases.

Section 74 (4) excludes the operation of sections 74 (1), (2) and (3) where a video tape or video disc was seized in the purported enforcement of the Act before the commencement of the agreement under section 4 of the Principal Act.

Section 74 (5) provides that no action will lie against a member of the police (or a person assisting) for anything done in the purported enforcement of the Principal Act by them in the honest belief that a video tape or video disc seized before the commencement of the agreement under section 4 of the Principal Act had been or would be refused classification by the censor.

*Clause 5* makes certain amendments to the Principal Act for statute law revision purposes.

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