

Queensland



Classification of Computer Games and Images (Interim) Act 1995

CLASSIFICATION OF COMPUTER GAMES AND IMAGES (INTERIM) REGULATION 1995

Reprinted as in force on 28 June 1995
(Regulation not amended up to this date)

Reprint No. 1 *

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the Office of the Queensland Parliamentary Counsel
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NOT FURTHER AMENDED
LAST REPRINT BEFORE REPEAL
See 2005 SL No. 210 s 27

* Minor differences in style between this reprint and another reprint with the same number are due to the conversion to another software program. The content has not changed.

Information about this reprint

This regulation is reprinted as at 28 June 1995.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have been made to use aspects of format and printing style consistent with current drafting practice (s 35).

See endnotes for information about when provisions commenced.

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[reprinted as in force on 28 June 1995]

1 Short title

This regulation may be cited as the *Classification of Computer Games and Images (Interim) Regulation 1995*.

2 Definition

In this regulation—

“**tribunal**” means the Computer Games and Images Appeals Tribunal.

3 Establishment of tribunal

(1) The Computer Games and Images Appeals Tribunal is established.

(2) The tribunal is the appeal body under the Act.

4 Composition of tribunal

The tribunal consists of the chairperson and 2 other members.

5 Appointment of members

(1) The Governor in Council appoints the members of the tribunal.

(2) The members are appointed on a part-time basis.

6 Qualifications for appointment

A person is eligible for appointment as chairperson of the tribunal only if the person is a lawyer of at least 5 years standing.

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7 Term of appointment

(1) A member of the tribunal is appointed for the term stated by the Governor in Council in the instrument of appointment.

(2) The term must not be longer than 3 years.

8 Remuneration and allowances

A member of the tribunal is entitled to be paid the remuneration and allowances decided by the Governor in Council.

9 Resignation

A member of the tribunal may resign by signed notice given to the Governor.

10 Disclosure of interests

(1) Subsection (2) applies if a member of the tribunal has or acquires a financial or other interest that could conflict with the proper performance of the member's functions for an appeal.

(2) The member—

- (a) must disclose the interest to the parties to the appeal; and
- (b) may take part in the appeal or exercise a power for the appeal only with the consent of the parties to the appeal.

(3) Subsection (4) applies if the chairperson of the tribunal becomes aware a member of the tribunal has, for an appeal, an interest of the kind mentioned in subsection (1).

(4) The chairperson must—

- (a) if the chairperson considers the member should not take part, or continue to take part, in the appeal—direct the member accordingly; or
- (b) if paragraph (a) does not apply—cause the interest of the member to be disclosed to the parties to the appeal if the interest has not already been disclosed to them.

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11 Removal of member from office

The Governor in Council may remove a member of the tribunal from office if the member—

- (a) becomes incapable of performing satisfactorily the duties of a member because of physical or mental incapacity; or
- (b) is convicted of an indictable offence; or
- (c) is guilty of misconduct as a member; or
- (d) contravenes section 10¹ or a direction given under the section.

12 Acting appointments

The Governor in Council may appoint a person to act as chairperson or other member of the tribunal—

- (a) during a vacancy in the office; or
- (b) during any period, or during all periods, when the chairperson or other member is absent from duty or from the State or cannot, for another reason, perform the functions of the office.

13 Proceedings of tribunal

(1) The tribunal must sit at the times and places the chairperson decides.

(2) The chairperson may give directions about the arrangements for an appeal before the tribunal.

(3) The computer games classification officer is a party to an appeal before the tribunal.

14 Representation before tribunal

(1) At the hearing of an appeal before the tribunal, a party to the appeal may appear in person or be represented by someone else.

(2) The party's representative need not be a lawyer.

¹ Section 10 (Disclosure of interests)

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15 Procedure of tribunal

In an appeal before the tribunal—

- (a) the procedure of the tribunal is within the discretion of the tribunal; and
- (b) the appeal is to be conducted with as little formality and technicality, and with as much expedition, as a proper consideration of the matters before the tribunal permit; and
- (c) the tribunal is not bound by the rules of evidence and may inform itself on anything in the way it considers appropriate; and
- (d) the tribunal must observe the rules of natural justice.

16 Hearing of appeal open to public unless tribunal otherwise orders

- (1) The hearing of an appeal by the tribunal is open to the public.
- (2) However, the tribunal may order the hearing be held in private if—
 - (a) the appeal is about a computer game; and
 - (b) the tribunal is satisfied the appeal should be heard in private because of the game's nature.
- (3) The tribunal may, by order, give directions about the persons who may be present at a hearing held in private.

17 Particular powers of tribunal

- (1) The tribunal may—
 - (a) take evidence on oath or affirmation; or
 - (b) proceed in the absence of a party who has had reasonable notice of the appeal; or
 - (c) adjourn the appeal.
- (2) The chairperson—
 - (a) may require a person appearing before the tribunal to give evidence either to take an oath or to make an affirmation; and
 - (b) may administer an oath or affirmation to the person.

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(3) The oath or affirmation is an oath or affirmation that the evidence the person will give will be true.

(4) The tribunal may permit a person appearing as a witness before the tribunal to give evidence by tendering a written statement, verified, if the tribunal directs, by oath or affirmation.

18 Power of tribunal to dismiss appeal or strike out party

(1) This section applies if a party to an appeal before the tribunal who has had reasonable notice of the appeal does not appear at the hearing of the appeal.

(2) The tribunal may—

- (a) if the only other party to the appeal is the person who made the decision being appealed—dismiss the appeal; or
- (b) if paragraph (a) does not apply—direct that the person who did not appear is to cease to be a party to the appeal.

19 General powers

The tribunal may do all other things necessary or convenient to be done for or in connection with the hearing and determination of the appeal.

20 When decision of tribunal comes into effect

A decision of the tribunal comes into effect when it is made or, if a later day is stated in the decision, the later day.

21 Reasons to be given by tribunal

(1) The tribunal must give written reasons for its decision on an appeal.

(2) The tribunal must cause a written copy of its reasons to be given to each party to the appeal.

22 Refusal of witness to be sworn or answer questions

(1) A person appearing as a witness at a hearing of an appeal to the tribunal must not fail, without reasonable excuse—

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- (a) to be sworn or to make an affirmation; or
- (b) to answer a question that the person is required to answer by a member of the tribunal.

Maximum penalty—20 penalty units.

(2) It is a reasonable excuse for a person to fail to answer a question if answering the question might tend to incriminate the person.

23 False or misleading evidence

(1) A person appearing as a witness before the tribunal must not give false or misleading evidence.

Maximum penalty—20 penalty units.

(2) In this section—

“false or misleading evidence” means evidence—

- (a) that the person giving it knows is false or misleading in a material particular; or
- (b) from which the person giving it has omitted something, knowing the omission makes the evidence misleading in a material particular.

24 Contempt of tribunal

A person must not—

- (a) insult a member of the tribunal in relation to the performance of his or her functions as a member; or
- (b) interrupt the hearing of an appeal by the tribunal; or
- (c) create a disturbance, or take part in creating or continuing a disturbance, in or near a place where the tribunal is sitting.

Maximum penalty—20 penalty units.

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25 Obstructing tribunal

A person must not knowingly obstruct, or attempt to obstruct, the conduct of a hearing of the tribunal.

Maximum penalty—20 penalty units.

ENDNOTES

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the Classification of Computer Games and Images (Interim) Regulation 1995 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	prev	= previous
amd	= amended	(prev)	= previously
amdt	= amendment	proc	= proclamation
ch	= chapter	prov	= provision
def	= definition	pt	= part
div	= division	pubd	= published
exp	= expires/expired	R[X]	= Reprint No.[X]
gaz	= gazette	RA	= Reprints Act 1992
hdg	= heading	reloc	= relocated
ins	= inserted	renum	= renumbered
lap	= lapsed	rep	= repealed
notfd	= notified	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 1992
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered

4 List of legislation

Classification of Computer Games and Images (Interim) Regulation 1995 SL No. 149
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