

1994

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

CLASSIFICATION (PUBLICATIONS, FILMS AND  
COMPUTER GAMES) BILL 1994

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Amendments and new clauses to be moved on behalf of the Government.

(Circulated by authority of the Attorney-General,  
the Honourable Michael Lavarch, MP.)

## CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) BILL 1994

### OUTLINE OF AMENDMENTS

These amendments make a number of miscellaneous changes to the Bill. Some of the amendments follow a discussion of the Bill at the meeting of Commonwealth, State and Territory Censorship Ministers on 21 July 1994.

2. The amendments will:

exclude the need to classify a business, accounting, professional, scientific or educational film unless it contains visual images that would warrant an 'MA', 'R', 'X' or 'RC' classification. This brings all films into line with similar exemptions granted under the Bill to computer games;

delete the exclusion of computer bulletin boards from the definition of 'film' and 'computer game'. Although the Government has not made a decision on the regulation of material on computer bulletin boards, the removal of this exclusion will allow the Classification Board to classify material on computer bulletin boards should there be a future requirement (for example, in relation to a prosecution) to do so. Under the Bill there will be no requirement to submit material on computer bulletin boards for classification until there is some compulsion to do so e.g. through a Commonwealth, State or Territory offence provision;

give the Classification Board a discretion to decide to deal with material as a computer game where it falls on the borderline between material caught by the definition of 'film' and that caught by the definition of 'computer game'; and

make it clear that the Classification Board can perform services in relation to material on a telecommunications network, for example the provision of advice in response to complaints about material on the 0055 telephone service.

### Financial Impact Statement

3. The amendments are not expected to have any financial impact on the Commonwealth.

## Clause 5: Definitions

### Amendment 1

4. This amendment omits paragraph (a) of the definition of 'computer game'.
5. Paragraph (a) excludes from the definition of 'computer game' material on a computer bulletin board. The removal of this exclusion will enable the Classification Board to classify computer games on computer bulletin boards if there is some requirement to do so under other Commonwealth, State or Territory legislation.

### Amendment 2

6. This amendment adds an 'or' at the end of paragraph (b) in the definition of 'computer game'. This corrects a drafting error in the Bill.

### Amendment 3

7. This amendment deletes paragraphs (c) and (d) from the definition of 'film' and inserts a new paragraph (c).
8. Paragraph (c) in the Bill excludes from the definition of 'film' material on a computer bulletin board. The removal of this exclusion will enable the Classification Board to classify films on computer bulletin boards if there is some requirement to do so under other Commonwealth, State or Territory legislation.
9. New paragraph (c) has the effect of excluding the need to classify a business, accounting, professional, scientific or educational film unless the film contains a visual image that would be likely to cause the film to be classified 'MA', 'R', 'X' or 'RC'. This brings films generally into line with the exclusion provided for computer games. Under the repealed paragraph (d), the exemption was limited to business, accounting, professional, scientific or educational films containing computer generated images.

### Discretion of Board

### Amendment 4

10. This amendment will insert a new clause 14A in the Bill. Under the new clause, the Classification Board must, where an application is made for the classification of a recording containing a computer generated image as a film,

decline to deal with the application if it considers that the recording is more appropriately dealt with as a computer game. In reaching this decision the Board is to have regard to the definition of 'computer game' in clause 5 of the Bill, the degree of interactivity involved and the nature of the visual images produced.

11. This provision is not intended to allow the Board to override the definitions in an arbitrary way. It is directed at a case where there is doubt as to whether the material is caught by the definition of 'film' or 'computer game'.

12. Where the Board declines to deal with the application, the applicant is to be notified of the decision and the reasons for it. The applicant is to be invited to provide the additional material required (and any additional fees) to enable the application to be dealt with as an application for classification of a computer game.

13. Where an applicant is dissatisfied with the decision of the Board, a review of the decision on the merits may be sought from the Classification Review Board (see definition of decision in clause 5 and clause 41 of the Bill).

#### Additional functions of Board

#### Amendment 5

14. This amendment inserts a new clause 86A to empower the Director, with the approval of the Minister, to enter into an arrangement with a person for the performance of services by the Board in relation to material on a telecommunications or other communications service. This provision ensures that the new Classification Board will be able to perform functions currently performed by Censorship Board members in relation to material on the 0055 service and similar services that may arise in the future.

