



# **Classification (Publications, Films and Computer Games) Amendment Act (No. 1) 2001**

**No. 13, 2001**





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**An Act to amend the *Classification (Publications,  
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related purposes**



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**An Act to amend the *Classification (Publications,  
Films and Computer Games) Act 1995*, and for  
related purposes**

[Assented to 22 March 2001]

The Parliament of Australia enacts:

## **1 Short title**

This Act may be cited as the *Classification (Publications, Films  
and Computer Games) Amendment Act (No. 1) 2001*.

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## **2 Commencement**

- (1) Subject to subsection (2), this Act commences on a day to be fixed by Proclamation.
- (2) If this Act does not commence within the period of 12 months beginning on the day on which it receives the Royal Assent, it commences on the first day after the end of that period.

## **3 Schedule(s)**

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.



## Schedule 1—Amendment of the Classification (Publications, Films and Computer Games) Act 1995

### 1 Section 5

Insert:

*add-on* means a computer program, data associated with a computer program or a computer program and any associated data referred to in subsection 5A(2).

### 2 Section 5 (at the end of the definition of *advertisement*)

Add:

; but does not include:

- (d) advertising for an exempt film or exempt computer game; or
- (e) advertising, in an imported publication, for a publication, film or computer game that has not been published in Australia; or
- (f) advertising, in an imported film or computer game that is in a form that cannot be modified, for a film or computer game that has not been published in Australia (the *advertised film or game*), whether or not the advertised film or game is later published in Australia.

### 3 Section 5 (definition of *computer game*)

Repeal the definition.

### 4 Section 5 (definition of *contentious material*)

Repeal the definition, substitute:

*contentious material*, in relation to a film or computer game, means material that would be likely to cause it to be classified:

- (a) for a film—M or a higher classification; or
- (b) for a computer game—M (15+) or a higher classification.

### 5 Section 5 (definition of *decision*)

Repeal the definition, substitute:

**decision** means a decision of the Board:

- (a) to classify or refuse to classify a publication, film or computer game (including a decision of the Board under section 39 or 97A); or
- (b) to determine the consumer advice to apply to a publication, film or computer game; or
- (c) to approve or refuse to approve an advertisement for a publication, film or computer game (including a decision of the Board under section 39) or to impose conditions on such an approval; or
- (d) to grant a certificate of exemption for a film; or
- (e) to decline to deal with or to deal further with an application under this Act; or
- (f) to make or refuse to make a declaration under subsection 13(3); or
- (g) to revoke such a declaration; or
- (h) to impose a condition under section 13A; or
- (i) to revoke the classification of a film or computer game under section 21A; or
- (j) to revoke the classification of, or consumer advice for, a publication, film or computer game under section 22B; or
- (k) to grant or refuse to grant a certificate under Division 6 of Part 2; or
- (l) to revoke such a certificate.

## **6 Section 5**

Insert:

**exempt computer game** has the meaning given by section 5B, and includes a game for which a certificate is in force under Division 6 of Part 2.

## **7 Section 5**

Insert:

**exempt film** has the meaning given by section 5B, and includes a film for which a certificate is in force under Division 6 of Part 2.

## **8 Section 5 (definition of *film*)**

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After “can be produced”, insert “(together with its sound track)”.

**9 Section 5 (paragraph (c) of the definition of *film*)**

Repeal the paragraph.

**10 Section 5**

Insert:

*interactive film* means a film to which subsection 14(4) applies.

**11 Section 5 (definition of *submittable publication*)**

Repeal the definition, substitute:

*submittable publication* means an unclassified publication that, having regard to the Code and the classification guidelines to the extent that they relate to publications, contains depictions or descriptions that:

- (a) are likely to cause the publication to be classified RC; or
- (b) are likely to cause offence to a reasonable adult to the extent that the publication should not be sold or displayed as an unrestricted publication; or
- (c) are unsuitable for a minor to see or read.

**12 Section 5 (definition of *work*)**

Repeal the definition, substitute:

*work* means:

- (a) a cinematic composition that:
  - (i) appears to be self-contained; and
  - (ii) is produced for viewing as a discrete entity; or
- (b) a computer game that is produced for playing as a discrete entity;

but does not include an advertisement.

**13 After section 5**

Insert:

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**5A Meaning of *computer game***

- (1) A ***computer game*** is a computer program and any associated data capable of generating a display on a computer monitor, television screen, liquid crystal display or similar medium that allows the playing of an interactive game.
- (2) A computer program, data associated with a computer program or a computer program and any associated data that:
  - (a) is capable of generating new elements or additional levels into a game (the ***original game***) that is a computer game under subsection (1); and
  - (b) is contained in a device separate from that containing the original game;is also a ***computer game***.
- (3) However, a ***computer game*** does not include an advertisement for a publication, film or computer game.

**5B Exempt films and exempt computer games**

- (1) Subject to subsection (3), a film specified in this table is an ***exempt film***. Applications for classification of exempt films are not necessary.

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<b>Exempt films</b>		
<b>Item</b>	<b>Type</b>	<b>Description</b>
1	Business	A film of a promotional, technical or similar nature for use in the course of a business or trade
2	Accounting	A film for use in the keeping or verification of accounts
3	Professional	A film of a promotional, technical or similar nature for use in the course of a profession
4	Scientific	A film for use pursuant to a branch of knowledge conducted on objective principles involving the systemised observation of, and experiment with, phenomena
5	Educational	A film whose main purpose is for training, instruction or reference, as a manual, a lesson, an encyclopaedia or a guide

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<b>Exempt films</b>		
<b>Item</b>	<b>Type</b>	<b>Description</b>
6	Current affairs	A film wholly comprising news reports or information about, or analysis of, current issues or events of public interest or importance
7	Hobbyist	A film wholly comprising a documentary record of a hobby or activity
8	Sporting	A film wholly comprising a documentary record of a sporting event
9	Family	A film wholly comprising a documentary record of a family event or activity
10	Live performance	A film wholly comprising a documentary record of a live artistic performance or that is used within such a performance
11	Musical presentation	A film wholly comprising a musical presentation
12	Religious	A film wholly comprising a documentary record of a religious event or activity
13	Community or cultural	A film wholly comprising a documentary record of a community or cultural activity or event

(2) Subject to subsection (3), a computer game is an **exempt computer game** if it forms part of or is included in computer software specified in this table. Applications for classification of exempt computer games are not necessary.

<b>Exempt computer games</b>		
<b>Item</b>	<b>Type</b>	<b>Description</b>
1	Business	Software for use in the course of a business or trade
2	Accounting	Software for use in the keeping or verification of accounts
3	Professional	Software for use in the course of a profession
4	Scientific	Software for use pursuant to a branch of knowledge conducted on objective principles involving the systemised observation of, and experiment with, phenomena

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<b>Exempt computer games</b>		
<b>Item</b>	<b>Type</b>	<b>Description</b>
5	Educational	Software whose main purpose is for training, instruction or reference, as a manual, a lesson, an encyclopaedia or a guide

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*Exceptions*

- (3) However, a film or computer game is not an *exempt film* or an *exempt computer game* if it contains:
- (a) an advertisement that has been refused approval; or
  - (b) an advertisement for an unclassified film or computer game; or
  - (c) an advertisement for a film that has been classified M or a higher classification or an advertisement for a computer game that has been classified M (15+) or a higher classification; or
  - (d) for a film—material that would be likely to cause it to be classified M or a higher classification; or
  - (e) for a computer game—material that would be likely to cause it to be classified M (15+) or a higher classification.

**15 At the end of section 8**

Add:

- (2) A determination may specify additional material for markings for an add-on.
- (3) A determination may specify additional material for markings for a publication that has been classified subject to a condition under section 13A.
- (4) A determination may specify:
  - (a) markings for a film or computer game for which a certificate is in force under Division 6 of Part 2; and
  - (b) the manner in which the markings are to be displayed.

**16 Subsection 10(2)**

Repeal the subsection, substitute:

- (2) Subsection (1) does not require an application for a reclassification of a publication, film or computer game under section 39 or a reclassification of a publication or film under section 97A.

### **17 At the end of section 13**

Add:

- (2) If an application is made for classification of a publication that is an issue of a periodical (the *original issue*), the applicant may request that the classification granted for the original issue apply also to all or some future issues.
- (3) The Board may, if the applicant pays the prescribed fee (if any), declare that the classification granted for the original issue applies also to:
- (a) all future issues; or
  - (b) a specified number of future issues; or
  - (c) all future issues published within a specified period.
- (4) In deciding whether to make a declaration under subsection (3), the Board must have regard to written principles determined by the Director and agreed to by the Minister. The Minister may only agree to the principles if the Minister has consulted the participating Ministers about them.
- (5) If the Board makes a declaration under subsection (3) for some or all future issues of a publication and the Board is of the opinion that an issue of the publication covered by the declaration:
- (a) contains material that, if the issue were being classified separately, would cause it to be classified with a higher classification than the original issue; or
  - (b) contains an advertisement that has been refused approval;
- the Board must revoke the declaration so far as it affects that issue and any future issues. The Board must also revoke approval of any approved advertisement for those issues of the publication.

### **18 After section 13**

Insert:

### **13A Conditions of certain classifications for publications**

- (1) The Board may, if it classifies a publication Unrestricted, impose a condition that it not be sold, displayed for sale or delivered unless it is contained in a sealed package.
- (2) The Board may, if it classifies a publication Category 1 restricted, impose a condition that it not be sold, displayed for sale or delivered unless it is contained in a sealed package made of plain, opaque material.

### **19 Before subparagraph 14(1)(d)(i)**

Insert:

- (ia) a copy of the film; and

### **20 Subparagraph 15(1)(b)(i)**

Omit “section 5”, substitute “section 5A”.

### **21 After subsection 15(1)**

Insert:

(1A) If:

- (a) an application is made for the classification of material as a computer game; and
- (b) the Board is of the opinion that the material is more appropriately dealt with as a film having regard to:
  - (i) the definition of *film* in section 5; and
  - (ii) whether, or the extent to which, the material is or involves an interactive game;

the Board must decline to deal with the application.

### **22 Paragraph 15(2)(b)**

After “computer game”, insert “or of a film, as the case requires”.

### **23 Subsection 15(3)**

After “computer game”, insert “or of a film, as the case requires,”.

### **24 Subsection 15(4)**

After “computer game”, insert “or of a film, as the case requires,”.



## **25 Section 16**

Repeal the section, substitute:

### **16 Board may decline to deal with application if more than one work involved**

- (1) If:
- (a) an application is made for classification of a film or computer game; and
  - (b) the film or game is contained on more than one device and each device contains a separate work;
- the Board may decline to deal with the application.
- (2) If the Board declines to deal with the application under this section, the Director must, within 14 days after the decision is made:
- (a) notify the applicant in writing of the decision and of the reasons for the decision; and
  - (b) invite the applicant to submit an application for classification of each work as a separate film or computer game.

### **26 After paragraph 17(1)(c)**

Insert:

- (ca) accompanied by a copy of the game unless the game is an amusement or circuit board game that, in the opinion of the Board, is physically impracticable to submit to the Board's premises for classification; and
- (cb) if the application is for classification of a computer game that is an add-on—accompanied by a copy of the computer game into which the add-on is capable of generating new elements or additional levels; and

### **27 Subsection 17(2)**

Repeal the subsection, substitute:

- (2) If any part of a computer game is likely to be regarded as containing contentious material, the application must also be accompanied by:

- (a) particulars of that material and of the means by which access to it may be gained; or
  - (b) a separate recording of that material.
- (2A) If the application is for a computer game that is an add-on, the Board must classify the add-on with the computer game into which the add-on is capable of generating new elements or additional levels.

## **28 Subsection 18(1)**

Repeal the subsection, substitute:

- (1) The Board must assume, in classifying a publication, film or computer game, that the publication, film or game will be published only in the form in which it is considered for classification.

Note: The heading to section 18 is altered by inserting “**publication**,” before “**film**”.

## **29 Subsection 18(2)**

Repeal the subsection.

## **30 Paragraph 19(1)(a)**

Repeal the paragraph, substitute:

- (a) the applicant:
  - (i) provides a copy of the film or game for screening or demonstration before the Board; or
  - (ii) for an amusement or circuit board game referred to in paragraph 17(1)(ca) or subsection 22A(3)—allows the Board access to the game; and

## **31 After subsection 19(1)**

Insert:

- (1A) The Board may decline to deal with an application for classification of an interactive film, or decline to deal further with the application, unless the applicant demonstrates the film before the Board.

## **32 Subsection 19(3)**

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Omit “subsection (1) or (2)”, substitute “subsection (1), (1A) or (2)”.

**34 Paragraph 20(1)(b)**

Omit “G,”.

**35 Subsection 20(2)**

Repeal the subsection, substitute:

- (2) If the Board:
- (a) classifies a publication Unrestricted; or
  - (b) classifies a film or computer game G;
- it may determine consumer advice giving information about the content of the publication, film or game.

Note: The heading to section 20 is altered by inserting “**publications,**” before “**films**”.

**36 Subsection 21(2)**

Repeal the subsection, substitute:

- (2) Subsection (1) does not apply to a modification that consists of:
- (a) including or removing an advertisement, other than an advertisement to which section 22 applies; or
  - (b) for an imported film or computer game that was in a form that cannot be modified and has subsequently been converted to a form that can be modified—removing, from the film or game, material that was advertising referred to in paragraph (f) of the definition of *advertisement* in section 5.

**37 Section 21A**

Repeal the section, substitute:

**21A Revocation of classification of films or computer games that are found to contain contentious material**

If the Board is of the opinion that:

- (a) a classified interactive film or a classified computer game contains contentious material (whether activated through use of a code or otherwise) that was not brought to the Board’s attention in accordance with subsection 14(4) or 17(2) before the classification was made; and

(b) if the Board had been aware of the material before the classification was made, it would have given the film or game a different classification;  
the Board must revoke the classification, and must also revoke approval of any approved advertisement for the film or game.

### **38 Before subsection 22(1)**

Insert:

(1A) A publication must not be classified if it contains an advertisement that has been refused approval.

Note: The heading to section 22 is altered by inserting “**publications,**” before “**films**”.

### **39 Paragraph 22(1)(b)**

Repeal the paragraph, substitute:

- (b) an advertisement:
  - (i) for a film or computer game that has a higher classification; or
  - (ii) that has been refused approval.

### **40 Subsection 22(2)**

Omit “Subsection (1) does not prevent a film”, substitute “Subsection (1A) or (1) does not prevent a publication, film”.

### **41 At the end of section 22A**

Add:

- (3) An enforcement application for classification of a computer game does not have to be accompanied by a copy of the game if the game is an amusement or circuit board game that, in the opinion of the Board, is physically impracticable to submit to the Board’s premises for classification.

### **42 At the end of Division 2 of Part 2**

Add:

**22B Classification of a publication, film or computer game that may be the same as or similar to a classified item**

- (1) The Board may proceed to classify a publication, film or computer game (the *new item*) if:
  - (a) an application is made for its classification; and
  - (b) the Board is of the opinion that the new item may be the same as or similar to another publication, film or game that has already been classified (the *classified item*); and
  - (c) the Board does not have a copy of the classified item and a copy is not available to it; and
  - (d) the Board is not able to ascertain from its records whether the items are identical.
- (2) A classification by the Board of the new item is valid even though the Board may discover, after the classification of the new item, that it is the same as the classified item.
- (3) If:
  - (a) the Board obtains a copy of the classified item; and
  - (b) the Board decides that it is the same as the new item but:
    - (i) the classifications for the classified item and the new item are different; or
    - (ii) the consumer advice for the classified item and the new item are different;the Board must revoke the classification or consumer advice for the classified item.

**43 After Division 3 of Part 2**

Insert:

**Division 3A—Calling in films**

**23A Calling in films for classification**

- (1) If:
  - (a) the Director has reasonable grounds to believe that an unclassified film is not an exempt film; and

- (b) the film is being published in the Australian Capital Territory, or the Director has reasonable grounds to believe that it will be published in the Australian Capital Territory; the Director may, by notice in writing given to the publisher of the film, require the publisher to submit an application for classification of the film.
- (2) The Director must cause notice of a decision under subsection (1) to be published in the *Gazette*.
- (3) A person to whom a notice under this section is given must, within 3 business days after receiving the notice, comply with the notice.
- Penalty: 20 penalty units.
- (4) An offence against subsection (3) is a strict liability offence.
- (5) It is a defence to a prosecution for an offence against subsection (3) if the defendant proves that he or she did not intend to:
- (a) publish the film in the Australian Capital Territory; or
  - (b) cause, authorise, permit or licence the film to be published in the Australian Capital Territory.

#### **44 After subsection 24(1)**

Insert:

(1A) If:

- (a) the Director has reasonable grounds to believe that an unclassified computer game is not an exempt computer game; and
  - (b) the game is being published in the Australian Capital Territory, or the Director has reasonable grounds to believe that it will be published in the Australian Capital Territory;
- the Director may, by notice in writing given to the publisher of the game, require the publisher to submit an application for classification of the game.

#### **45 Subsection 24(2)**

After “subsection (1)”, insert “or (1A)”.

#### **46 After Division 5 of Part 2**

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Insert:

## **Division 6—Certificates for exempt films or computer games**

### **28A Application for certificate**

- (1) A person may apply in writing to the Board for a certificate that:
  - (a) an unclassified film is an exempt film; or
  - (b) an unclassified computer game is an exempt computer game.
- (2) An application must be:
  - (a) made in a form approved by the Director in writing; and
  - (b) signed by or on behalf of the applicant; and
  - (c) accompanied by:
    - (i) the prescribed fee for the relevant category of film or computer game; and
    - (ii) a copy of the film or game; and
    - (iii) if the application is for a computer game that is an add-on—accompanied by a copy of the game into which the add-on is capable of generating new elements or additional levels; and
    - (iv) a statement setting out (briefly) the grounds on which the certificate is sought; and
    - (v) for a film—particulars of any material that could cause it to be classified M or a higher classification and, if it is an interactive film, the means by which access to that material may be gained; and
    - (vi) for a game—particulars of any material that could cause the game to be classified M (15+) or a higher classification and of the means by which access to it may be gained.
- (3) The Board may decline to deal with an application for a certificate, or decline to deal further with the application, unless, in the opinion of the Board, the copy of the film or computer game provided is complete and is adequate to allow a proper consideration of the application.

- (4) The Board may decline to deal with an application for a certificate for an interactive film or a computer game, or decline to deal further with the application, unless the applicant demonstrates the film or game before the Board.

### **28B Granting certificates**

The Board may grant a certificate stating that:

- (a) the film is an exempt film; or
- (b) the computer game is an exempt computer game.

### **28C Revocation of certificate**

If the Board grants a certificate under this Division for a film or a computer game and the Board decides that it contains material that was not brought to the Board's attention before the certificate was granted and that would cause the film or game to be classified:

- (a) for a film—M or a higher classification; or
  - (b) for a game—M (15+) or a higher classification;
- the Board must revoke the certificate.

### **48 At the end of subsection 38(2)**

Add "or whose classification is revoked under section 21A".

### **49 At the end of section 39**

Add:

- (5) If the publisher of the publication, film or computer game resides in the Australian Capital Territory or has an office in the Australian Capital Territory, the Director may, by notice in writing given to the publisher, require the publisher to submit a copy of the publication, film or computer game for the purpose of reclassifying it.

- (6) A person to whom a notice under this section is given must, within 5 business days after receiving the notice, comply with the notice.

Penalty: 20 penalty units.

- (7) An offence against subsection (6) is a strict liability offence.



- (8) It is a defence to a prosecution for an offence against subsection (6) if the defendant proves that he or she did not have a copy of the publication, film or computer game.

## **51 At the end of section 42**

Add:

- (3) Without limiting paragraph (1)(d), if the decision referred to in that paragraph is a restricted decision, the following persons or bodies are taken to be persons aggrieved by the decision:
- (a) a person who has engaged in a series of activities relating to, or research into, the contentious aspects of the theme or subject matter of the publication, film or computer game concerned;
  - (b) an organisation or association, whether incorporated or not, whose objects or purposes include, and whose activities relate to, the contentious aspects of that theme or subject matter.
- (4) However, a person or body is not aggrieved by a restricted decision because of subsection (3) if the decision was made before:
- (a) the person engaged in a series of activities relating to, or research into, the contentious aspects of the theme or subject matter of the publication, film or computer game concerned; or
  - (b) the organisation or association was formed, or its objects or purposes included and its activities related to, the contentious aspects of that theme or subject matter.
- (5) In this section:
- restricted decision** means a decision of the Board:
- (a) to classify a publication Category 1 restricted, Category 2 restricted or RC; or
  - (b) to classify a film MA, R, X or RC; or
  - (c) to classify a computer game MA (15+) or RC.

## **52 After section 42**

Insert:

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**42A Review Board may refuse to deal with certain applications**

The Review Board may refuse to deal with an application for review made by a person referred to in paragraph 42(1)(d), or to deal further with it, if the Review Board is satisfied that the application is frivolous or vexatious or not made in good faith.

**53 At the end of Part 5**

Add:

**44A Obtaining copies for review**

(1) If:

- (a) an application is made for a review of a classification decision by a person who is not the original applicant for classification of the publication, film or computer game concerned; and
- (b) the Board or the Review Board does not have a copy of the publication, film or game and a copy is not available to it; and
- (c) the original applicant or the publisher of the publication, film or game, resides in the Australian Capital Territory or has an office in the Australian Capital Territory;

the Director may, by notice in writing given to the original applicant or publisher, require the original applicant or publisher to make a copy of the publication, film or game available for the purpose of the review.

- (2) A person to whom a notice under this section is given must, within 5 business days after receiving the notice, comply with the notice.

Penalty: 20 penalty units.

- (3) An offence against subsection (2) is a strict liability offence.

- (4) It is a defence to a prosecution for an offence against subsection (2) if the defendant proves that he or she did not have a copy of the publication, film or game.

**53A Paragraph 53(a)**

Omit “24 or 30”, substitute “23A, 24, 30 or 44A”.

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**54 Section 86**

Omit “16 or”.

**55 After subparagraph 91(1)(c)(ii)**

Insert:

or (iii) a short film from a new or emerging film maker;

**56 After section 97**

Insert:

**97A Reclassification**

- (1) The Board may, on its own initiative, reclassify a publication or film where the publication or film was classified, in response to an enforcement application, by the former Board or a censor under the law of one State or Territory only.
- (2) The Board may also, on its own initiative, reclassify a publication or film where the publication or film was classified, in response to an enforcement application, by the former Board or a censor and was given different classifications in different States or Territories.

**57 Application of amendments**

The amendments made by this Schedule (except the amendments made by items 16, 42, 49, 51, 52, 53 and 56) do not apply to:

- (a) a publication, film or computer game first published before the commencement of this Act; or
- (b) a publication, film or computer game for which an application for classification had been made before that commencement.

## Schedule 2—Consequential amendments

### *Broadcasting Services Act 1992*

#### **1 Clause 1 of Schedule 2**

Insert:

*Classification Board* means the Classification Board established by the *Classification (Publications, Films and Computer Games) Act 1995*.

#### **2 Paragraph 7(1)(g) of Part 3 of Schedule 2**

Repeal the paragraph, substitute:

- (g) the licensee will not broadcast a program that has been classified RC or X by the Classification Board;

#### **3 Paragraph 9(1)(g) of Part 5 of Schedule 2**

Repeal the paragraph, substitute:

- (g) the licensee will not broadcast a program that has been classified RC or X by the Classification Board;

#### **4 Paragraph 10(1)(f) of Part 6 of Schedule 2**

Repeal the paragraph, substitute:

- (f) the licensee will not broadcast a program that has been classified RC or X by the Classification Board;

#### **5 Paragraph 10(1)(g) of Part 6 of Schedule 2**

Omit “Office of Film and Literature Classification”, substitute “Classification Board”.

#### **6 Paragraph 11(3)(a) of Part 7 of Schedule 2**

Repeal the paragraph, substitute:

- (a) the licensee will not broadcast a program that has been classified RC or X by the Classification Board;

#### **7 Subclause 11(4) of Part 7 of Schedule 2**

Repeal the subclause, substitute:

- (4) The provision by a person of a subscription television narrowcasting service under a class licence is also subject to the condition that the licensee will not broadcast a program that has been classified RC or X by the Classification Board.

## **12 At the end of clause 16 of Schedule 5**

Add:

- (2) Without limiting paragraph (1)(e), if the classification referred to in that paragraph is a restricted classification, the following persons or bodies are taken to be persons aggrieved by the classification:
- (a) a person who has engaged in a series of activities relating to, or research into, the contentious aspects of the theme or subject matter of the Internet content concerned;
  - (b) an organisation or association, whether incorporated or not, whose objects or purposes include, and whose activities relate to, the contentious aspects of that theme or subject matter.
- (3) However, a person or body is not aggrieved by a restricted classification because of subclause (2) if the classification was made before:
- (a) the person engaged in a series of activities relating to, or research into, the contentious aspects of the theme or subject matter of the Internet content concerned; or
  - (b) the organisation or association was formed, or its objects or purposes included and its activities related to, the contentious aspects of that theme or subject matter.
- (4) In this clause:
- restricted classification* means:
- (a) for Internet content that does not consist of a computer game—the classification MA, R, X or RC; or
  - (b) for Internet content that consists of a computer game—the classification MA (15+) or RC.

## **13 Subclause 21(2) of Schedule 5**

After “22,” insert “23A, 24,”.

**14 Subclause 21(2) of Schedule 5**

Omit “and 28”, substitute “, 28 and 44A, and Division 6 of Part 2,”.

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*[Minister’s second reading speech made in—  
House of Representatives on 8 December 1999  
Senate on 30 October 2000]*

(241/99)