

EXPLANATORY STATEMENT

ISSUED BY THE AUTHORITY OF THE ATTORNEY-GENERAL

Classification (Publications, Films and Computer Games) Act 1995

GUIDELINES FOR THE CLASSIFICATION OF PUBLICATIONS

The *Classification (Publications, Films and Computer Games) Act 1995* (the Act) facilitates the operation of the intergovernmental co-operative legislative scheme for censorship in Australia.

Under section 9 of the Classification Act, publications, films and computer games are to be classified in accordance with the National Classification Code (the Code) and the classification guidelines. The Code is the Code that is amended from time-to-time in accordance with Section 6 of the Classification Act.

Section 12 of the Classification Act also provides that if the Minister (ie Attorney-General) and each participating State and Territory Censorship Minister agree to an amendment of the guidelines, the guidelines are taken to be amended accordingly.

On 17 March 2005 Ministers amended the Code give effect to Australia's international obligations regarding the elimination of child pornography under the International Labour Organisation Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ILO 182).

Consequential amendments to the *Guidelines for the Classification of Publications September 1999* (publications guidelines) are required to ensure consistency with the Code.

The publications guidelines refer to provisions of the Code that were recently amended. Accordingly, it is necessary for these references in the publications guidelines to be updated.

An additional minor amendment to the publications guidelines has also been made to correct an incorrect reference to the jurisdictions which participate in the national classification scheme for publications.

There was no public consultation on the amended guidelines as the amendments were considered minor. The amendments to the guidelines were required to ensure compliance with ILO 182. As pornographic material involving 16 and 17 year olds is already refused classification under paragraph 1(a) of the Code, the amendment was considered minor. Under Part VI of the *Intergovernmental Agreement relating to a revised co-operative legislative scheme for censorship in Australia*, public consultation is required prior to any amendment to the guidelines, except where Ministers consider the proposal minor.

The publications guidelines is a legislative instrument for the purposes of the *Legislative Instruments Act 2003* (LIA). In accordance with sections 44(1) and 55(1) of the LIA, the publications guidelines is not subject to disallowance or sunseting.