

EXPLANATORY STATEMENT

Issued by the Authority of the Minister for Home Affairs

Guidelines for the Classification of Publications Amendment 2008 (No.1)

The *Classification (Publications, Films and Computer Games) Act 1995* (the Act) facilitates the operation of the National Classification Scheme, a cooperative arrangement between the Commonwealth, States and Territories. Under the Act, the Classification Board and Classification Review Board classify films (including videos and DVDs), computer games and certain publications in accordance with the National Classification Code and classification guidelines.

Section 12 of the Act provides that the Minister may, with the agreement of each participating Minister, determine guidelines to assist the Board in applying the criteria in the National Classification Code. For the purposes of the Act, 'participating minister' means a State or Territory Censorship Minister. Subsection 12(3) provides that the guidelines are to be taken to be amended when all participating Ministers have agreed to the amendments.

On 1 July 2007 the Office of Film and Literature Classification (OFLC) was integrated into the Australian Government Attorney-General's Department. The introduction to the *Guidelines for the Classification of Publications 2005* previously read 'Classification is done by the Classification Board (the Board) which is located at the Sydney-based Office of Film and Literature Classification (OFLC).' In accordance with subsection 12(3) of the Act, all Censorship Ministers agreed to amend that sentence so that it reads 'Classification is undertaken by the Classification Board (the **Board**), which is located in Sydney.'

The purpose of the *Guidelines for the Classification of Publications Amendment 2008 (No.1)* is to give effect to the agreement of all Ministers to amend the Publications Guidelines.

State and Territory Censorship Ministers were consulted on, and agreed to, the content of this instrument. Further consultation was unnecessary for the amendments were of an administrative and machinery nature only.

The *Guidelines for the Classification of Publications Amendment 2008 (No.1)* is a legislative instrument for the purposes of the *Legislative Instruments Act 2003* (the LIA). The instrument is exempt from disallowance and sun-setting by virtue of subsection 44(1) and subsection 54(1) of the LIA respectively.