

## **EXPLANATORY STATEMENT**

Issued by the Authority of the Minister for Justice  
*Classification (Publications, Films and Computer Games) Act 1995*  
*Classification (Authorised Television Series Assessor Scheme) Amendment (Consumer Advice) Determination 2014*

The *Classification (Publications, Films and Computer Games) Act 1995* (the Act) facilitates the operation of the co-operative legislative scheme for classification in Australia. The Act provides for the classification of films, computer games and some publications.

### **Authority for making the instrument**

Subsection 14B(3) of the Act provides that the Minister may, by legislative instrument, determine a scheme relating to the assessment of television series films. The *Classification (Authorised Television Series Assessor Scheme) Determination 2008* (the determination) specifies the details of the scheme relating to the assessment of television series films. The legislative instrument amends the determination.

### **Purpose of instrument**

This legislative instrument makes a minor consequential amendment to the determination necessitated by the commencement of Schedule 5 of the *Classification (Publications, Films and Computer Games) Amendment (Classification Tools and Other Measures) Act 2014* (Amending Act). The legislative instrument amends the determination so that consumer advice must be recommended for television series films assessed as G.

### **Issues giving rise to the need for the instrument**

Before the commencement of Schedule 5 of the Amending Act, the Act required the Classification Board (the Board) to determine consumer advice giving information about the content of a film only if the Board classified the film PG or higher. Paragraph 20(1)(a) of the Act, as amended, obliges the Board to also determine consumer advice for films that it classifies G.

The determination required an assessor of a television series film to recommend consumer advice for films assessed as PG or higher. Consistent with the amendment to the Act, a minor consequential amendment is made to the determination to require that consumer advice should also be recommended for television series films that are assessed as G. Details of the legislative instrument are included in the [Attachment](#).

### **Consultation**

Subsection 14B(5) of the Classification Act provides that the Minister must consult with state and territory Ministers with responsibility for classification (Classification Ministers) before determining a scheme relating to the assessment of television series films. Classification Ministers agreed to the determination in November 2008. Further consultation with Classification Ministers is not required for a minor change to the determination.

At the April 2013 meeting of the Standing Council on Law and Justice, Classification Ministers agreed that reform of the National Classification Scheme should be carried out in stages, beginning with a ‘first tranche’ of reforms to be implemented in the short term. Ministers noted a number of minor and technical amendments to the Act were being proposed. The mandatory provision of consumer advice for material classified G was a minor amendment.

Subsection 18(2) of the *Legislative Instruments Act 2003* (LIA) states that a rule-maker may be satisfied that consultation is unnecessary or inappropriate if an instrument is of a minor or machinery nature and does not substantially alter existing arrangements. The legislative instrument makes a minor consequential amendment to the authorised television series assessor scheme as a result of an amendment to the Act. Consultation is therefore unnecessary.

### **Commencement**

The legislative instrument commences on 11 December 2014.

In accordance with subsections 44(1) and 54(1) of the LIA, the legislative instrument is not subject to disallowance or sunseting because the Act facilitates the establishment or operation of an intergovernmental scheme involving the Commonwealth and one or more of the states, and authorises the instrument to be made by the Minister.

The Hon Michael Keenan MP  
Minister for Justice

Details of the *Classification (Authorised Television Series Assessor Scheme) Amendment (Consumer Advice) Determination 2014*

Section 1– Name

This section provides that the title of the instrument is *Classification (Authorised Television Series Assessor Scheme) Amendment (Consumer Advice) Determination 2014*.

Section 2 – Commencement

Section 2 provides for the instrument to commence on 11 December 2014.

Section 3 – Amendment of *Classification (Authorised Television Series Assessor Scheme) Determination 2008*

Section 3 omits the words “if the recommended classification is PG or higher” in Part 4, subsection 10(e) of the determination.

This means that an assessment of a television series film under section 14B of the Act must include a recommendation for appropriate consumer advice for a television series film assessed as G. It changes the previous requirement that consumer advice only had to be recommended for a television series film assessed as PG or higher.