

EXPLANATORY STATEMENT

Issued by the Authority of the Minister for the Arts
Classification (Publications, films and Computer Games) Act 1995
Classification (Publications, Films and Computer Games) (Markings and Consumer Advice)
Amendment Determination 2015

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 sets out procedures for the classification of films, computer games and some publications.

Authority for making the instrument

Subsection 8(1) of the Act enables the Minister, by legislative instrument, to determine markings for each type of classification giving information about the classification and principles relating to the display of the markings and consumer advice.

Subsection 8(1A) of the Act provides that the Minister may determine principles relating to the manner in which the markings are to be displayed.

Subsection 8(1B) of the Act provides that the Minister may determine principles relating to the manner in which the consumer advice is to be displayed.

Purpose of the instrument

This legislative instrument extends an exemption with regard to advertising in Part 4 of the *Classification (Publications, Films and Computer Games) (Markings and Consumer Advice) Determination 2014* until 1 February 2017.

Issues giving rise to the need for the instrument

On 11 September 2014, the *Classification (Publications, Films and Computer Games) Amendment (Classification Tools and Other Measures) Act 2014* (Amending Act), which amended the Act to introduce these reforms, received Royal Assent. Schedule 5 of the Amending Act, which contains the relevant amendments on determined markings and consumer advice, commenced on 11 December 2014.

To allow for sufficient time for the cinema exhibition industry to adapt their systems and procedures and incorporate advances in digital technology, an exemption was included in the instrument, giving industry a 12 month period to work with the department to assist with compliance with the determination when the exemption ends. This exemption will expire 11 December 2015.

Industry has since indicated that it is unable to comply with this requirement and has requested an extension of the exemption, until 1 February 2017. This extension will allow sufficient time for the department to work with industry to develop and pilot a technological solution and for industry to train staff to ensure a smooth and efficient transition enabling industry to comply with classification laws.

Consultation

The department consulted state and territory classification officials and the following stakeholders.

Industry bodies: Dendy, Film Exhibition and Distribution Code Administration Committee (FEDCAC), Independent Cinema Association of Australia (ICAA), Motion Picture Distributors Association of Australia (MPDAA), National Association of Cinema Operators (NACO) and Sony Pictures.

Industry is supportive of an extension to the expiry of the exemption. The extension will provide sufficient time for the department to work with industry to develop and pilot a technological solution and for industry to train staff to ensure a smooth and efficient transition to the new arrangements.

Commencement

This legislative instrument commences on the day it is registered.

In accordance with subsections 44(1) and 45(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 allowing the Commonwealth and one or more of the states, and authorises the instrument by made by the Minister.

Sen the Hon Mitch Fifield
Minister for the Arts