

# House of Representatives

## Supplementary Order Paper

Thursday, 3 February 2005

### Films, Videos, and Publications Classification Amendment Bill

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#### *Proposed amendments*

Hon Phil Goff, in Committee, to move the following amendments:

*Clause 3(2)*

To omit the word “omitting” (line 7 on page 3), and substitute the word “repealing”.

*New clause 13A*

To insert, after *clause 13* (after line 7 on page 13), the following clause:

**13A Right of review**

- (1) Section 47 of the principal Act is amended by repealing subsection (3), and substituting the following subsections:
  - “(3) Every application for the leave of the Secretary under subsection (2)(e) must—
    - “(a) be made in the prescribed manner; and
    - “(b) be lodged with the Secretary before the deadline specified in **subsection (3A)**.
  - “(3A) The deadline referred to in **subsection (3)(b)** is the end of ordinary office hours on the 20th working day after the day on which the relevant decision of the Classification Office is, in accordance with section 40(3), first made open to inspection by the public in a list produced in accordance with section 40(1).”
- (2) The amendment in this section applies only in respect of a decision of the Classification Office made on or after the commencement of this section.

*Clause 14*

To omit *new section 48(1)(b)* (lines 11 to 16 on page 13), and substitute the following paragraph:

“(b) be lodged with the Secretary before the relevant deadline specified in **section 48A**; and” .

To add, as *subclauses (2) and (3)* (after line 16 on page 13), the following subclauses:

- (2) Section 48 of the principal Act is amended by repealing subsection (2), and substituting the following subsection:
  - “(2) On receiving under this section an application for review the Secretary must, if satisfied that it complies with subsection (1), forward it forthwith to the President of the Board.”
  - (3) The amendments in this section and **section 14A** apply only in respect of a decision of the Classification Office made on or after the commencement of this section.

*New clause 14A*

To insert, before *clause 15* (line 17 on page 13), the following clause:

**14A New section 48A inserted**

- (1) The principal Act is amended by inserting, after section 48, the following section:

**“48A Deadline for lodging applications for review**

The deadline referred to in **section 48(1)(b)** is,—

“(a) if the person concerned requires the leave of the Secretary under section 47(2)(e) in order to seek the review, the end of ordinary office hours on whichever is the later of the following:

“(i) the 5th working day after the day on which that leave is granted by the Secretary; or

“(ii) the 30th working day after the day on which the relevant decision of the Classification Office is, in accordance with section 40(3), first made open to inspection by the public in a list produced in accordance with section 40(1); and

“(b) in every other case, the end of ordinary office hours on the 30th working day after the day on which the relevant decision of the Classification Office is, in accordance with section 40(3), first made open to inspection by the public in a list produced in accordance with section 40(1).”

- (2) Section 31 of the principal Act is consequentially amended by repealing paragraphs (c) and (d), and substituting the following paragraphs:

- “(c) if no application for a review of that decision is lodged pursuant to section 47 before the relevant deadline specified in **section 48A**, that deadline; or
- “(d) if an application for a review of that kind is lodged before that deadline, the Board has made a determination in relation to that review.”

*Clause 24(1)*

To omit the word “omitting” (line 24 on page 21), and substitute the word “repealing”.

*Clause 37*

To omit the word “omitting” (line 31 on page 30), and substitute the word “repealing”.

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### Explanatory note

This Supplementary Order Paper sets out amendments to the Films, Videos, and Publications Classification Amendment Bill. The amendments relate mainly to applications for review, by the Film and Literature Board of Review, of decisions by the Office of Film and Literature Classification on the classification of publications. The applications for review are provided for in sections 47 and 48 of the Films, Videos, and Publications Classification Act 1993.

In particular, the amendments to the Bill ensure the Act is amended so—

- a person who requires the leave of the Secretary for Internal Affairs in order to seek a review—
  - must apply for that leave before a specified new deadline; and
  - has, if granted that leave, a special new deadline for lodging an application for review (because that leave may, occasionally, not be granted by the Secretary before the ordinary deadline for lodging an application for review); and
- the Secretary is responsible for determining whether applications for review are lodged within the relevant deadline, and comply with other requirements in section 48(1) of the Act.

The amendments to *clauses 3(2), 24(1), and 37* ensure consistency of amending terminology.