



Classification of Publications Act 1991

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Queensland

Classification of Publications Act 1991

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Classification of Publications Act 1991

An Act relating to the classification of publications, certain photographs, and for related purposes

Part 1 Preliminary

1 Short title

This Act may be cited as the *Classification of Publications Act 1991*.

2 Commencement

This Act commences on a day to be fixed by proclamation.

2A Application of Act

This Act does not apply in relation to a relevant showing of a publication to the extent the publication is subject to a conditional cultural exemption in relation to the relevant showing.

3 Definitions

The dictionary in schedule 1 defines particular words used in this Act.

5 Inspectors

- (1) For the purposes of this Act, the chief executive may appoint any of the following persons to be an inspector—
 - (a) a public service officer;

- (b) a police officer.

Note—

A proposed appointment of a police officer must have the approval of the commissioner of the police service under the *Police Powers and Responsibilities Act 2000*, section 13.

- (2) The chief executive may appoint a person mentioned in subsection (1)(a) to be an inspector only if the chief executive believes the person has the necessary expertise or experience to be an inspector.
- (3) The chief executive may issue an identity card to an inspector who is not a police officer.
- (4) The identity card must—
 - (a) contain a recent photograph of the inspector; and
 - (b) be in a form approved by the chief executive.
- (5) A person who ceases to be an inspector must, as soon as practicable, return his or her identity card to the chief executive.

Maximum penalty for subsection (5)—5 penalty units.

Part 2 Classification of publications

9A Power to require publisher to submit application for classification of a publication

- (1) This section applies if—
 - (a) the director reasonably believes a publication is a submittable publication; and
 - (b) the publication is being published in Queensland, or the director reasonably believes the publication will be published in Queensland; and
 - (c) if the publication is being published in Queensland—the publication is not subject to a conditional cultural exemption in relation to the publication.

- (2) The director may, by written notice given to the publisher of the publication, require the publisher to submit an application for classification of the publication, or of subsequent issues of the publication, by the board.
- (3) The notice has effect only if it is published in the Commonwealth gazette.
- (4) A person to whom a notice under this section is given must comply with the notice within 3 business days after receiving it.

Maximum penalty—20 penalty units.

9B Power to require certain advertisements to be submitted for approval

- (1) The director may, by written notice given to the publisher of a publication that—
 - (a) the director reasonably believes is a submittable publication; and
 - (b) is being published in Queensland, or the director reasonably believes will be published in Queensland;

require the publisher to submit to the board for approval a copy of each advertisement used or intended to be used in connection with the publication.

- (2) A person to whom a notice under this section is given must comply with the notice within 3 business days after receiving it.

Maximum penalty—20 penalty units.

9C Defence to prosecution under s 9A or 9B

In relation to a publication the director reasonably believes is a submittable publication that will be published in Queensland, it is a defence to a prosecution for an offence under section 9A or 9B for the defendant to prove that the defendant did not intend to publish, or authorise or cause someone else to publish, the publication in Queensland.

Part 3 Offences

12 Sale etc. of prohibited publication

A person must not advertise, sell or distribute, or attempt to advertise, sell or distribute, a prohibited publication.

Maximum penalty—

- (a) in the case of a restricted publication—50 penalty units or imprisonment for 3 months; or
- (b) in the case of an RC publication (other than a child abuse publication)—300 penalty units or imprisonment for 1 year; or
- (c) in the case of a child abuse publication—600 penalty units or imprisonment for 2 years.

13 Possession of prohibited publication

A person must not have possession of a prohibited publication for the purpose of publishing it.

Maximum penalty—

- (a) in the case of a restricted publication—50 penalty units or imprisonment for 3 months; or
- (b) in the case of an RC publication (other than a child abuse publication)—300 penalty units or imprisonment for 1 year; or
- (c) in the case of a child abuse publication—600 penalty units or imprisonment for 2 years.

14 Possession of child abuse publication

A person must not knowingly have possession of a child abuse publication.

Maximum penalty—300 penalty units or imprisonment for 1 year.

15 Exhibition or display of prohibited publication

A person must not exhibit or display, or attempt to exhibit or display, a prohibited publication—

- (a) in a public place; or
- (b) in such a way that it is visible to persons in or on a public place.

Maximum penalty—

- (a) in the case of a restricted publication—50 penalty units or imprisonment for 3 months; or
- (b) in the case of an RC publication (other than a child abuse publication)—300 penalty units or imprisonment for 1 year; or
- (c) in the case of a child abuse publication—600 penalty units or imprisonment for 2 years.

16 Leaving prohibited publication in or on public place

A person must not leave, or attempt to leave, a prohibited publication in or on a public place with intent to cause offence to another person or with reckless disregard to the offence that could be caused to another person.

Maximum penalty—

- (a) in the case of a restricted publication—50 penalty units or imprisonment for 3 months; or
- (b) in the case of an RC publication (other than a child abuse publication)—300 penalty units or imprisonment for 1 year; or
- (c) in the case of a child abuse publication—600 penalty units or imprisonment for 2 years.

17 Producing prohibited publication

- (1) A person must not print or otherwise make or produce, or attempt to print or otherwise make or produce, a prohibited publication for the purpose of publishing it.

Maximum penalty—

- (a) in the case of a restricted publication—50 penalty units or imprisonment for 3 months; or
- (b) in the case of an RC publication (other than a child abuse publication)—300 penalty units or imprisonment for 1 year; or
- (c) in the case of a child abuse publication—800 penalty units or imprisonment for 3 years.

- (2) A person must not copy, or attempt to copy, a prohibited publication for the purpose of publishing it.

Maximum penalty—

- (a) in the case of a restricted publication—50 penalty units or imprisonment for 3 months; or
- (b) in the case of an RC publication (other than a child abuse publication)—300 penalty units or imprisonment for 1 year; or
- (c) in the case of a child abuse publication—800 penalty units or imprisonment for 3 years.

- (3) A person must not print or otherwise make or produce, or attempt to print or otherwise make or produce, a child abuse publication.

Maximum penalty—800 penalty units or imprisonment for 3 years.

- (4) A person must not copy, or attempt to copy, a child abuse publication.

Maximum penalty—800 penalty units or imprisonment for 3 years.

18 Procurement of minor for RC publication

A person must not procure, or attempt to procure, a minor to be in any way concerned in the making or production of an RC publication.

Maximum penalty—

- (a) in the case of a child abuse publication—1,000 penalty units or imprisonment for 5 years; or
- (b) in any other case—800 penalty units or imprisonment for 3 years.

19 Advertisers not liable in certain circumstances

A person who advertises a publication is not guilty of an offence against section 12 if the person does not know, and has no reason to suspect, the publication is a prohibited publication.

20 Leaving prohibited publication in or on private premises

A person must not knowingly or recklessly leave, or attempt to leave, a prohibited publication in or on private premises without the occupier's permission.

Maximum penalty—

- (a) in the case of a restricted publication—25 penalty units or imprisonment for 1 month; or
- (b) in the case of an RC publication (other than a child abuse publication)—150 penalty units or imprisonment for 6 months; or
- (c) in the case of a child abuse publication—300 penalty units or imprisonment for 1 year.

20A Offence to publish a publication classified unrestricted without its determined markings

A person must not publish, or attempt to publish, a publication classified unrestricted unless it bears its determined markings.

Maximum penalty—25 penalty units.

20B Offence to publish a publication with a misleading or deceptive marking

A person must not publish an unclassified publication with a marking indicating the publication is classified.

Maximum penalty—20 penalty units.

20D Sale or delivery of publications contrary to conditions

If a publication is classified unrestricted subject to a condition imposed under section 13A of the Commonwealth Act, a person must not sell or deliver the publication except in accordance with the condition.

Maximum penalty—25 penalty units.

20E Consumer advice for unrestricted publications

A person must not sell a publication classified unrestricted for which the board has determined consumer advice under section 20(2) of the Commonwealth Act unless the consumer advice is displayed on the publication or the packaging of the publication.

Maximum penalty—25 penalty units.

Note—

Under the Commonwealth Act, section 22CF(5), particular consumer advice determined by an approved classification tool is taken to be consumer advice determined by the board under section 20 of that Act.

Part 4 Investigation and enforcement

21 Inspector to produce identity card

An inspector who is not a police officer is not entitled to exercise powers under this part in relation to another person

unless the inspector first produces the inspector's identity card for inspection by the person.

22 Entry and search—monitoring compliance

- (1) Subject to subsection (2), an inspector may, for the purpose of finding out whether the requirements of this Act are being complied with—
 - (a) enter or board any place; and
 - (b) exercise the powers set out in section 24.
- (2) An inspector must not enter or board a place, or exercise a power under subsection (1), unless—
 - (a) the occupier of the place (if any) consents to the entry or boarding or exercise of the power; or
 - (b) a warrant under section 25 authorises the entry or exercise of the power; or
 - (c) the place is premises, or that part of premises, to which the public are admitted (whether or not for consideration) and the entry is made when members of the public attend or the premises are open for admission by the public.
- (3) An inspector who is permitted by this section to enter or board a vehicle, vessel or aircraft may, for the purpose of effecting the entry or boarding and for the purpose of exercising any powers that the inspector is permitted to exercise, stop and detain the vehicle, vessel or aircraft.

23 Entry and search—evidence of offences

- (1) Subject to subsection (3), if an inspector has reasonable grounds for suspecting that there is in or on a place a particular thing (*the evidence*) that may afford evidence of the commission of an offence against this Act, the inspector may—
 - (a) enter or board the place; and

- (b) exercise the powers set out in section 24.
- (2) If an inspector enters or boards the place and finds the evidence, the following provisions have effect—
- (a) the inspector may seize the evidence;
 - (b) subject to section 35, the inspector may keep the evidence for 1 year or, if a prosecution for an offence against this Act in the commission of which the evidence may have been used or otherwise involved is instituted within that period, until the completion of the proceedings for the offence and of any appeal from the decision in relation to the proceedings;
 - (c) if the evidence is a document—while the inspector has possession of the document, the inspector may take extracts from and make copies of the document but must allow the document to be inspected at any reasonable time by a person who would be entitled to inspect it if it were not in the inspector's possession.
- (3) An inspector must not enter or board the place or exercise a power under subsection (1) unless—
- (a) the occupier (if any) of the place consents to the entry or boarding or exercise of the power; or
 - (b) a warrant under section 26 that was issued in relation to the evidence authorises the entry or boarding or exercise of the power.
- (4) If in the course of searching the place under subsection (1) under a warrant under section 26, an inspector—
- (a) finds a thing that the inspector believes, on reasonable grounds to be—
 - (i) a thing (other than the evidence) that will afford evidence of the commission of the offence mentioned in subsection (1); or
 - (ii) a thing that will afford evidence of the commission of another offence against this Act; and

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- (b) the inspector believes, on reasonable grounds, that it is necessary to seize the thing to prevent—
 - (i) its concealment, loss or destruction; or
 - (ii) its use in committing, continuing or repeating the offence mentioned in subsection (1), or the other offence, as the case may be;

subsection (2) applies to the thing as if it were the evidence.

24 General powers of inspector in relation to places

- (1) The powers an inspector may exercise under section 22(1)(b) or 23(1)(b) in relation to a place are as follows—
 - (a) to search any part of the place;
 - (b) to inspect or examine anything in or on the place;
 - (c) to take extracts from, and make copies of, any documents in or on the place;
 - (d) to take into or onto the place such equipment and materials as the inspector requires for the purpose of exercising any powers in relation to the place;
 - (e) to require the occupier or any person in or on the place to give to the inspector reasonable assistance in relation to the exercise of the inspector's powers mentioned in paragraphs (a) to (d).
- (2) A person must not, without reasonable excuse, fail to comply with a requirement made under subsection (1)(e).
Maximum penalty—10 penalty units.
- (3) It is a reasonable excuse for a person to fail to answer a question or produce a document if answering the question, or producing the document, might tend to incriminate the person.

25 Monitoring warrants

- (1) An inspector may apply to a magistrate for a warrant under this section in relation to a particular place (other than a dwelling or that part of premises used as a dwelling).
- (2) Subject to subsection (3), the magistrate may issue the warrant if the magistrate is satisfied, by information on oath, that it is reasonably necessary that the inspector should have access to the place for the purpose of finding out whether the requirements of this Act are being complied with.
- (3) If the magistrate requires further information concerning the grounds on which the issue of the warrant is being sought, the magistrate must not issue the warrant unless the inspector or some other person has given the information to the magistrate in the form (either orally or by affidavit) that the magistrate requires.
- (4) The warrant must—
 - (a) authorise the inspector, with such assistance and by such force as is necessary and reasonable—
 - (i) to enter the place; and
 - (ii) to exercise the powers set out in section 24; and
 - (b) state whether the entry is authorised to be made at any time of the day or night or during specified hours of the day or night; and
 - (c) specify the day (not more than 6 months after the issue of the warrant) on which the warrant ceases to have effect; and
 - (d) state the purpose for which the warrant is issued.

26 Offence related warrants

- (1) An inspector may apply to a magistrate for a warrant under this section in relation to a particular place.
- (2) Subject to subsection (3), the magistrate may issue the warrant if the magistrate is satisfied, by information on oath, that there are reasonable grounds for suspecting that there is,

or there may be within the next 72 hours, in or on the place a particular thing (*the evidence*) that may afford evidence of the commission of an offence against this Act.

- (3) If the magistrate requires further information concerning the grounds on which the issue of the warrant is being sought, the magistrate must not issue the warrant unless the inspector or some other person has given the information to the magistrate in the form (either orally or by affidavit) that the magistrate requires.
- (4) The warrant must—
 - (a) authorise the inspector, with such assistance and by such force as is necessary and reasonable—
 - (i) to enter the place; and
 - (ii) to exercise the powers set out in section 24; and
 - (iii) to seize the evidence; and
 - (b) state whether the entry is authorised to be made at any time of the day or night or during specified hours of the day or night; and
 - (c) specify the day (not more than 7 days after the issue of the warrant) on which the warrant ceases to have effect; and
 - (d) state the purposes for which the warrant is issued.

27 Offence related warrant may be granted by telephone

- (1) If, because of circumstances of urgency, an inspector considers it necessary to do so, the inspector may, under this section, apply by telephone for a warrant under section 26.
- (2) Before applying for the warrant, the inspector must prepare an information of the kind mentioned in section 26(2) that sets out the grounds on which the issue of the warrant is sought.
- (3) If it is necessary to do so, an inspector may apply for the warrant before the information has been sworn.
- (4) If the magistrate is satisfied—

- (a) after having considered the terms of the information; and
- (b) after having received such further information (if any) as the magistrate requires concerning the grounds on which the issue of the warrant is being sought;

that there are reasonable grounds for issuing the warrant, the magistrate may, under section 26, complete and sign such warrant as the magistrate would issue under that section if the application had been made under that section.

- (5) If the magistrate completes and signs the warrant—
 - (a) the magistrate must—
 - (i) tell the inspector what the terms of the warrant are; and
 - (ii) tell the inspector the day on which and the time at which the warrant was signed; and
 - (iii) record on the warrant the reasons for granting the warrant; and
 - (b) the inspector must—
 - (i) complete a form of warrant in the same terms as the warrant completed and signed by the magistrate; and
 - (ii) write on the form of warrant the name of the magistrate and the day on which and the time at which the magistrate signed the warrant.
- (6) The inspector must also, not later than the day after the day of expiry or execution of the warrant (whichever is the earlier), send to the magistrate—
 - (a) the form of warrant completed by the inspector; and
 - (b) the information mentioned in subsection (2), which must have been duly sworn.
- (7) When the magistrate receives the documents mentioned in subsection (6), the magistrate must—

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- (a) attach them to the warrant that the magistrate completed and signed; and
 - (b) deal with them in the way in which the magistrate would have dealt with the information if the application for the warrant had been made under section 26.
- (8) A form of warrant duly completed by the inspector under subsection (5) is authority for any entry, search, seizure or other exercise of a power that the warrant signed by the magistrate authorises.
- (9) If—
- (a) it is material, in a proceeding, for a court to be satisfied that an entry, search, seizure or other exercise of power was authorised by this section; and
 - (b) the warrant completed and signed by the magistrate authorising the exercise of power is not produced in evidence;

the court must assume, unless the contrary is proved, that the exercise of power was not authorised by such a warrant.

28 Additional power of inspector to seize publications

- (1) This section applies if—
 - (a) a person makes a complaint to an inspector about a publication; and
 - (b) the inspector reasonably believes the publication is a prohibited publication.
- (2) The inspector may seize the publication from any place the inspector may lawfully enter or board.
- (3) An inspector who seizes a publication under subsection (2) must, as soon as practicable, submit the publication to the board for classification.
- (4) If a publication seized under subsection (2) is classified as an unrestricted publication, the inspector must, as soon as

practicable after it is classified, return the publication to the person who appears to be entitled to it.

29 Inspector may require name and address

- (1) An inspector who—
- (a) finds a person committing, or finds a person that the inspector reasonably suspects of having committed, an offence against this Act; or
 - (b) is making inquiries or investigations with a view to establishing whether or not an offence against this Act has been committed by a person; or
 - (c) is reasonably of the opinion that the name and address of a person is required for the purpose of—
 - (i) giving effect to a provision of this Act; or
 - (ii) enabling the inspector to carry out the inspector's functions under this Act;

may require the person to state the person's name and address and, if the inspector has reasonable grounds to believe that the name or address given is false, may require evidence of its correctness.

- (2) A person who is required under subsection (1) to state the person's name or address must not—
- (a) fail to comply with the requirement; or
 - (b) state a false name or address.

Maximum penalty—50 penalty units.

- (3) A person who is required under subsection (1) to give evidence of the correctness of a name or address must not fail to give the evidence or give false evidence.

Maximum penalty—50 penalty units.

30 Obstruction etc. of inspectors

A person must not, without reasonable excuse, obstruct, hinder or resist an inspector in the exercise of a power under this Act.

Maximum penalty—50 penalty units.

31 False or misleading statements

A person must not—

- (a) make a statement to an inspector that the person knows is false or misleading in a material particular; or
- (b) omit from a statement made to an inspector any matter or thing without which the statement is, to the knowledge of the person, misleading in a material particular; or
- (c) give to an inspector a document containing information that the person knows is false, misleading or incomplete in a material particular without—
 - (i) indicating to the inspector that the document is false, misleading or incomplete and the respect in which the document is false, misleading or incomplete; and
 - (ii) providing correct information to the inspector if the person has, or can reasonably obtain, the correct information.

Maximum penalty—50 penalty units.

Part 5 Miscellaneous

32 Evidentiary provisions

- (1) In a proceeding for an offence against this Act, each of the following documents is evidence of the matters stated in it—

- (a) a document purporting to be a certificate given by the director or the convenor under the Commonwealth Act, section 25 or 87 and stating either of the following matters—
 - (i) whether a stated publication has been classified;
 - (ii) if a stated publication has been classified—the classification given to the publication;
 - (b) a document purporting to be a certificate given by the director and stating whether a publication is a submittable publication.
- (2) In a proceeding for an offence against this Act, it is not necessary to prove the authority of the complainant to institute the proceeding.
- (3) In this section—
- convenor** means the convenor of the Classification Review Board established under the Commonwealth Act.

33 Indictable offences and summary offences

- (1) An offence—
- (a) against section 18; or
 - (b) against another provision of this Act involving a child abuse publication;
- is punishable on indictment.
- (2) Any other offence against this Act is punishable summarily.
- (3) An indictable offence against this Act may, at the election of the defendant, be heard and determined summarily.
- (4) A complaint under the *Justices Act 1886* for a summary offence against this Act may be made only by a person authorised in writing by the Minister.
- (5) For subsection (4), the Minister may authorise a person either generally or in relation to a stated complaint.

34 Forfeiture

- (1) If a person is convicted of an offence against this Act that relates to a prohibited publication, the court by or before which the person is convicted may, in addition to imposing any penalty, order that the publication or anything used in connection with the commission of the offence be forfeited.
- (2) A publication or thing that is forfeited under subsection (1) may be destroyed or otherwise dealt with as directed by the Minister.

35 Return of seized publications

- (1) An inspector who seizes a publication must, unless otherwise ordered by a court, return the publication to the person who is entitled to possession of it if—
 - (a) it is not required as evidence in a proceeding for an offence against this or any other Act; and
 - (b) all proceedings (if any) instituted for an offence in relation to the publication are finally determined (whether or not on appeal) and no person has been convicted of an offence against this or any other Act in relation to the publication.
- (2) Subsection (1) does not apply to a child abuse publication.

36 Particular publications not indecent or obscene

- (1) An unrestricted publication is not an indecent or obscene publication for the purposes of the Criminal Code.
- (2) Also, to the extent a publication is subject to a conditional cultural exemption in relation to a relevant showing, the publication is not indecent or obscene material for the purposes of the Criminal Code.

38 Regulation-making power

- (1) The Governor in Council may make regulations under this Act.
- (2) A regulation may prescribe maximum penalties of fines of not more than 20 penalty units for offences against a regulation.

39 Protection of officials from criminal liability

- (1) An official is not criminally liable for an act done honestly and without negligence in the performance of the official's functions under this Act.
- (2) In this section—
official means any of the following persons—
 - (a) the director;
 - (b) an inspector;
 - (c) a public service employee assisting a person mentioned in paragraph (b).

Part 6 Savings and transitional provisions

Division 1 Act No. 78 of 1991

40 Savings and transitional

- (1) Literature forfeited or retained under the *Objectionable Literature Act 1954*, and not destroyed or otherwise disposed of in accordance with that Act at the commencement of this section, is to be retained, destroyed or otherwise disposed of as the Minister directs.
- (2) The destruction, retention or disposal of literature under subsection (1) does not confer a right to compensation.

Division 2 **Consumer Law and Other Justice Legislation (Miscellaneous Provisions) Act 1996**

41 **Existing classifications**

A publication refused classification under this Act or the Commonwealth Act before the commencement of this section is taken to be a publication classified as RC under this Act or the Commonwealth Act, respectively, immediately after the commencement.

Division 3 **Justice Legislation Amendment Act 2008**

42 **Definitions for div 3**

In this division—

amending Act means the *Justice Legislation Amendment Act 2008*, part 4.

commencement means the commencement of this section.

43 **Existing appeals**

- (1) This section applies to an appeal started under previous section 11(1) or previous section 37(5)(b) but not ended before the commencement of this section.
- (2) The appeal may continue and be decided as if the amending Act had not been enacted.
- (3) In this section—

previous, followed by a provision number, means the provision as in force immediately before the commencement.

44 Existing entitlements to appeal

- (1) This section applies if, immediately before the commencement—
 - (a) a person was entitled to appeal against a decision mentioned in section 11(1) or 37(5)(b) (the *relevant provision*) and had not started the appeal; and
 - (b) the period mentioned in the relevant provision for starting the appeal had not ended.
- (2) This Act as amended by the amending Act applies to the appeal.

Division 4 Court and Civil Legislation Amendment Act 2017

45 Definition for division

In this division—

repealed, if followed by a provision number, means the provision of that number as in force from time to time before the commencement.

46 Classification of publications under repealed s 9

- (1) This section applies in relation to a publication that, immediately before the commencement, had a classification (the *earlier classification*) given under repealed section 9(1).
- (2) From the commencement, the earlier classification of the publication is taken to have been given under the Commonwealth Act.
- (3) However, if the publication is later classified, the earlier classification stops having effect from when the later classification takes effect.

47 Ending of exemption given under repealed s 37

- (1) This section applies if, immediately before the commencement, an exemption given under repealed section 37 was in force for an entity.
- (2) On the commencement, the exemption ends.

Schedule 1 Dictionary

section 3

advertisement, for a publication, has the meaning given by the Commonwealth Act, section 5, definition *advertisement*, to the extent the definition relates to an advertisement for a publication.

board means the Classification Board established under the Commonwealth Act.

category 1 restricted publication means a publication that is classified as a category 1 restricted publication.

category 2 restricted publication means a publication that is classified as a category 2 restricted publication.

child abuse publication means an RC publication that depicts or describes in pictorial or other form a person who is, or who looks like, a child under 16 years (whether the person is engaged in sexual activity or not) in a way that is likely to cause offence to a reasonable adult person.

classified means classified or reclassified under the Commonwealth Act.

Commonwealth Act means the *Classification (Publications, Films and Computer Games) Act 1995* (Cwlth).

computer game see the *Classification of Computer Games and Images Act 1995*, schedule 2.

determined markings, for a publication, means the markings for the publication determined under the Commonwealth Act.

director means the director of the board.

film see the *Classification of Films Act 1991*, section 3.

inspector means a person appointed to be an inspector under section 5(1).

occupier, in relation to a place, includes a person in charge of the place.

place includes—

- (a) vacant land or premises; and
- (b) a vehicle, vessel or aircraft.

possession, in relation to a publication, includes—

- (a) custody or control of the publication; and
- (b) an ability or right to obtain custody or control of the publication.

premises includes—

- (a) a building or structure, or a part of a building or structure, of any kind; and
- (b) the land on which a building or structure is situated; and
- (c) a vehicle, vessel or aircraft.

prohibited publication means a publication that—

- (a) is a restricted publication; or
- (b) is an RC publication.

publication means any written or pictorial matter, but does not include—

- (a) a film; or
- (b) a computer game; or
- (c) an advertisement for a publication, a film or a computer game.

public place means any place that—

- (a) the public is entitled to use; or
- (b) is open to, or used by, the public (whether or not on payment of money).

publish includes sell, exhibit, display, demonstrate and distribute.

RC publication means a publication that is, or, if classified, would be, classified as RC.

relevant showing has the meaning given by the Commonwealth Act, sections 6C and 6E.

restricted publication means a publication that is, or, if classified, would be classified as category 1 restricted or category 2 restricted.

sell means sell, exchange or let on hire, and includes—

- (a) offer, invite to treat or expose for sale or hire; and
- (b) agree to sell or hire; and
- (c) cause or permit to be sold or hired.

subject to a conditional cultural exemption has the meaning given by the Commonwealth Act, section 5.

submittable publication see the Commonwealth Act, section 5.

unrestricted publication means a publication that is, or, if classified, would be, classified as unrestricted.

1 Index to endnotes

- 2 Key
- 3 Table of reprints
- 4 List of legislation
- 5 List of annotations

2 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amd	= amendment	prov	= provision
t			
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renu	= renumbered
		m	
ins	= inserted	rep	= repealed
lap	= lapsed	(retro	= retrospectively
)	
notf	= notified	rv	= revised edition
d			
num	= numbered	s	= section

Key	Explanation	Key	Explanation
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
		m	
prev	= previous		

3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3237 0466 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Reprint No.	Amendments to	Effective	Reprint date
1	none	27 November 1992	9 December 1992
2	1993 Act No. 82	17 December 1993	19 January 1994

Reprint No.	Amendments to	Effective	Reprint date
2A	1995 Act No. 51	22 November 1995	18 July 1996
2B	1996 Act No. 56	20 November 1996	15 January 1997
3	1997 Act No. 82	1 July 1998	3 July 1998
4	2000 Act No. 5	1 July 2000	7 July 2000
Reprint No.	Amendments included	Effective	Notes
4A	2002 Act No. 13	25 April 2003	
4B	2003 Act No. 94	3 December 2003	
4C	2005 Act No. 4	21 March 2005	
4D	2005 Act No. 24	26 May 2005	R4D withdrawn, see R5
5	—	26 May 2005	
5A	2007 Act No. 16	15 June 2007	
5B	2008 Act No. 51	23 October 2008	
5C	2009 Act No. 48	19 November 2009	
5D	2009 Act No. 24	1 December 2009	R5D withdrawn, see R6
6	—	1 December 2009	
Current as at	Amendments included	Notes	
26 February 2013	2013 Act No. 3		
5 June 2017	2017 Act No. 17	RA s 35	

4 List of legislation

Classification of Publications Act 1991 No. 78

date of assent 9 December 1991

ss 1–2 commenced on date of assent

remaining provisions commenced 27 November 1992 (1992 SL No. 374)

amending legislation—

Consumer Law (Miscellaneous Provisions) Act 1993 No. 82 pts 1, 4, s 3 sch 1

date of assent 17 December 1993

commenced on date of assent

Consumer Law (Miscellaneous Provisions) Act 1995 No. 1 pts 1, 4

date of assent 3 March 1995

ss 1–2 commenced on date of assent

remaining provisions commenced 17 April 1995 (1995 SL No. 89)

Statute Law (Minor Amendments) Act (No. 2) 1995 No. 51 ss 1, 4 sch

date of assent 22 November 1995

commenced on date of assent

Consumer Law and Other Justice Legislation (Miscellaneous Provisions) Act 1996 No. 56 pts 1, 7

date of assent 20 November 1996

commenced on date of assent

Justice and Other Legislation (Miscellaneous Provisions) Act (No. 2) 1997 No. 82 ss 1, 2(2), pt 6

date of assent 5 December 1997

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 1998 (1998 SL No. 76)

Police Powers and Responsibilities Act 2000 No. 5 ss 1–2, 373 sch 3

date of assent 23 March 2000

ss 1–2, 373 commenced on date of assent (see s 2(2))

remaining provisions commenced 1 July 2000 (see s 2(1), (3) and 2000 SL No. 174)

Tourism, Racing and Fair Trading (Miscellaneous Provisions) Act 2002 No. 13 ss 1, 2(3), pt 8

date of assent 24 April 2002

ss 1–2 commenced on date of assent

remaining provisions commenced 25 April 2003 (automatic commencement under AIA s 15DA(2))

Tourism, Racing and Fair Trading (Miscellaneous Provisions) Act 2003 No. 94 s 1, pt 6

date of assent 3 December 2003

commenced on date of assent

Summary Offences Act 2005 No. 4 ss 1–2, 30 sch 1

date of assent 3 March 2005

ss 1–2 commenced on date of assent

remaining provisions commenced 21 March 2005 (2005 SL No. 34)

Tourism, Fair Trading and Wine Industry Development Legislation Amendment Act 2005 No. 24 pts 1, 4

date of assent 31 May 2005

ss 1–2 commenced on date of assent

remaining provisions commenced 26 May 2005 (see s 2)

Associations Incorporation and Other Legislation Amendment Act 2007 No. 16 pts 1, 4

date of assent 20 March 2007

ss 1–2 commenced on date of assent

remaining provisions commenced 15 June 2007 (2007 SL No. 119)

Justice Legislation Amendment Act 2008 No. 51 s 1, pt 4

date of assent 23 October 2008

commenced on date of assent

Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009 No. 24 ss 1–2, ch 9 pt 9

date of assent 26 June 2009

ss 1–2 commenced on date of assent

remaining provisions commenced 1 December 2009 (2009 SL No. 252)

State Penalties Enforcement and Other Legislation Amendment Act 2009 No. 48 s 1, ch 5 pt 3

date of assent 19 November 2009

commenced on date of assent

Classification of Computer Games and Images and Other Legislation Amendment Act 2013 No. 3 ss 1–2(1)(a), (3), pt 4

date of assent 26 February 2013

ss 1–2 commenced on date of assent

remaining provisions commenced on date of assent (see s 2(1)(a), (3))

Court and Civil Legislation Amendment Act 2017 No. 17

date of assent 5 June 2017

s 1, pt 9 commenced on date of assent

5 List of annotations

Long title

amd 1993 No. 82 s 18

Application of Act

s 2A ins 2017 No. 17 s 77

Definitions

s 3 amd 1993 No. 82 s 19(1); 2017 No. 17 s 78(4)

Note—s 3 contained definitions for this Act. Definitions are now located in schedule 1 (Dictionary). Annotations for definitions contained in s 3 are located in annotations for sch 1.

Classification under Commonwealth Act

s 4 amd 1996 No. 56 s 92
om 2017 No. 17 s 79

Inspectors

s 5 amd 2000 No. 5 s 373 sch 3; 2009 No. 48 s 210; 2017 No. 17 s 80

Publications classification officer

s 6 om 2017 No. 17 s 81

Delegation by publications classification officer

s 6A ins 1993 No. 82 s 20
amd 2009 No. 48 s 211
om 2017 No. 17 s 81

Approval of codes of conduct

s 7 amd 1993 No. 82 s 3 sch 1
om 2017 No. 17 s 81

Approved distributors

s 8 om 2017 No. 17 s 81

Classification of publications

s 9 amd 1996 No. 56 s 93
om 2017 No. 17 s 82

Power to require publisher to submit application for classification of a publication

s 9A ins 1996 No. 56 s 94
amd 2003 No. 94 s 26; 2017 No. 17 s 83

Power to require certain advertisements to be submitted for approval

s 9B ins 1996 No. 56 s 94
amd 2003 No. 94 s 27; 2017 No. 17 s 84

Defence to prosecution under s 9A or 9B

s 9C ins 1996 No. 56 s 94
amd 2003 No. 94 s 28; 2017 No. 17 s 85

Reclassification of publications

s 10 om 2017 No. 17 s 86

Review by QCAT of classification decision by publications classification officer

s 11 sub 2008 No. 51 s 35
amd 2009 No. 24 s 1386
om 2017 No. 17 s 86

PART 2A—PROTECTION OF CHILDREN AND FAMILIES BY CONDITIONS FOR DISPLAYING CERTAIN UNRESTRICTED PUBLICATIONS

pt hdg ins 1997 No. 82 s 19
om 2017 No. 17 s 87

Definitions for pt 2A

s 11A ins 1997 No. 82 s 19
om 2017 No. 17 s 87

Protection of children and families by order prohibiting display of unrestricted publication unless certain parts of its cover are concealed

s 11B ins 1997 No. 82 s 19
om 2017 No. 17 s 87

Publications for which display order may be made

s 11C ins 1997 No. 82 s 19
amd 2008 No. 51 s 36; 2009 No. 48 s 212; 2009 No. 24 s 1387
om 2017 No. 17 s 87

Lifting of display order, and review rights and procedure

s 11D ins 1997 No. 82 s 19
amd 2008 No. 51 s 37; 2009 No. 24 s 1388
om 2017 No. 17 s 87

Register of display orders

s 11E ins 1997 No. 82 s 19
om 2017 No. 17 s 87

Sale etc. of prohibited publication

s 12 amd 1993 No. 82 s 21; 1996 No. 56 s 95; 2017 No. 17 s 88

Possession of prohibited publication

s 13 amd 1996 No. 56 s 96

Possession of child abuse publication

s 14 sub 1993 No. 82 s 22
amd 2017 No. 17 s 89

Exhibition or display of prohibited publication

s 15 amd 1993 No. 82 s 23; 1996 No. 56 s 97; 2017 No. 17 s 90

Leaving prohibited publication in or on public place

s 16 amd 1993 No. 82 s 24; 1996 No. 56 s 98; 2017 No. 17 s 91

Producing prohibited publication

s 17 amd 1996 No. 56 s 99

Procurement of minor for RC publication

s 18 amd 1993 No. 82 s 25; 1996 No. 56 s 100; 2017 No. 17 s 92

Advertisers not liable in certain circumstances

s 19 sub 2017 No. 17 s 93

Leaving prohibited publication in or on private premises

s 20 amd 1993 No. 82 s 26; 1996 No. 56 s 101; 2017 No. 17 s 94

Offence to publish a publication classified unrestricted without its determined markings

s 20A ins 1996 No. 56 s 102

Offence to publish a publication with a misleading or deceptive marking
s 20B ins 1996 No. 56 s 102

Offence to contravene a display order for an unrestricted publication
s 20C ins 1997 No. 82 s 20
om 2017 No. 17 s 95

Sale or delivery of publications contrary to conditions
s 20D ins 2002 No. 13 s 30

Consumer advice for unrestricted publications
s 20E ins 2002 No. 13 s 30
amd 2017 No. 17 s 96

Entry and search—evidence of offences
s 23 amd 1996 No. 56 s 103

Additional power of inspector to seize publications
s 28 sub 2017 No. 17 s 97

Evidentiary provisions
s 32 amd 1996 No. 56 s 104; 2007 No. 16 s 41; 2017 No. 17 s 98

Indictable offences and summary offences
s 33 amd 1993 No. 82 s 27; 1996 No. 56 s 105; 2017 No. 17 s 99

Forfeiture
s 34 amd 1993 No. 82 s 28; 2017 No. 17 s 100

Return of seized publications
s 35 amd 1993 No. 82 s 29; 2017 No. 17 s 101

Particular publications not indecent or obscene
s 36 amd 2005 No. 4 s 30 sch 1; 2017 No. 17 s 102

Exemptions
s 37 amd 1993 No. 82 s 30; 2005 No. 4 s 30 sch 1; 2008 No. 51 s 38; 2009 No. 24 s
1389
om 2017 No. 17 s 103

Regulation-making power
s 38 amd 1993 No. 82 s 3 sch 1; 2008 No. 51 s 39

Protection of officials from criminal liability
s 39 ins 2013 No. 3 s 41
amd 2017 No. 17 s 104

PART 6—SAVINGS AND TRANSITIONAL PROVISIONS
pt hdg amd R2 (see RA s 39)
sub 2008 No. 51 s 40(1)

Division 1—Act No. 78 of 1991
div hdg ins 2008 No. 51 s 40(1)

Division 2—Consumer Law and Other Justice Legislation (Miscellaneous Provisions) Act 1996

div hdg ins 2008 No. 51 s 40(2)

Existing classifications

s 41 ins 1995 No. 51 s 4 sch

sub 1996 No. 56 s 106

Division 3—Justice Legislation Amendment Act 2008

div 3 (ss 42–44) ins 2008 No. 51 s 40(3)

Division 4—Court and Civil Legislation Amendment Act 2017

div hdg ins 2017 No. 17 s 105

Definition for division

s 45 ins 2017 No. 17 s 105

Classification of publications under repealed s 9

s 46 ins 2017 No. 17 s 105

Ending of exemption given under repealed s 37

s 47 ins 2017 No. 17 s 105

SCHEDULE 1—DICTIONARY

sch hdg ins 2017 No. 17 s 106

sch 1 Note—definitions for this Act were originally located in s 3.

def *advertisement* ins 2008 No. 51 s 34

sub 2017 No. 17 s 78(1)

reloc 2017 No. 17 s 78(5)

def *approved wholesaler* om from prev s 3 2017 No. 17 s 78(1)

def *board* ins 1996 No. 56 s 91(2)

amd 2009 No. 48 s 209

reloc 2017 No. 17 s 78(5)

def *category 1 restricted publication* reloc 2017 No. 17 s 78(5)

def *category 2 restricted publication* reloc 2017 No. 17 s 78(5)

def *CCT* ins 2008 No. 51 s 34

om from prev s 3 2009 No. 24 s 1385(1)

def *CCT Act* ins 2008 No. 51 s 34

om from prev s 3 2009 No. 24 s 1385(1)

def *child abuse photograph* ins 1993 No. 82 s 19(2)

amd 1997 No. 82 s 18

om from prev s 3 2017 No. 17 s 78(1)

def *child abuse publication* amd 1996 No. 56 s 91(3); 1997 No. 82 s 18

reloc 2017 No. 17 s 78(5)

def *classification guidelines* ins 1996 No. 56 s 91(2)

amd 2009 No. 48 s 209

om from prev s 3 2017 No. 17 s 78(1)

def *classified* amd 1996 No. 56 s 91(4)

sub 2017 No. 17 s 78(1)–(2)

reloc 2017 No. 17 s 78(5)

def *Code* ins 1996 No. 56 s 91(2)

Endnotes

om from prev s 3 2017 No. 17 s 78(1)
def *code of conduct* om from prev s 3 2017 No. 17 s 78(1)
def *Commonwealth Act* ins 1996 No. 56 s 91(2)
reloc 2017 No. 17 s 78(5)
def *computer game* ins 2005 No. 24 s 37(2)
reloc 2017 No. 17 s 78(5)
def *determined markings* ins 1996 No. 56 s 91(2)
amd 2009 No. 48 s 209
reloc 2017 No. 17 s 78(5)
def *director* ins 1996 No. 56 s 91(2)
reloc 2017 No. 17 s 78(5)
def *film* ins 2005 No. 24 s 37(2)
reloc 2017 No. 17 s 78(5)
def *inspector* ins 2017 No. 17 s 78(2)
reloc 2017 No. 17 s 78(5)
def *interim prohibited publication* om from prev s 3 2017 No. 17 s 78(1)
def *occupier* reloc 2017 No. 17 s 78(5)
def *Ordinance* om from prev s 3 1996 No. 56 s 91(1)
def *place* reloc 2017 No. 17 s 78(5)
def *possession* reloc 2017 No. 17 s 78(5)
def *premises* reloc 2017 No. 17 s 78(5)
def *prohibited publication* amd 1996 No. 56 s 91(5); 2017 No. 17 s 78(3)
reloc 2017 No. 17 s 78(5)
def *publication* sub 2005 No. 24 s 37(1)–(2)
reloc 2017 No. 17 s 78(5)
def *public place* reloc 2017 No. 17 s 78(5)
def *publish* amd 1996 No. 56 s 91(6)
reloc 2017 No. 17 s 78(5)
def *QCAT information notice* ins 2009 No. 24 s 1385(2)
om from prev s 3 2017 No. 17 s 78(1)
def *RC publication* ins 1996 No. 56 s 91(2)
reloc 2017 No. 17 s 78(5)
def *refused classification* om from prev s 3 1996 No. 56 s 91(1)
def *relevant showing* ins 2017 No. 17 s 78(2)
reloc 2017 No. 17 s 78(5)
def *restricted publication* amd 1996 No. 56 s 91(7)
reloc 2017 No. 17 s 78(5)
def *retail seller* om from prev s 3 2017 No. 17 s 78(1)
def *sell* amd 1995 No. 1 s 14
reloc 2017 No. 17 s 78(5)
def *subject to a conditional cultural exemption* ins 2017 No. 17 s 78(2)
reloc 2017 No. 17 s 78(5)
def *submittable publication* ins 1996 No. 56 s 91(2)
sub 2002 No. 13 s 29; 2017 No. 17 s 78(1)–(2)
reloc 2017 No. 17 s 78(5)
def *unrestricted publication* amd 1996 No. 56 s 91(8)
reloc 2017 No. 17 s 78(5)

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