



Classification of Publications Act 1991

Classification of Publications (Approval of Codes of Conduct) Order 1992

Current as at 4 February 1997

Reprint note

This is the last reprint before repeal. Repealed on 5 June 2017 by 2017 Act No. 17 s 257.



Queensland

Classification of Publications (Approval of Codes of Conduct) Order 1992

Contents

	Page
1	Short title 3
2	Approval of codes of conduct 3
Schedule 1	Classification of Publications (Approved Distributors) Code of Conduct 1992 4
Part 1	Preliminary
1	Short title 4
2	Purpose 4
3	Definitions 4
Part 2	Underlying principles
4	Underlying principles 5
Part 3	Things that the publications classification officer is to do
5	Publications classification officer to notify approved distributor of guidelines etc. 5
6	Publications classification officer to notify approved distributor of prohibited publication 6
Part 4	Things that an approved distributor is to do
7	Approved distributor is to know about Act and Code etc. 6
8	Approved distributor is to nominate contact person 6
9	Approved distributor must exercise care 8
10	Withdrawal of publication from distribution 8
11	Titles of publications distributed to be supplied 8
Schedule 2	Classification of Publications (Sellers) Code of Conduct 1992 9
Part 1	Preliminary
1	Short title 9
2	Purpose 9
3	Definitions 9
Part 2	Underlying principles

Contents

4	General principles	10
Part 3	Things that the publications classification officer is to do	
5	Publications classification officer to notify seller of guidelines etc.	10
Part 4	Things that a seller is to do	
6	Seller is to know about Act and Code etc.	11
7	Seller is to exercise care	11
8	Notification of distribution of prohibited publication	11

Classification of Publications (Approval of Codes of Conduct) Order 1992

1 Short title

This order in council may be cited as the *Classification of Publications (Approval of Codes of Conduct) Order 1992*.

2 Approval of codes of conduct

- (1) The *Classification of Publications (Approved Distributors) Code of Conduct 1992* in Schedule 1 is approved.
- (2) The *Classification of Publications (Sellers) Code of Conduct 1992* in Schedule 2 is approved.

Schedule 1 Classification of Publications (Approved Distributors) Code of Conduct 1992

Part 1 Preliminary

1 Short title

This Code may be referred to as the *Classification of Publications (Approved Distributors) Code of Conduct 1992*.

2 Purpose

The purpose of this Code is to provide guidance for the publications classification officer and approved distributors about their respective roles in relation to the Act.

3 Definitions

In this Code—

approved distributor means a distributor who is approved by the publications classification officer under section 8 of the Act;

inspector means an inspector appointed under section 5 of the Act;

publications classification officer means the publications classification officer under section 6 of the Act;

quarterly period means each of the following periods—

- (a) January to March;
- (b) April to June;
- (c) July to September;
- (d) October to December.

Part 2 **Underlying principles**

4 **Underlying principles**

The underlying principles of this Code are that—

- (a) an approved distributor is to—
 - (i) distribute publications in a way that promotes the public interest in the enforcement of the Act; and
 - (ii) subject to the Act, cooperate with, and assist, the publications classification officer and inspectors in the enforcement of the Act; and
- (b) the publications classification officer will assist the distributor to comply with the Act and this Code.

Part 3 **Things that the publications classification officer is to do**

5 **Publications classification officer to notify approved distributor of guidelines etc.**

The publications classification officer is to notify an approved distributor of—

- (a) guidelines for the classification of publications, and any variations of the guidelines, issued under the Commonwealth Act; and
- (b) codes of conduct approved under section 7 of the Act that affect the approved distributor; and
- (c) any other material that the publications classification officer believes would be of assistance to an approved distributor in complying with the approved distributor's obligations under the Act and this Code.

6 Publications classification officer to notify approved distributor of prohibited publication

- (1) If a publication receives a classification under which it would be a prohibited publication, the publications classification officer is to immediately give the approved distributor of the publication notice of its classification.
- (2) A notice under subsection (1) may be given either orally or in writing.

Part 4 Things that an approved distributor is to do

7 Approved distributor is to know about Act and Code etc.

An approved distributor is to ensure that persons involved in its management have a good working knowledge and understanding of the Act, this Code and the guidelines, codes and other material mentioned in section 5.

8 Approved distributor is to nominate contact person

- (1) An approved distributor is to nominate an employee or agent as its contact person to facilitate contact by the publications classification officer with the approved distributor.
- (2) The person nominated—
 - (a) is to be an adult; and
 - (b) unless otherwise approved by the publications classification officer, is to reside in Queensland.
- (3) The nomination is to—
 - (a) be in writing; and
 - (b) state the contact person's name, address, telephone number and other relevant details required by the publications classification officer; and

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- (c) be given to the publications classification officer within 7 days after particulars of the distributor's approval under section 8 of the Act is published in the Gazette.
- (4) The publications classification officer may accept or reject the nomination.
- (5) The publications classification officer is immediately to give written notice of the decision to the approved distributor.
- (6) If the publications classification officer has rejected the nomination, the notice is to—
- (a) give reasons for the rejection; and
 - (b) require the approved distributor to submit another nomination under subsection (1) within the time specified in the notice.
- (7) A person ceases to be an approved distributor's contact person if the person—
- (a) unless an approval under subsection (2)(b) is in force—does not reside in Queensland; or
 - (b) dies; or
 - (c) ceases to be an employee or agent of the approved distributor; or
 - (d) is removed from the position by the approved distributor and written notice of the removal is given to the publications classification officer by the approved distributor.
- (8) Within 7 days after the person ceases to be the approved distributor's contact person, the approved distributor is to nominate another person as the approved distributor's contact person.
- (9) Subsections (1) to (6) apply, with all necessary changes, to a nomination under subsection (8).
- (10) A notice under this Code may be given to an approved distributor by giving it to the approved distributor's contact person.

9 Approved distributor must exercise care

- (1) In distributing publications, an approved distributor is to exercise the care and diligence necessary to ensure, to the greatest extent reasonably possible, that the distributor does not distribute a prohibited publication.
- (2) In particular, an approved distributor is to—
 - (a) examine publications to determine whether they are prohibited publications; and
 - (b) submit to the board for classification any unclassified publication that could reasonably be expected to receive a classification under which it would be a prohibited publication; and
 - (c) ensure that procedures are adopted and routinely carried out to prevent the distribution of prohibited publications.

10 Withdrawal of publication from distribution

On becoming aware that it has distributed a prohibited publication, an approved distributor is to immediately take all reasonable action to have the prohibited publication withdrawn from distribution, sale and exhibition.

11 Titles of publications distributed to be supplied

On the first working day of each quarterly period, an approved distributor is to give the publications classification officer written notice of the titles of all publications that the approved distributor then distributes.

Schedule 2 Classification of Publications (Sellers) Code of Conduct 1992

Part 1 Preliminary

1 Short title

This Code may be cited as the *Classification of Publications (Sellers) Code of Conduct 1992*.

2 Purpose

The purpose of this Code is to provide guidance for the publications classification officer and sellers about their respective roles in relation to the Act.

3 Definitions

In this Code—

approved distributor means a distributor who is approved by the publications classification officer under section 8 of the Act;

inspector means an inspector appointed under section 5 of the Act;

publications classification officer means the publications classification officer under section 6 of the Act;

seller means a person who sells publications by retail in the ordinary course of business, and includes a retail seller.

Part 2 Underlying principles

4 General principles

The underlying principles of this Code are that—

- (a) a seller is to—
 - (i) sell publications in a way that promotes the public interest in the enforcement of the Act; and
 - (ii) subject to the Act, cooperate with, and assist, the publications classification officer and inspectors in the enforcement of the Act; and
- (b) the publications classification officer will assist the seller to comply with the Act and this Code.

Part 3 Things that the publications classification officer is to do

5 Publications classification officer to notify seller of guidelines etc.

The publications classification officer is to notify a seller of—

- (a) guidelines for the classification of publications, and any variations of the guidelines, issued under the Commonwealth Act; and
- (b) codes of conduct approved under section 7 of the Act that affect the seller; and
- (c) any other material that the publications classification officer believes would be of assistance to a seller in complying with the seller's obligations under the Act and this Code.

Part 4 **Things that a seller is to do**

6 Seller is to know about Act and Code etc.

A seller is to have a good working knowledge and understanding of the Act, this Code and the guidelines, codes and other material mentioned in section 5.

7 Seller is to exercise care

- (1) In selling publications, a seller is to exercise the care and diligence necessary to ensure, to the greatest extent reasonably possible, that the seller does not sell a prohibited publication.
- (2) In particular, a seller is to—
 - (a) if there are reasonable grounds for suspecting that a publication is a prohibited publication—examine the publication to determine whether it is a prohibited publication; and
 - (b) submit to the board for classification any unclassified publication that could reasonably be expected to receive a classification under which it would be a prohibited publication; and
 - (c) ensure that procedures are adopted and routinely carried out to prevent the sale of prohibited publications.

8 Notification of distribution of prohibited publication

- (1) If a seller becomes aware that a publication distributed to the seller by a distributor is a prohibited publication, the seller is immediately to notify the distributor that the distributor has distributed a prohibited publication to the seller and of the circumstances of its distribution.
- (2) It is an offence under sections 12 and 15 of the Act, for which severe penalties are provided, for a seller to sell, exhibit or display a prohibited publication.

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	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notf	= notified	rv	= revised version
d			
num	= numbered	s	= section
o in	= order in council	sch	= schedule
c			

Key	Explanation	Key	Explanation
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2012
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnu	= 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 3003 9601 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	18 December 1992	1 January 1993
1A	1996 SL No. 399	20 December 1996	4 February 1997

4 List of legislation

Classification of Publications (Approval of Codes of Conduct) Order 1992 SL No. 415

made by the Governor in Council on 17 December 1992
notfd gaz 18 December 1992 pp 1988–96
commenced on date of notification
amending legislation—

Consumer Law and Other Justice Legislation Amendment Regulation (No. 1) 1996 SL No. 399 pts 1, 5

notfd gaz 20 December 1996 pp 1488–98
commenced on date of notification

5 List of annotations

SCHEDULE 1—CLASSIFICATION OF PUBLICATIONS (APPROVED DISTRIBUTORS) CODE OF CONDUCT 1992

Definitions

s 3 def *Censor* om 1996 SL No. 399 s 12(1)

Publications classification officer to notify approved distributor of guidelines etc.

s 5 amd 1996 SL No. 399 s 12(2)

Approved distributor must exercise care

s 9 amd 1996 SL No. 399 s 12(3)

SCHEDULE 2—CLASSIFICATION OF PUBLICATIONS (SELLERS) CODE OF CONDUCT 1992

Definitions

s 3 def *Censor* om 1996 SL No. 399 s 13(1)

Publications classification officer to notify seller of guidelines etc.

s 5 amd 1996 SL No. 399 s 13(2)

Seller is to exercise care

s 7 amd 1996 SL No. 399 s 13(3)