

Queensland



Subordinate Legislation 1992 No. 415

*Classification of Publications Act 1991*

**CLASSIFICATION OF PUBLICATIONS  
(APPROVAL OF CODES OF CONDUCT)  
ORDER 1992**

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**Short title**

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

**Approval of codes of conduct**

**2.(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

##### Short title

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

##### Purpose

2. 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.

##### Definitions

3. In this Code—

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

“**Censor**” means the Chief Censor within the meaning of section 3(1) of the *Classification of Publications Ordinance 1983* of the Australian Capital Territory;

“**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;

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**SCHEDULE 1 (continued)**

- (c) July to September;
- (d) October to December.

## **PART 2—UNDERLYING PRINCIPLES**

### **Underlying principles**

**4.** 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**

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

**5.** 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 by the Censor or the publications classification officer; and

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**SCHEDULE 1 (continued)**

- (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.

**Publications classification officer to notify approved distributor of prohibited publication**

**6.(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****Approved distributor is to know about Act and Code etc.**

**7.** 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.

**Approved distributor is to nominate contact person**

**8.(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.

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**SCHEDULE 1 (continued)**

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**(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
- (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.

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**SCHEDULE 1 (continued)**

(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.

**Approved distributor must exercise care**

9.(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 Censor 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.

**Withdrawal of publication from distribution**

10. 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.

**Titles of publications distributed to be supplied**

11. 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

##### Short title

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

##### Purpose

2. 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.

##### Definitions

3. In this Code—

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

“**Censor**” means the Chief Censor within the meaning of section 3(1) of the *Classification of Publications Ordinance 1983* of the Australian Capital Territory;

“**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.

SCHEDULE 2 (continued)

**PART 2—UNDERLYING PRINCIPLES**

**General principles**

**4.** 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**

**Publications classification officer to notify seller of guidelines etc.**

**5.** The publications classification officer is to notify a seller of—

- (a) guidelines for the classification of publications, and any variations of the guidelines, issued by the Censor or the publications classification officer; 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.

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**SCHEDULE 2 (continued)**

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**PART 4—THINGS THAT A SELLER IS TO DO****Seller is to know about Act and Code etc.**

**6.** 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.

**Seller is to exercise care**

**7.(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 Censor 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.

**Notification of distribution of prohibited publication**

**8.(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.

## ENDNOTES

1. Made by the Governor in Council on 17 December 1992.
2. Notified in the Gazette on 18 December 1992.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Consumer Affairs.