

Queensland



Subordinate Legislation 1995 No. 149

Classification of Computer Games and Images (Interim) Act 1995

CLASSIFICATION OF COMPUTER GAMES AND IMAGES (INTERIM) REGULATION 1995

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Short title

1. This regulation may be cited as the *Classification of Computer Games and Images (Interim) Regulation 1995*.

Definition

2. In this regulation—

“tribunal” means the Computer Games and Images Appeals Tribunal.

Establishment of tribunal

3.(1) The Computer Games and Images Appeals Tribunal is established.

(2) The tribunal is the appeal body under the Act.

Composition of tribunal

4. The tribunal consists of the chairperson and 2 other members.

Appointment of members

5.(1) The Governor in Council appoints the members of the tribunal.

(2) The members are appointed on a part-time basis.

Qualifications for appointment

6. A person is eligible for appointment as chairperson of the tribunal only if the person is a lawyer of at least 5 years standing.

Term of appointment

7.(1) A member of the tribunal is appointed for the term stated by the Governor in Council in the instrument of appointment.

(2) The term must not be longer than 3 years.

Remuneration and allowances

8. A member of the tribunal is entitled to be paid the remuneration and allowances decided by the Governor in Council.

Resignation

9. A member of the tribunal may resign by signed notice given to the Governor.

Disclosure of interests

10.(1) Subsection (2) applies if a member of the tribunal has or acquires a financial or other interest that could conflict with the proper performance of the member's functions for an appeal.

(2) The member—

- (a) must disclose the interest to the parties to the appeal; and
- (b) may take part in the appeal or exercise a power for the appeal only with the consent of the parties to the appeal.

(3) Subsection (4) applies if the chairperson of the tribunal becomes aware a member of the tribunal has, for an appeal, an interest of the kind mentioned in subsection (1).

(4) The chairperson must—

- (a) if the chairperson considers the member should not take part, or continue to take part, in the appeal—direct the member accordingly; or
- (b) if paragraph (a) does not apply—cause the interest of the member to be disclosed to the parties to the appeal if the interest has not already been disclosed to them.

Removal of member from office

11. The Governor in Council may remove a member of the tribunal from office if the member—

- (a) becomes incapable of performing satisfactorily the duties of a

- member because of physical or mental incapacity; or
- (b) is convicted of an indictable offence; or
 - (c) is guilty of misconduct as a member; or
 - (d) contravenes section 10¹ or a direction given under the section.

Acting appointments

12. The Governor in Council may appoint a person to act as chairperson or other member of the tribunal—

- (a) during a vacancy in the office; or
- (b) during any period, or during all periods, when the chairperson or other member is absent from duty or from the State or cannot, for another reason, perform the functions of the office.

Proceedings of tribunal

13.(1) The tribunal must sit at the times and places the chairperson decides.

(2) The chairperson may give directions about the arrangements for an appeal before the tribunal.

(3) The computer games classification officer is a party to an appeal before the tribunal.

Representation before tribunal

14.(1) At the hearing of an appeal before the tribunal, a party to the appeal may appear in person or be represented by someone else.

(2) The party's representative need not be a lawyer.

¹ Section 10 (Disclosure of interests)

Procedure of tribunal

15. In an appeal before the tribunal—

- (a) the procedure of the tribunal is within the discretion of the tribunal; and
- (b) the appeal is to be conducted with as little formality and technicality, and with as much expedition, as a proper consideration of the matters before the tribunal permit; and
- (c) the tribunal is not bound by the rules of evidence and may inform itself on anything in the way it considers appropriate; and
- (d) the tribunal must observe the rules of natural justice.

Hearing of appeal open to public unless tribunal otherwise orders

16.(1) The hearing of an appeal by the tribunal is open to the public.

(2) However, the tribunal may order the hearing be held in private if—

- (a) the appeal is about a computer game; and
- (b) the tribunal is satisfied the appeal should be heard in private because of the game's nature.

(3) The tribunal may, by order, give directions about the persons who may be present at a hearing held in private.

Particular powers of tribunal

17.(1) The tribunal may—

- (a) take evidence on oath or affirmation; or
- (b) proceed in the absence of a party who has had reasonable notice of the appeal; or
- (c) adjourn the appeal.

(2) The chairperson—

- (a) may require a person appearing before the tribunal to give evidence either to take an oath or to make an affirmation; and

(b) may administer an oath or affirmation to the person.

(3) The oath or affirmation is an oath or affirmation that the evidence the person will give will be true.

(4) The tribunal may permit a person appearing as a witness before the tribunal to give evidence by tendering a written statement, verified, if the tribunal directs, by oath or affirmation.

Power of tribunal to dismiss appeal or strike out party

18.(1) This section applies if a party to an appeal before the tribunal who has had reasonable notice of the appeal does not appear at the hearing of the appeal.

(2) The tribunal may—

- (a) if the only other party to the appeal is the person who made the decision being appealed—dismiss the appeal; or
- (b) if paragraph (a) does not apply—direct that the person who did not appear is to cease to be a party to the appeal.

General powers

19. The tribunal may do all other things necessary or convenient to be done for or in connection with the hearing and determination of the appeal.

When decision of tribunal comes into effect

20. A decision of the tribunal comes into effect when it is made or, if a later day is stated in the decision, the later day.

Reasons to be given by tribunal

21.(1) The tribunal must give written reasons for its decision on an appeal.

(2) The tribunal must cause a written copy of its reasons to be given to each party to the appeal.

Refusal of witness to be sworn or answer questions

22.(1) A person appearing as a witness at a hearing of an appeal to the tribunal must not fail, without reasonable excuse—

- (a) to be sworn or to make an affirmation; or
- (b) to answer a question that the person is required to answer by a member of the tribunal.

Maximum penalty—20 penalty units.

(2) It is a reasonable excuse for a person to fail to answer a question if answering the question might tend to incriminate the person.

False or misleading evidence

23.(1) A person appearing as a witness before the tribunal must not give false or misleading evidence.

Maximum penalty—20 penalty units.

(2) In this section—

“false or misleading evidence” means evidence—

- (a) that the person giving it knows is false or misleading in a material particular; or
- (b) from which the person giving it has omitted something, knowing the omission makes the evidence misleading in a material particular.

Contempt of tribunal

24. A person must not—

- (a) insult a member of the tribunal in relation to the performance of his or her functions as a member; or
- (b) interrupt the hearing of an appeal by the tribunal; or
- (c) create a disturbance, or take part in creating or continuing a disturbance, in or near a place where the tribunal is sitting.

Maximum penalty—20 penalty units.

Obstructing tribunal

25. A person must not knowingly obstruct, or attempt to obstruct, the conduct of a hearing of the tribunal.

Maximum penalty—20 penalty units.

ENDNOTES

1. Made by the Governor in Council on 1 June 1995.
2. Notified in the Gazette on 2 June 1995.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Consumer Affairs Office.