



Queensland

Classification of Computer Games and Images Regulation 2005

Subordinate Legislation 2005 No. 210

made under the

Classification of Computer Games and Images Act 1995

Contents

		Page
1	Short title	3
2	Commencement	3
3	Definition	3
4	Establishment of tribunal	3
5	Members of tribunal	3
6	Appointment of members	3
7	Qualifications for appointment	3
8	Term of appointment.	4
9	Remuneration and allowances	4
10	Resignation	4
11	Disclosure of interests	4
12	Removal of member from office	5
13	Acting appointments.	5
14	Proceedings of tribunal.	5
15	Representation before tribunal	6
16	Procedure of tribunal	6
17	Hearing of appeal open to public unless tribunal orders otherwise	6
18	Particular powers of tribunal	6
19	Power of tribunal to dismiss appeal or strike out party	7

20	General powers	7
21	When decision of tribunal comes into effect	7
22	Reasons to be given by tribunal	8
23	Refusal of witness to be sworn or answer questions	8
24	False or misleading evidence	8
25	Contempt of tribunal	9
26	Obstructing tribunal	9
27	Repeal	9

1 Short title

This regulation may be cited as the *Classification of Computer Games and Images Regulation 2005*.

2 Commencement

This regulation commences on 1 September 2005.

3 Definition

In this regulation—

tribunal means the Computer Games and Images Appeals Tribunal.

4 Establishment of tribunal

- (1) The Computer Games and Images Appeals Tribunal is established.
- (2) The tribunal is the appeal body for the Act.

5 Members of tribunal

The tribunal consists of the chairperson and 2 other members.

6 Appointment of members

- (1) The Governor in Council appoints the members of the tribunal.
- (2) The members are appointed on a part-time basis.

7 Qualifications for appointment

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

8 Term of appointment

- (1) A member of the tribunal is appointed for the term stated by the Governor in Council in the instrument of appointment.
- (2) However, the term must not be longer than 3 years.

9 Remuneration and allowances

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

10 Resignation

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

11 Disclosure of interests

- (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 that 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 in the appeal—direct the member not to take part in the appeal; or
 - (b) if the chairperson considers the member should not continue to take part in the appeal—direct the member not to continue to take part in the appeal; or

- (c) if paragraphs (a) and (b) do not apply—disclose the interest of the member to the parties to the appeal if the interest has not already been disclosed to them.

12 Removal of member from office

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) engages in misconduct as a member; or
- (d) contravenes section 11 or a direction given under the section.

13 Acting appointments

The Governor in Council may appoint a person to act as chairperson or another 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.

14 Proceedings of tribunal

- (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.

15 Representation before tribunal

- (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.

16 Procedure of tribunal

- (1) When conducting a hearing, the tribunal—
 - (a) must comply with natural justice; and
 - (b) must act as quickly, and with as little formality and technicality, as is consistent with a fair and proper consideration of the issues before it; and
 - (c) is not bound by the rules of evidence; and
 - (d) may inform itself of anything in the way it considers appropriate.
- (2) The tribunal may decide the procedures to be followed in the appeal.

17 Hearing of appeal open to public unless tribunal orders otherwise

- (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.

18 Particular powers of tribunal

- (1) The tribunal may—
 - (a) take evidence on oath or affirmation; or

- (b) act 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.

19 Power of tribunal to dismiss appeal or strike out party

- (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) otherwise—direct that the person who did not appear must cease to be a party to the appeal.

20 General powers

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

21 When decision of tribunal comes into effect

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.

22 Reasons to be given by tribunal

- (1) The tribunal must give written reasons for its decision on an appeal.
- (2) The tribunal must give a copy of its written reasons to each party to the appeal.

23 Refusal of witness to be sworn or answer questions

- (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.

24 False or misleading evidence

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

Maximum penalty—20 penalty units.

- (2) It is enough for a complaint for an offence against subsection (1) to state that the evidence given was ‘false or misleading’ to the person’s knowledge, without specifying which.

- (3) 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.

25 Contempt of tribunal

A person must not—

- (a) insult a member of the tribunal in relation to the performance of the member's 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.

26 Obstructing tribunal

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

Maximum penalty—20 penalty units.

27 Repeal

The Classification of Computer Games and Images (Interim) Regulation 1995 SL No. 149 is repealed.

ENDNOTES

- 1 Made by the Governor in Council on 25 August 2005.
- 2 Notified in the gazette on 26 August 2005.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Office of Fair Trading.