



Queensland

# **Tourism, Fair Trading and Wine Industry Development Legislation Amendment Bill 2005**





Queensland

# Tourism, Fair Trading and Wine Industry Development Legislation Amendment Bill 2005

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**2005**

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**A Bill**

for

**An Act to amend particular legislation administered by the  
Minister for Tourism, Fair Trading and Wine Industry  
Development, and for other purposes**

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	<b>The Parliament of Queensland enacts—</b>	1
	 <b>Part 1 Preliminary</b>	 2
<b>Clause 1</b>	<b>Short title</b>	3
	This Act may be cited as the <i>Tourism, Fair Trading and Wine Industry Development Legislation Amendment Act 2005</i> .	4 5
<b>Clause 2</b>	<b>Commencement</b>	6
	Parts 2 to 5 commence, or are taken to have commenced, on 26 May 2005.	7 8
	 <b>Part 2 Amendment of Classification of Computer Games and Images Act 1995</b>	 9 10 11
<b>Clause 3</b>	<b>Act amended in pt 2</b>	12
	This part amends the <i>Classification of Computer Games and Images Act 1995</i> .	13 14
<b>Clause 4</b>	<b>Amendment of s 4 (Classification under the Commonwealth Act)</b>	15 16
	(1) Section 4(1A)(b), ‘G(8+)’—	17
	<i>omit, insert—</i>	18
	‘PG’.	19
	(2) Section 4(1A)(c), ‘M(15+)’—	20
	<i>omit, insert—</i>	21
	‘M’.	22

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- (3) Section 4(1A)(d), ‘MA—MA(15+)’— 1  
*omit, insert—* 2  
‘MA 15+—MA 15+’. 3
- (4) Section 4(1A)(e), ‘R, X or RC’— 4  
*omit, insert—* 5  
‘R 18+, X 18+ or RC’. 6

- Clause 5 Amendment of s 9 (Prohibition against demonstration of unclassified computer game)** 7  
8
- (1) Section 9(1), penalty, paragraph (a), ‘G(8+) or M(15+)’— 9  
*omit, insert—* 10  
‘PG or M’. 11
- (2) Section 9(1), penalty, paragraph (b), ‘MA(15+)’— 12  
*omit, insert—* 13  
‘MA 15+’. 14

- Clause 6 Amendment of s 10 (Restriction on demonstration of MA(15+) computer game)** 15  
16
- Section 10(1), (3) and heading, ‘MA(15+)’— 17  
*omit, insert—* 18  
‘MA 15+’. 19

- Clause 7 Amendment of s 13A (Prohibition against advertising certain computer games)** 20  
21
- Section 13A(2), ‘R, X’— 22  
*omit, insert—* 23  
‘R 18+, X 18+’. 24

- Clause 8 Amendment of s 16 (Classified computer games containing advertisements for other computer games)** 25  
26
- (1) Section 16(a) and (b), ‘G(8+)’— 27

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<i>omit, insert—</i>	1
‘PG’.	2
(2) Section 16(a), (b) and (c), ‘M(15+)’—	3
<i>omit, insert—</i>	4
‘M’.	5
(3) Section 16(a), (b), (c) and (d), ‘MA(15+)’—	6
<i>omit, insert—</i>	7
‘MA 15+’.	8

<b>Clause 9</b>	<b>Amendment of s 17 (Display for sale of MA(15+) computer game)</b>	9 10
	Section 17, ‘MA(15+)’—	11
	<i>omit, insert—</i>	12
	‘MA 15+’.	13
<b>Clause 10</b>	<b>Amendment of s 18 (Sale of MA(15+) computer game to certain children prohibited)</b>	14 15
	Section 18(1) and heading, ‘MA(15+)’—	16
	<i>omit, insert—</i>	17
	‘MA 15+’.	18
<b>Clause 11</b>	<b>Amendment of s 19 (Sale of unclassified computer games prohibited)</b>	19 20
	(1) Section 19(1), penalty, paragraph (a), ‘G(8+) or M(15+)’—	21
	<i>omit, insert—</i>	22
	‘PG or M’.	23
	(2) Section 19(1), penalty, paragraph (b), ‘MA(15+)’—	24
	<i>omit, insert—</i>	25
	‘MA 15+’.	26

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<b>Clause 12</b>	<b>Insertion of new pt 9</b>	1												
	After section 69—	2												
	<i>insert—</i>	3												
<b>‘Part 9</b>	<b>Transitional provision for Tourism, Fair Trading and Wine Industry Development Legislation Amendment Act 2005</b>	4 5 6 7 8												
<b>‘70</b>	<b>Conversion of particular classifications of computer games to equivalent new classifications</b>	9 10												
	‘(1) This section applies if, immediately before the commencement of this section, a computer game had a classification (the <i>original classification</i> ) under this Act mentioned in column 1 of the following table—	11 12 13 14												
	<b>Table</b>													
	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; width: 50%;"><b>Column 1</b></th> <th style="text-align: left; width: 50%;"><b>Column 2</b></th> </tr> </thead> <tbody> <tr> <td>G(8+)</td> <td>PG</td> </tr> <tr> <td>M(15+)</td> <td>M</td> </tr> <tr> <td>MA(15+)</td> <td>MA 15+</td> </tr> <tr> <td>R</td> <td>R 18+</td> </tr> <tr> <td>X</td> <td>X 18+</td> </tr> </tbody> </table>	<b>Column 1</b>	<b>Column 2</b>	G(8+)	PG	M(15+)	M	MA(15+)	MA 15+	R	R 18+	X	X 18+	
<b>Column 1</b>	<b>Column 2</b>													
G(8+)	PG													
M(15+)	M													
MA(15+)	MA 15+													
R	R 18+													
X	X 18+													
	‘(2) From the commencement, the computer game is taken to have the classification under this Act set out opposite the original classification in column 2 of the table (the <i>new classification</i> ).	15 16 17												
	‘(3) From the commencement, a reference in an Act or a document to an original classification may, if the context permits, be taken to be a reference to the new classification.	18 19 20												
	‘(4) A change from an original classification to the new classification does not affect a proceeding for an offence alleged to have been committed before the commencement, whether the proceeding is started before or after the	21 22 23 24												



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<i>omit, insert—</i>	1
‘G film—a film classified as a PG, M, MA 15+, R 18+, X 18+ or RC’.	2 3
(2) Section 21A(b), from ‘ “PG” ’ to ‘ “RC” ’—	4
<i>omit, insert—</i>	5
‘PG film—a film classified as an M, MA 15+, R 18+, X 18 + or RC’.	6 7
(3) Section 21A(c), from ‘ “M” ’ to ‘ “RC” ’—	8
<i>omit, insert—</i>	9
‘M film—a film classified as an MA 15+, R 18+, X 18+ or RC’.	10 11
(4) Section 21A(d), from ‘ “MA” ’ to ‘ “RC” ’—	12
<i>omit, insert—</i>	13
‘MA 15+ film—a film classified as an R 18+, X 18+ or RC’.	14
(5) Section 21A(e), from ‘ “R” ’ to ‘ “RC” ’—	15
<i>omit, insert—</i>	16
‘R 18+ film—a film classified as an X 18+ or RC’.	17

<b>Clause 17</b>	<b>Amendment of s 22 (Attendance of certain minors at exhibition of certain films—offence by exhibitor)</b>	18 19
(1) Section 22(1), ‘ “MA” ’—		20
<i>omit, insert—</i>		21
‘MA 15+’.		22
(2) Section 22(2), ‘ “R” ’—		23
<i>omit, insert—</i>		24
‘R 18+’.		25
<b>Clause 18</b>	<b>Amendment of s 23 (Attendance of minor at exhibition of certain films—offence by other persons)</b>	26 27
Section 23(1) and penalty, ‘ “R” ’—		28

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*omit, insert—* 1  
‘R 18+’. 2

**Clause 19**      **Amendment of s 24 (Minors not to be present at exhibition of certain films—offence by minor)** 3  
4  
Section 24, ‘ “R” ’— 5  
*omit, insert—* 6  
‘R 18+’. 7

**Clause 20**      **Amendment of s 25 (Power to require particulars of name, address and age)** 8  
9  
(1) Section 25(1) and (3)(a)(i), (b)(i) and (c)(i), ‘ “MA” ’— 10  
*omit, insert—* 11  
‘MA 15+’. 12  
(2) Section 25(1) and (3)(a)(ii), (b)(ii) and (c)(ii), ‘ “R” ’— 13  
*omit, insert—* 14  
‘R 18+’. 15

**Clause 21**      **Amendment of s 25B (Offences relating to particulars)** 16  
Section 25B(2)(a), ‘ “MA” or “R” ’— 17  
*omit, insert—* 18  
‘MA 15+ or R 18+’. 19

**Clause 22**      **Amendment of s 31 (Classified films containing advertisements for other films)** 20  
21  
(1) Section 31(a), from ‘ “G” ’ to ‘ “RC” ’— 22  
*omit, insert—* 23  
‘G film—a film classified as a PG, M, MA 15+, R 18+, X 18+ 24  
or RC’. 25  
(2) Section 31(b), from ‘ “PG” ’ to ‘ “RC” ’— 26

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<i>omit, insert—</i>	1
‘PG film—a film classified as an M, MA 15+, R 18+, X 18+ or RC’.	2 3
(3) Section 31(c), from ‘ “M” ’ to ‘ “RC” ’—	4
<i>omit, insert—</i>	5
‘M film—a film classified as an MA 15+, R 18+, X 18+ or RC’.	6 7
(4) Section 31(d), from ‘ “MA” ’ to ‘ “RC” ’—	8
<i>omit, insert—</i>	9
‘MA 15+ film—a film classified as an R 18+, X 18+ or RC’.	10
(5) Section 31(e), from ‘ “R” ’ to ‘ “RC” ’—	11
<i>omit, insert—</i>	12
‘R 18+ film—a film classified as an X 18+ or RC’.	13

<b>Clause 23</b>	<b>Amendment of s 32 (Display for sale of “MA” or “R” film)</b>	14
	Section 32, ‘ “MA” or “R” ’—	15
	<i>omit, insert—</i>	16
	‘MA 15+ or R 18+’.	17

<b>Clause 24</b>	<b>Amendment of s 33 (Sale of “MA” or “R” film to certain minors prohibited)</b>	18 19
	(1) Section 33(1)(a) and heading, ‘ “MA” ’—	20
	<i>omit, insert—</i>	21
	‘MA 15+’.	22
	(2) Section 33(1)(b) and heading, ‘ “R” ’—	23
	<i>omit, insert—</i>	24
	‘R 18+’.	25

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<b>Clause 25</b>	<b>Amendment of s 34 (Display and sale of objectionable and unclassified films prohibited)</b>	1 2
	(1) Section 34, penalty, paragraph (a), ‘ “G”, “PG” or “M” ’—	3
	<i>omit, insert—</i>	4
	‘G, PG or M’.	5
	(2) Section 34, penalty, paragraph (b), ‘ “MA” ’—	6
	<i>omit, insert—</i>	7
	‘MA 15+’.	8
	(3) Section 34, penalty, paragraph (c), ‘ “R” ’—	9
	<i>omit, insert—</i>	10
	‘R 18+’.	11
	(4) Section 34, penalty, paragraph (d), ‘ “X” ’—	12
	<i>omit, insert—</i>	13
	‘X 18+’.	14
	(5) Section 34, penalty, paragraph (e), ‘ “RC” ’—	15
	<i>omit, insert—</i>	16
	‘RC’.	17
 <b>Clause 26</b>	 <b>Amendment of s 38 (Exhibition of an “R” or objectionable film before a minor)</b>	 18 19
	Section 38(1) and heading, ‘ “R” ’—	20
	<i>omit, insert—</i>	21
	‘R 18+’.	22
 <b>Clause 27</b>	 <b>Amendment of s 39 (Display and sale of objectionable film prohibited)</b>	 23 24
	Section 39, penalty, paragraph (a), ‘ “X” ’—	25
	<i>omit, insert—</i>	26
	‘X 18+’.	27

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<b>Clause 28</b>	<b>Amendment of s 40 (Keeping together of classified and objectionable films prohibited)</b>	1 2
	Section 40, penalty, paragraph (a), ‘ “X” ’—	3
	<i>omit, insert—</i>	4
	‘X 18+’.	5
<b>Clause 29</b>	<b>Amendment of s 41 (Possession of objectionable film)</b>	6
	Section 41(1), penalty, paragraph (a), ‘ “X” ’—	7
	<i>omit, insert—</i>	8
	‘X 18+’.	9
<b>Clause 30</b>	<b>Amendment of s 44 (No liability in certain circumstances)</b>	10
	(1) Section 44(2)(b) and (3)(b), ‘ “X” ’—	11
	<i>omit, insert—</i>	12
	‘X 18+’.	13
	(2) Section 44(2)(b) and (3)(a), ‘ “RC” ’—	14
	<i>omit, insert—</i>	15
	‘RC’.	16
<b>Clause 31</b>	<b>Amendment of s 60 (Evidentiary provisions)</b>	17
	Section 60(1)(c), ‘ “RC” ’—	18
	<i>omit, insert—</i>	19
	‘RC’.	20
<b>Clause 32</b>	<b>Amendment of s 64 (Certain classified films not indecent or obscene)</b>	21 22
	Section 64(2), ‘ “X” or “RC” ’—	23
	<i>omit, insert—</i>	24
	‘X 18+ or RC’.	25

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<b>Clause 33</b>	<b>Insertion of new pt 9, div 1 hdg</b>	1
	After part 9, heading—	2
	<i>insert—</i>	3
	<b>‘Division 1                    Savings and transitional provisions    for Classification of Films    Amendment Act 1993 No. 15’.</b>	4 5 6
<b>Clause 34</b>	<b>Insertion of new pt 9, div 2 hdg</b>	7
	After section 68—	8
	<i>insert—</i>	9
	<b>‘Division 2                    Transitional provision for Consumer    Law and Other Justice Legislation    (Miscellaneous Provisions) Act    1996 No. 56’.</b>	10 11 12 13
<b>Clause 35</b>	<b>Insertion of new pt 9, div 3</b>	14
	After section 69—	15
	<i>insert—</i>	16
	<b>‘Division 3                    Transitional provision for Tourism,    Fair Trading and Wine Industry    Development Legislation    Amendment Act 2005</b>	17 18 19 20
	<b>‘70                    Conversion of particular classifications of films to    equivalent new classifications</b>	21 22
	‘(1) This section applies if, immediately before the commencement of this section, a film had a classification (the	23 24



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<i>‘computer game</i> see the <i>Classification of Computer Games and Images Act 1995</i> , schedule 2.	1 2
<i>film</i> see the <i>Classification of Films Act 1991</i> , section 3.	3
<i>publication</i> means any written or pictorial matter, but does not include—	4 5
(a) a film; or	6
(b) a computer game; or	7
(c) an advertisement for a publication, a film or a computer game.’.	8 9

## Part 5Amendment of Criminal Code10

<b>Clause 38</b>	<b>Code amended in pt 5</b>	11
	This part amends the Criminal Code.	12
<b>Clause 39</b>	<b>Amendment of s 228E (Defences for ss 228A–228D)</b>	13
	Section 228E(5)(a), ‘R or X’—	14
	<i>omit, insert—</i>	15
	‘R or R 18+ or X or X 18+’.	16

## Part 6Amendment of Land Sales Act 198417 18

<b>Clause 40</b>	<b>Act amended in pt 6</b>	19
	This part amends the <i>Land Sales Act 1984</i> .	20

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<b>Clause 41</b>	<b>Amendment of s 28 (Extension of period mentioned in s 27 for giving of registrable instrument)</b>	1 2
	Section 28(1), ‘4 <sup>1</sup> / <sub>2</sub> years’—	3
	<i>omit, insert—</i>	4
	‘5 <sup>1</sup> / <sub>2</sub> years.’.	5
<b>Part 7</b>		
<b>Amendment of Tourism Queensland Act 1979</b>		6 7
<b>Clause 42</b>	<b>Act amended in pt 7</b>	8
	This part amends the <i>Tourism Queensland Act 1979</i> .	9
<b>Clause 43</b>	<b>Amendment of s 13 (Functions of corporation)</b>	10
	(1) Section 13(1)—	11
	<i>omit, insert—</i>	12
	‘(1) The functions of the corporation are—	13
	(a) to facilitate the following—	14
	(i) the promotion and marketing, domestically and internationally, of tourism and travel;	15 16
	(ii) the development of the tourist and travel industry;	17
	(iii) the making of tourism and travel arrangements;	18
	(iv) the provision of tourism and travel information services; and	19 20
	(b) to prepare a State tourist and industry strategic marketing plan; and	21 22
	(c) to advise the Minister on matters relating to paragraphs (a) and (b).’.	23 24
	(2) Section 13(2), from ‘shall’ to ‘arrange’—	25
	<i>omit, insert—</i>	26

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‘is to facilitate the promotion, marketing and development of’. 1

(3) Section 13— 2

*insert*— 3

‘(5) A reference in this section to facilitating a thing includes 4  
doing the thing.’. 5

**Clause 44      Amendment of s 14 (Powers of corporation) 6**

(1) Section 14— 7

*insert*— 8

‘(3) Also, the corporation may enter into an arrangement with a 9  
person for the person to do a thing mentioned in 10  
section 13(1)(a)(i) to (iv).’ 11

(2) Section 14— 12

*insert*— 13

‘(5) In this section— 14

***arrangement*** includes— 15

(a) a licence agreement for the use of property of the 16  
corporation by a person; or 17

(b) a contract for the transfer of an asset or liability of the 18  
corporation to a person.’. 19