



Queensland

Tourism, Fair Trading and Wine Industry Development Legislation Amendment Act 2005

Act No. 24 of 2005



Queensland

Tourism, Fair Trading and Wine Industry Development Legislation Amendment Act 2005

Contents

		Page
Part 1	Preliminary	
1	Short title	6
2	Commencement	6
Part 2	Amendment of Classification of Computer Games and Images Act 1995	
3	Act amended in pt 2	6
4	Amendment of s 4 (Classification under the Commonwealth Act)	6
5	Amendment of s 9 (Prohibition against demonstration of unclassified computer game)	7
6	Amendment of s 10 (Restriction on demonstration of MA(15+) computer game)	7
7	Amendment of s 13A (Prohibition against advertising certain computer games)	7
8	Amendment of s 16 (Classified computer games containing advertisements for other computer games)	7
9	Amendment of s 17 (Display for sale of MA(15+) computer game)	8
10	Amendment of s 18 (Sale of MA(15+) computer game to certain children prohibited)	8
11	Amendment of s 19 (Sale of unclassified computer games prohibited)	8
12	Insertion of new pt 9	9

	Part 9	Transitional provision for Tourism, Fair Trading and Wine Industry Development Legislation Amendment Act 2005	
	70	Conversion of particular classifications of computer games to equivalent new classifications.	9
Part 3		Amendment of Classification of Films Act 1991	
13		Act amended in pt 3	10
14		Amendment of s 3 (Definitions)	10
15		Amendment of s 21 (Prohibition against exhibition of certain films in public places)	10
16		Amendment of s 21A (Classified films—exhibiting advertisements for other films)	10
17		Amendment of s 22 (Attendance of certain minors at exhibition of certain films—offence by exhibitor)	11
18		Amendment of s 23 (Attendance of minor at exhibition of certain films—offence by other persons)	11
19		Amendment of s 24 (Minors not to be present at exhibition of certain films—offence by minor)	12
20		Amendment of s 25 (Power to require particulars of name, address and age)	12
21		Amendment of s 25B (Offences relating to particulars)	12
22		Amendment of s 31 (Classified films containing advertisements for other films).	12
23		Amendment of s 32 (Display for sale of “MA” or “R” film)	13
24		Amendment of s 33 (Sale of “MA” or “R” film to certain minors prohibited)	13
25		Amendment of s 34 (Display and sale of objectionable and unclassified films prohibited)	14
26		Amendment of s 38 (Exhibition of an “R” or objectionable film before a minor)	14
27		Amendment of s 39 (Display and sale of objectionable film prohibited)	14
28		Amendment of s 40 (Keeping together of classified and objectionable films prohibited)	15
29		Amendment of s 41 (Possession of objectionable film)	15
30		Amendment of s 44 (No liability in certain circumstances)	15
31		Amendment of s 60 (Evidentiary provisions)	15
32		Amendment of s 64 (Certain classified films not indecent or obscene)	15
33		Insertion of new pt 9, div 1 hdg	16
34		Insertion of new pt 9, div 2 hdg	16

*Tourism, Fair Trading and Wine Industry
Development Legislation Amendment Act 2005* *No. 24, 2005*

35	Insertion of new pt 9, div 3	16
	Division 3 Transitional provision for Tourism, Fair Trading and Wine Industry Development Legislation Amendment Act 2005	
	70 Conversion of particular classifications of films to equivalent new classifications	16
Part 4	Amendment of Classification of Publications Act 1991	
36	Act amended in pt 4	17
37	Amendment of s 3 (Definitions)	17
Part 5	Amendment of Criminal Code	
38	Code amended in pt 5	18
39	Amendment of s 228E (Defences for ss 228A–228D)	18
Part 6	Amendment of Land Sales Act 1984	
40	Act amended in pt 6	18
41	Amendment of s 28 (Extension of period mentioned in s 27 for giving of registrable instrument)	19
Part 7	Amendment of Tourism Queensland Act 1979	
42	Act amended in pt 7	19
43	Amendment of s 13 (Functions of corporation)	19
44	Amendment of s 14 (Powers of corporation)	20



Queensland

Tourism, Fair Trading and Wine Industry Development Legislation Amendment Act 2005

Act No. 24 of 2005

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

[Assented to 31 May 2005]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Tourism, Fair Trading and Wine Industry Development Legislation Amendment Act 2005*.

2 Commencement

Parts 2 to 5 commence, or are taken to have commenced, on 26 May 2005.

Part 2 Amendment of Classification of Computer Games and Images Act 1995

3 Act amended in pt 2

This part amends the *Classification of Computer Games and Images Act 1995*.

4 Amendment of s 4 (Classification under the Commonwealth Act)

(1) Section 4(1A)(b), ‘G(8+)’—

omit, insert—

‘PG’.

(2) Section 4(1A)(c), ‘M(15+)’—

omit, insert—

‘M’.

(3) Section 4(1A)(d), ‘MA—MA(15+)’—

omit, insert—

‘MA 15+—MA 15+’.

(4) Section 4(1A)(e), ‘R, X or RC’—

omit, insert—

‘R 18+, X 18+ or RC’.

5 Amendment of s 9 (Prohibition against demonstration of unclassified computer game)

(1) Section 9(1), penalty, paragraph (a), ‘G(8+) or M(15+)’—

omit, insert—

‘PG or M’.

(2) Section 9(1), penalty, paragraph (b), ‘MA(15+)’—

omit, insert—

‘MA 15+’.

6 Amendment of s 10 (Restriction on demonstration of MA(15+) computer game)

Section 10(1), (3) and heading, ‘MA(15+)’—

omit, insert—

‘MA 15+’.

7 Amendment of s 13A (Prohibition against advertising certain computer games)

Section 13A(2), ‘R, X’—

omit, insert—

‘R 18+, X 18+’.

8 Amendment of s 16 (Classified computer games containing advertisements for other computer games)

(1) Section 16(a) and (b), ‘G(8+)’—

omit, insert—

‘PG’.

- (2) Section 16(a), (b) and (c), ‘M(15+)’—

omit, insert—

‘M’.

- (3) Section 16(a), (b), (c) and (d), ‘MA(15+)’—

omit, insert—

‘MA 15+’.

9 Amendment of s 17 (Display for sale of MA(15+) computer game)

Section 17, ‘MA(15+)’—

omit, insert—

‘MA 15+’.

10 Amendment of s 18 (Sale of MA(15+) computer game to certain children prohibited)

Section 18(1) and heading, ‘MA(15+)’—

omit, insert—

‘MA 15+’.

11 Amendment of s 19 (Sale of unclassified computer games prohibited)

- (1) Section 19(1), penalty, paragraph (a), ‘G(8+) or M(15+)’—

omit, insert—

‘PG or M’.

- (2) Section 19(1), penalty, paragraph (b), ‘MA(15+)’—

omit, insert—

‘MA 15+’.

12 Insertion of new pt 9

After section 69—

insert—

'Part 9 Transitional provision for Tourism, Fair Trading and Wine Industry Development Legislation Amendment Act 2005

'70 Conversion of particular classifications of computer games to equivalent new classifications

- '(1) This section applies if, immediately before the commencement of this section, a computer game had a classification (the *original classification*) under this Act mentioned in column 1 of the following table—

Table

Column 1	Column 2
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 *new classification*).
- '(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.
- '(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

commencement, in relation to a computer game described by reference to the original classification.’.

Part 3 Amendment of Classification of Films Act 1991

13 Act amended in pt 3

This part amends the *Classification of Films Act 1991*.

14 Amendment of s 3 (Definitions)

Section 3, definition *objectionable film*, ‘ “X” or “RC” ’—
omit, insert—
‘X 18+ or RC’.

15 Amendment of s 21 (Prohibition against exhibition of certain films in public places)

- (1) Section 21(1), penalty, paragraph (a), ‘ “G”, “PG” or “M” ’—
omit, insert—
‘G, PG or M’.
- (2) Section 21(1), penalty, paragraph (b), ‘ “MA” ’—
omit, insert—
‘MA 15+’.
- (3) Section 21(1), penalty, paragraph (c), ‘ “R” ’—
omit, insert—
‘R 18+’.

16 Amendment of s 21A (Classified films—exhibiting advertisements for other films)

- (1) Section 21A(a), from ‘ “G” ’ to ‘ “RC” ’—

omit, insert—

‘G film—a film classified as a PG, M, MA 15+, R 18+, X 18+ or RC’.

- (2) Section 21A(b), from ‘ “PG” ’ to ‘ “RC” ’—

omit, insert—

‘PG film—a film classified as an M, MA 15+, R 18+, X 18 + or RC’.

- (3) Section 21A(c), from ‘ “M” ’ to ‘ “RC” ’—

omit, insert—

‘M film—a film classified as an MA 15+, R 18+, X 18+ or RC’.

- (4) Section 21A(d), from ‘ “MA” ’ to ‘ “RC” ’—

omit, insert—

‘MA 15+ film—a film classified as an R 18+, X 18+ or RC’.

- (5) Section 21A(e), from ‘ “R” ’ to ‘ “RC” ’—

omit, insert—

‘R 18+ film—a film classified as an X 18+ or RC’.

17 Amendment of s 22 (Attendance of certain minors at exhibition of certain films—offence by exhibitor)

- (1) Section 22(1), ‘ “MA” ’—

omit, insert—

‘MA 15+’.

- (2) Section 22(2), ‘ “R” ’—

omit, insert—

‘R 18+’.

18 Amendment of s 23 (Attendance of minor at exhibition of certain films—offence by other persons)

Section 23(1) and penalty, ‘ “R” ’—

omit, insert—

‘R 18+’.

19 Amendment of s 24 (Minors not to be present at exhibition of certain films—offence by minor)

Section 24, ‘ “R” ’—

omit, insert—

‘R 18+’.

20 Amendment of s 25 (Power to require particulars of name, address and age)

(1) Section 25(1) and (3)(a)(i), (b)(i) and (c)(i), ‘ “MA” ’—

omit, insert—

‘MA 15+’.

(2) Section 25(1) and (3)(a)(ii), (b)(ii) and (c)(ii), ‘ “R” ’—

omit, insert—

‘R 18+’.

21 Amendment of s 25B (Offences relating to particulars)

Section 25B(2)(a), ‘ “MA” or “R” ’—

omit, insert—

‘MA 15+ or R 18+’.

22 Amendment of s 31 (Classified films containing advertisements for other films)

(1) Section 31(a), from ‘ “G” ’ to ‘ “RC” ’—

omit, insert—

‘G film—a film classified as a PG, M, MA 15+, R 18+, X 18+ or RC’.

(2) Section 31(b), from ‘ “PG” ’ to ‘ “RC” ’—

omit, insert—

‘PG film—a film classified as an M, MA 15+, R 18+, X 18+ or RC’.

- (3) Section 31(c), from ‘ “M” ’ to ‘ “RC” ’—

omit, insert—

‘M film—a film classified as an MA 15+, R 18+, X 18+ or RC’.

- (4) Section 31(d), from ‘ “MA” ’ to ‘ “RC” ’—

omit, insert—

‘MA 15+ film—a film classified as an R 18+, X 18+ or RC’.

- (5) Section 31(e), from ‘ “R” ’ to ‘ “RC” ’—

omit, insert—

‘R 18+ film—a film classified as an X 18+ or RC’.

23 Amendment of s 32 (Display for sale of “MA” or “R” film)

Section 32, ‘ “MA” or “R” ’—

omit, insert—

‘MA 15+ or R 18+’.

24 Amendment of s 33 (Sale of “MA” or “R” film to certain minors prohibited)

- (1) Section 33(1)(a) and heading, ‘ “MA” ’—

omit, insert—

‘MA 15+’.

- (2) Section 33(1)(b) and heading, ‘ “R” ’—

omit, insert—

‘R 18+’.

25 Amendment of s 34 (Display and sale of objectionable and unclassified films prohibited)

- (1) Section 34, penalty, paragraph (a), ‘ “G”, “PG” or “M” ’—
omit, insert—
‘G, PG or M’.
- (2) Section 34, penalty, paragraph (b), ‘ “MA” ’—
omit, insert—
‘MA 15+’.
- (3) Section 34, penalty, paragraph (c), ‘ “R” ’—
omit, insert—
‘R 18+’.
- (4) Section 34, penalty, paragraph (d), ‘ “X” ’—
omit, insert—
‘X 18+’.
- (5) Section 34, penalty, paragraph (e), ‘ “RC” ’—
omit, insert—
‘RC’.

26 Amendment of s 38 (Exhibition of an “R” or objectionable film before a minor)

- Section 38(1) and heading, ‘ “R” ’—
omit, insert—
‘R 18+’.

27 Amendment of s 39 (Display and sale of objectionable film prohibited)

- Section 39, penalty, paragraph (a), ‘ “X” ’—
omit, insert—
‘X 18+’.

28 Amendment of s 40 (Keeping together of classified and objectionable films prohibited)

Section 40, penalty, paragraph (a), ‘ “X” ’—

omit, insert—

‘X 18+’.

29 Amendment of s 41 (Possession of objectionable film)

Section 41(1), penalty, paragraph (a), ‘ “X” ’—

omit, insert—

‘X 18+’.

30 Amendment of s 44 (No liability in certain circumstances)

(1) Section 44(2)(b) and (3)(b), ‘ “X” ’—

omit, insert—

‘X 18+’.

(2) Section 44(2)(b) and (3)(a), ‘ “RC” ’—

omit, insert—

‘RC’.

31 Amendment of s 60 (Evidentiary provisions)

Section 60(1)(c), ‘ “RC” ’—

omit, insert—

‘RC’.

32 Amendment of s 64 (Certain classified films not indecent or obscene)

Section 64(2), ‘ “X” or “RC” ’—

omit, insert—

‘X 18+ or RC’.

33 Insertion of new pt 9, div 1 hdg

After part 9, heading—

insert—

**‘Division 1 Savings and transitional provisions
for Classification of Films
Amendment Act 1993 No. 15’.**

34 Insertion of new pt 9, div 2 hdg

After section 68—

insert—

**‘Division 2 Transitional provision for Consumer
Law and Other Justice Legislation
(Miscellaneous Provisions) Act
1996 No. 56’.**

35 Insertion of new pt 9, div 3

After section 69—

insert—

**‘Division 3 Transitional provision for Tourism,
Fair Trading and Wine Industry
Development Legislation
Amendment Act 2005**

**‘70 Conversion of particular classifications of films to
equivalent new classifications**

‘(1) This section applies if, immediately before the commencement of this section, a film had a classification (the

original classification) under this Act mentioned in column 1 of the following table—

Table

Column 1	Column 2
MA	MA 15+
R	R 18+
X	X 18+

- ‘(2) From the commencement, the film is taken to have the classification under this Act set out opposite the original classification in column 2 of the table (the *new classification*).
- ‘(3) From the commencement, a reference in an Act or document to an original classification may, if the context permits, be taken to be a reference to the new classification.
- ‘(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 commencement, in relation to a film described by reference to the original classification.’.

Part 4**Amendment of Classification of Publications Act 1991**

36 Act amended in pt 4

This part amends the *Classification of Publications Act 1991*.

37 Amendment of s 3 (Definitions)

- (1) Section 3, definition *publication*—
omit.
- (2) Section 3—
insert—

'computer game' see the *Classification of Computer Games and Images Act 1995*, schedule 2.

film see the *Classification of Films Act 1991*, section 3.

publication means any written or pictorial matter, but does not include—

- (a) a film; or
- (b) a computer game; or
- (c) an advertisement for a publication, a film or a computer game.'

Part 5 Amendment of Criminal Code

38 Code amended in pt 5

This part amends the Criminal Code.

39 Amendment of s 228E (Defences for ss 228A–228D)

Section 228E(5)(a), 'R or X'—

omit, insert—

'R or R 18+ or X or X 18+'.

Part 6 Amendment of Land Sales Act 1984

40 Act amended in pt 6

This part amends the *Land Sales Act 1984*.

41 Amendment of s 28 (Extension of period mentioned in s 27 for giving of registrable instrument)

Section 28(1), '4¹/₂ years'—

omit, insert—

'5¹/₂ years.'

**Part 7 Amendment of Tourism
Queensland Act 1979**

42 Act amended in pt 7

This part amends the *Tourism Queensland Act 1979*.

43 Amendment of s 13 (Functions of corporation)

(1) Section 13(1)—

omit, insert—

'(1) The functions of the corporation are—

(a) to facilitate the following—

(i) the promotion and marketing, domestically and internationally, of tourism and travel;

(ii) the development of the tourist and travel industry;

(iii) the making of tourism and travel arrangements;

(iv) the provision of tourism and travel information services; and

(b) to prepare a State tourist and industry strategic marketing plan; and

(c) to advise the Minister on matters relating to paragraphs (a) and (b).'

(2) Section 13(2), from 'shall' to 'arrange'—

omit, insert—

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

(3) Section 13—

insert—

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

44 Amendment of s 14 (Powers of corporation)

(1) Section 14—

insert—

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

(2) Section 14—

insert—

‘(5) In this section—

arrangement includes—

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

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