



Australian Government Classification Board

ENFORCEMENT PACKAGE

Do I need to apply for classification or an evidentiary certificate?

Enforcement applicants may apply to the Classification Board either for classification of a film, publication or computer game; or for an evidentiary certificate that relates to a film, publication or computer game.

An application for classification will result in the Classification Board granting a classification decision based on the provisions of the *National Classification Code, Guidelines for the Classification of Films and Computer Games 2005, Guidelines for the Classification of Publications 2005* and *Classification (Publications, Films and Computer Games) Act 1995* (the Classification Act). **Attachment 2** is an example of a classification certificate.

An application for an evidentiary certificate will result in a certificate, able to be tendered in court, that describes the action taken, or not taken, by the Classification Board in relation to a film, publication or computer game. **Attachment 3** is an example of an evidentiary certificate.

Criminal offences (child pornography/abuse/exploitation)

Classification is not an element of criminal offences relating to child pornography, abuse, or exploitation in any State or Territory. Therefore classification is not required before proceedings can commence for these offences. **Note: Classification was previously an element of offences in NSW and NT however legislative changes (in 2005 and 2004 respectively) have removed this requirement. It is now at the discretion of a "reasonable person" to determine whether material could be defined as child pornography, abuse or exploitation.**

There may still be instances where material may be submitted for classification, for example if the material seized is "borderline" to the extent that an expert opinion is required. Please phone the Senior Applications Officer on (02) 9289 7108 to discuss any such cases **before** sending applications to the Classification Board.

Classification offences

Classification may be an element of an offence under the Commonwealth Classification Act or the relevant State or Territory enforcement legislation (eg the sale or copying of X18+ or RC films). Further, classification may be required prior to the commencement of a prosecution in some jurisdictions.

If classification is an element of the offence or a prerequisite to prosecution, then charges can only be laid in relation to the material that has been classified.

Classification Enforcement Contacts

If you have not yet submitted material to the Classification Board for classification and are unsure whether or not classification is required you should contact your jurisdiction's Classification Enforcement Contact.

Attachment 1 is a list of enforcement contacts in each State and Territory.

Attachments

1. Classification enforcement contacts
2. Example of a classification certificate
3. Example of an evidentiary certificate

Attachment One

CLASSIFICATION ENFORCEMENT CONTACTS (As at 13 May 2010)

STREET ADDRESS

New South Wales

Det Inspector Paul Jacob
Sex Crimes Squad
State Crime Command
NSW Police
Level 6 Tower A
1 Charles Street
PARRAMATTA NSW 2124
P: (02) 8835 8666
M:
E: jacolpau@police.nsw.gov.au

Northern Territory

Joanne Foley
Major and Organised Crime Unit
NT Police
Peter McCauley Centre
McMillans Road
BERRIMAH NT 0828
P: (08) 8922 3552
M:
E: joanne.foley@pfes.nt.gov.au

Queensland

Mr Bob Melling
Principal Compliance Officer

Investigations, Compliance
Fair Trading Operations
Employment and Industry Development
Department of Employment, Economic
Development & Innovation
BRISBANE QLD 4001
P: 07 3115 1776
E: Bob.melling@deedi.qld.gov.au

South Australia

Senior Sergeant Tim Curtis
Co-coordinator
Licensing Enforcement Branch
SA Police
30 Flinders St

ADELAIDE SA 5000
P: (08) 8204 2762
M:
E: Timothy.Curtis@police.sa.gov.au

Tasmania

Inspector Phil Ling
Hobart City Police Station
Tasmania Police

37 – 43 Liverpool Street
HOBART TAS 7001
P: (03) 6230 2644
E: phillip.ling@police.tas.gov.au

ACT (for X18+ films)

Mr Brett Phillips
Registrar of X18+ Licenses

Office of Regulatory Services
Department of Justice and Community Safety
B3 Callan Offices, Callan Street
WODEN ACT 2606

P: (02) 6205 5074
M: 0407 457 680
E: brett.phillips@act.gov.au

Western Australia

Det. Serg. Pat Doyle

Organised Crime Squad
WA Police
Curtin House
60 Beaufort St
PERTH WA 6000
P: (08) 9223 3576
M: **0437 693789**
E: pat.doyle@police.wa.gov.au

Victoria

Det Inspector Phil Harrison
Strategic Directions Division
Victoria Police
13th Fl, 412 St Kilda Rd
MELBOURNE VIC 3004

P: (03) 9865 2932
M:
E: phil.harrison@police.vic.gov.au

ACT (all other)

Acting Sgt Natalie Ettridge
OIC ACT Policing Operations Monitoring
Centre
ACT Policing
(02) 6256 7258
ACT-OMC@afp.gov.au
(all corro must go to dropbox)

POSTAL ADDRESSES

New South Wales

Child Protection and Sex Crime Squad
NSW Police
Locked Bag 5102

PARRAMATTA NSW 2124
P: (02) 8835 8666

Northern Territory

Major and Organised Crime Unit
NT Police
Peter McCauley Centre
McMillans Road
BERRIMAH NT 0828
P: (08) 8922 3552

Queensland

South Australia

Licensing Enforcement Branch
SA Police
GPO Box 1539

ADELAIDE SA 5000
P: (08) 8204 2762

Tasmania

Hobart City Police Station
37 – 43 Liverpool Street

HOBART TAS 7001
P: (03) 6230 2350

ACT (X18+ films)

Registrar of X18+ Licenses
ACT Office of Regulatory Services
PO Box 158
CANBERRA ACT 2601
P: (02) 6205 5074

Western Australia

Organised Crime Squad
WA Police Curtin House
60 Beaufort St

PERTH WA 6000
P: (08) 9223 3576

Victoria

Strategic Directions Division
Victoria Police
13th Fl, 412 St Kilda Rd
MELBOURNE VIC 3004

P: (03) 9865 2606

ACT (other)

AFP
ACT Policing
Regional Headquarters
PO Box 401
Canberra ACT 2601
P: (02) 6256 7777

Attachment Two



Australian Government

Classification Board

File No: **T05/0000**
Classification No: **00000000**

Attention: Det. S/C John Officer
NSW POLICE
10 Sydney Road
Sydney NSW 2000

CLASSIFICATION CERTIFICATE FOR A FILM

REFUSED CLASSIFICATION

Classification (Publications, Films and Computer Games) Act 1995

I refer to your application dated 23 June 2005 for the classification of the undermentioned film. I certify that the decision of the Classification Board for this film is detailed below:

Title: **"S.E.E.B JOB NO. E05/0000"**
Version: **ORIGINAL**
Format: **CD-ROM**
Running time: **VARIABLE**
Producer: **NOT SHOWN**
Director: **NOT SHOWN**
Production company: **NOT SHOWN**
Country of origin: **NOT SHOWN**
Classification: **RC**

(a) You may appeal against this decision. If you require more information concerning the appeal process please contact the Secretary of the Classification Review Board on (02) 9289 7100.

Yours sincerely

Des Clark
Director

Dated 28 June 2005



Australian Government
Classification Board

File No: T05/0000

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) ACT 1995

SECTION 87 - CERTIFICATE

I, Desmond Matthew Clark, Director of the Classification Board appointed under section 48 of the Commonwealth Classification (Publications, Films and Computer Games) Act 1995, ('the Act') CERTIFY pursuant to section 87 of the Act that the action described in the schedule to this certificate has been taken by the Classification Board and that the schedule is an accurate summary of the action taken by the Classification Board in relation to the item described in the schedule.

SCHEDULE

Title:	"S.E.E.B JOB NO. E05/0000"
Format:	CD-ROM
Running time:	VARIABLE
Producer:	NOT SHOWN
Director:	NOT SHOWN
Production company:	NOT SHOWN
Country of origin:	NOT SHOWN
Action:	RC
Reason for decision:	The film is classified RC in accordance with the National Classification Code, Films Table, 1. (a) as films that "depict, express or otherwise deal with matters of sex, drug misuse or addiction, crime, cruelty, violence or revolting or abhorrent phenomena in such a way that they offend against the standards of morality, decency and propriety generally accepted by reasonable adults to the extent that they should not be classified," and (b) "depict in a way that is likely to cause offence to a reasonable adult, a person who is, or appears to be, a child under 18 (whether the person is engaged in sexual activity or not)."
Certificate date:	28 June 2005

Des Clark
Director

Dated