



Queensland

Classification of Publications Act 1991

Classification of Publications Regulation 1992

Reprinted as in force on 1 January 1993

Reprint No. 1*

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

* Minor differences in presentation between this reprint and another reprint with the same number are due to the conversion to new styles. The content has not changed.

Information about this reprint

This regulation is reprinted as at 1 January 1993.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. A table of reprints is included in the endnotes.

See endnotes for information about when provisions commenced.

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



Queensland

Classification of Publications Regulation 1992

Contents

		Page
1	Short title	3
2	Definition	3
3	Establishment of tribunal	3
4	Composition of tribunal	3
5	Appointment of members	3
6	Qualifications for appointment	3
7	Term of appointment	4
8	Remuneration and allowances	4
9	Resignation	4
10	Disclosure of interests	4
11	Termination of appointment	5
12	Acting appointments	5
13	Proceedings of tribunal	5
14	Representation before tribunal	5
15	Procedure of tribunal	6
16	Hearing of appeal open to public unless tribunal otherwise orders	6
17	Particular powers of tribunal	6
18	Power of tribunal to dismiss appeal or strike out party	7
19	General powers	7
20	When decision of tribunal comes into effect	7
21	Reasons to be given by tribunal	7
22	Refusal of witness to be sworn or answer questions etc	7
23	False or misleading evidence	8
24	Contempt of tribunal	8
25	Obstructing tribunal	8

Endnotes

1	Index to endnotes	9
2	Date to which amendments incorporated	9
3	Key	9
4	Table of reprints	10
5	List of legislation	10

Classification of Publications Regulation 1992

[reprinted as in force on 1 January 1993]

1 Short title

This regulation may be cited as the *Classification of Publications Regulation 1992*.

2 Definition

In this regulation—

tribunal means the Publications Appeals Tribunal established under section 3.

3 Establishment of tribunal

- (1) A tribunal called the Publications Appeals Tribunal is established.
- (2) The tribunal is the appeal body for the purposes of the Act.

4 Composition of tribunal

The tribunal consists of the chairperson and 2 other members.

5 Appointment of members

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

6 Qualifications for appointment

A person is not eligible for appointment as chairperson of the tribunal unless the person is a barrister or solicitor of the Supreme Court of not less than 5 years standing.

7 Term of appointment

A member of the tribunal is appointed for the term (not longer than 3 years) that is specified by the Governor in Council in the instrument of appointment.

8 Remuneration and allowances

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

9 Resignation

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

10 Disclosure of interests

- (1) If a member of the tribunal has or acquires an interest (whether pecuniary or otherwise) that could conflict with the proper performance of the member's functions in relation to an appeal—
 - (a) the member must disclose the interest to the parties to the appeal; and
 - (b) except with the consent of all parties to the appeal—the member must not take part in the appeal or exercise any powers in relation to the appeal.
- (2) If the chairperson of the tribunal becomes aware that a member of the tribunal has, in relation to an appeal, an interest of the kind mentioned in subsection (1)—
 - (a) if the chairperson considers that the member should not take part, or continue to take part, in the appeal—the chairperson must direct the member accordingly; or
 - (b) in any other case—the chairperson must 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.

11 Termination of appointment

The Governor in Council may terminate the appointment of a member of the tribunal if the member—

- (a) becomes mentally or physically incapable of performing satisfactorily the duties of office; or
- (b) is convicted of an indictable offence; or
- (c) is guilty of misconduct; or
- (d) contravenes section 10 or a direction given under that section.

12 Acting appointments

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 of chairperson or member; or
- (b) during any period, or all periods, when the chairperson or a member is absent from duty or from Australia or is, for any other reason, unable to perform the functions of the office of chairperson or member.

13 Proceedings of tribunal

- (1) The tribunal is to sit at the times and places that the chairperson determines.
- (2) The chairperson may give directions about the arrangements for an appeal before the tribunal.
- (3) The publications classification officer is a party to an appeal before the tribunal.

14 Representation before tribunal

At the hearing of an appeal before the tribunal, a party to the appeal may appear in person or be represented by some other person (whether or not the person is a barrister or solicitor of the Supreme Court).

15 Procedure of tribunal

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 any matter in any way that it considers appropriate; and
- (d) the tribunal must observe the rules of natural justice.

16 Hearing of appeal open to public unless tribunal otherwise orders

- (1) The hearing of an appeal by the tribunal is to be open to the public unless the tribunal is satisfied, because of the nature of the publication concerned, that the appeal should be heard in private and orders accordingly.
- (2) The tribunal may, by order, give direction as to the persons who may be present at a hearing held in private.

17 Particular powers of tribunal

- (1) For the purpose of an appeal, 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 a person appearing before the tribunal.

- (3) The oath or affirmation to be taken or made by a person for the purposes of this section 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.

18 Power of tribunal to dismiss appeal or strike out party

If a party to an appeal before the tribunal who has had reasonable notice of the appeal fails to appear at the hearing of the appeal, the tribunal may—

- (a) if the only other party to the appeal is the person who made the decision—dismiss the appeal concerned; or
- (b) in any other case—direct that the person who failed to appear is to cease to be a party to the appeal.

19 General powers

For the purpose of an appeal, 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.

20 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 specified in the decision, that day.

21 Reasons to be given by tribunal

- (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.

22 Refusal of witness to be sworn or answer questions etc.

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

- (a) fail to be sworn or to make an affirmation; or
- (b) fail 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.

23 False or misleading evidence

A person appearing as a witness before the tribunal must not knowingly give evidence that is false or misleading.

Maximum penalty—20 penalty units.

24 Contempt of tribunal

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.

25 Obstructing tribunal

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

Maximum penalty—20 penalty units.

Endnotes

1 Index to endnotes

	Page
2 Date to which amendments incorporated	9
3 Key	9
4 Table of reprints	10
5 List of legislation	10

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the Classification of Publications Regulation 1992 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	none	27 November 1992	1 January 1993

5 List of legislation

Classification of Publications Regulation 1992 SL No. 376

made by the Governor in Council on 26 November 1992

notfd gaz 27 November 1992 pp 1566–70

commenced on date of notification

exp 31 August 2008 (see SIA s 56(1) and SIR s 5 sch 3)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.