

2012

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2012

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Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2012

A Bill for

An Act to amend the *Classification (Publications, Films and Computer Games)
(Enforcement) Act 1995*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **1 Name of Act**

2 This Act is the *Classification (Publications, Films and Computer*
3 *Games) (Enforcement) Amendment Act 2012.*

4 **2 Commencement**

5 This Act commences on 1 January 2013.

6 *Note* The naming and commencement provisions automatically commence on
7 the notification day (see Legislation Act, s 75 (1)).

8 **3 Legislation amended**

9 This Act amends the *Classification (Publications, Films and*
10 *Computer Games) (Enforcement) Act 1995.*

11 **4 Section 41**

12 *substitute*

13 **41 Demonstration of R 18+ and MA 15+ computer games**

14 (1) A person commits an offence if—

15 (a) the person demonstrates a computer game classified R 18+ or
16 MA 15+ in a public place; and

17 (b) either—

18 (i) the determined markings are not exhibited before the
19 computer game can be played; or

20 (ii) entry to the public place is not restricted to—

21 (A) for a computer game classified R 18+—adults; or

1 (B) for a computer game classified MA 15+—adults, or
2 children accompanied by a parent or guardian while
3 in the place.

4 Maximum penalty:

5 (a) for a computer game classified R 18+—50 penalty units; or

6 (b) for a computer game classified MA 15+—20 penalty units.

7 (2) An offence against this section is a strict liability offence.

8 **5 Section 42 heading**

9 *substitute*

10 **42 Demonstration of unclassified, RC, R 18+ and MA 15+**
11 **computer games**

12 **6 Section 42**

13 *omit*

14 classified RC or MA 15+

15 *substitute*

16 classified RC, R 18+ or MA 15+

17 **7 Section 42 (1), penalty, new paragraph (ab)**

18 *insert*

19 (ab) for a computer game classified R 18+ or an unclassified
20 computer game that is subsequently classified R 18+—
21 50 penalty units; or

- 1 **8 Section 43 heading**
- 2 *substitute*
- 3 **43 Private demonstration of RC or R 18+ computer games in**
4 **presence of child**
- 5 **9 Section 43**
- 6 *omit*
- 7 classified RC
- 8 *substitute*
- 9 classified RC or R 18+
- 10 **10 Section 43 (1), penalty**
- 11 *substitute*
- 12 Maximum penalty:
- 13 (a) for a computer game classified RC or an unclassified computer
14 game that is subsequently classified RC—50 penalty units; or
- 15 (b) for a computer game classified R 18+ or an unclassified
16 computer game that is subsequently classified R 18+—
17 50 penalty units.
- 18 **11 Sale or delivery of certain computer games to child**
19 **Section 46**
- 20 *omit*
- 21 classified RC
- 22 *substitute*
- 23 classified RC or R 18+

1 **12 Section 46 (1), penalty**

2 *substitute*

3 Maximum penalty:

- 4 (a) for a computer game classified RC or an unclassified computer
5 game that is subsequently classified RC—100 penalty units,
6 imprisonment for 1 year or both; or
7 (b) for a computer game classified R 18+ or an unclassified
8 computer game that is subsequently classified R 18+—
9 50 penalty units.

10 **13 Leaving computer games in certain places**
11 **Section 47**

12 *omit*

13 classified RC or MA 15+

14 *substitute*

15 classified RC, R 18+ or MA 15+

16 **14 Section 47 (1), penalty**

17 *insert*

- 18 (ab) for a computer game classified R 18+ or an unclassified
19 computer game that is subsequently classified R 18+—
20 50 penalty units, imprisonment for 6 months or both; or

1 **15 Processing or copying computer game for purpose of**
2 **sale or demonstration**
3 **Section 48 (4)**

4 *omit*
5 classified MA 15+
6 *substitute*
7 classified R 18+, MA 15+

8 **16 Division 6.4 heading**

9 *substitute*

10 **Part 6A Enforcement for X 18+ films and**
11 **R 18+ computer games**

12 **Division 6A.1 Enforcement**

13 **17 Section 54T heading**

14 *substitute*

15 **54T Definitions—div 6A.1**

16 **18 Section 54T, new definition of *R 18+ computer game***

17 *insert*

18 ***R 18+ computer game*** includes an unclassified computer game and
19 a computer game classified RC.

1 **19 Powers of entry, search etc**
2 **Section 54W (1) (a)**

3 *omit*
4 to which a licence relates

5 **20 Section 54W (3)**

6 *after*
7 X 18+ films
8 *insert*
9 or a defined offence in relation to an R 18+ computer game

10 **21 New section 54W (6)**

11 *insert*
12 (6) In this section:
13 *defined offence*, in relation to an R 18+ computer game—see
14 section 54Y.

15 **22 Division 6.5 heading**

16 *substitute*

17 **Division 6A.2 Seized films and computer games**

18 **23 Section 54Y**

19 *substitute*

20 **54Y Definitions—div 6A.2**

21 In this division:
22 *classified* does not include classified RC.

- 1 ***defined offence*** means—
- 2 (a) in relation to a seized film—an offence in relation to the film
- 3 against—
- 4 (i) this Act; or
- 5 (ii) the *Crimes Act 1900*; or
- 6 (iii) the *Publications Control Act 1989*; or
- 7 (iv) the *Business Franchise (“X” Videos) Act 1990*; and
- 8 (b) in relation to a seized computer game—an offence in relation
- 9 to the computer game against—
- 10 (i) this Act; or
- 11 (ii) the *Crimes Act 1900*, section 66; or
- 12 (iii) the *Criminal Code 1995* (Cwlth), section 474.26.
- 13 ***defined period***, in relation to a seized film or computer game,
- 14 means—
- 15 (a) 120 days after the seizure of the film or computer game; or
- 16 (b) any extended, or further extended, period that is approved
- 17 under section 54YB (1).
- 18 ***seized film or computer game*** means a film or computer game
- 19 seized under section 54W.

20 **24 Extension of defined period**

21 **Section 54YB**

- 22 *after*
- 23 film
- 24 *insert*
- 25 or computer game

- 1 **25 Section 54YB (1) (a)**
- 2 *omit*
- 3 X 18+, R 18+, MA 15+, M, PG or G
- 4 **26 Notice**
- 5 **Section 54Z**
- 6 *after*
- 7 film
- 8 *insert*
- 9 or computer game
- 10 **27 Section 54Z**
- 11 *omit*
- 12 X 18+, R 18+, MA 15+, M, PG or G
- 13 **28 Section 54ZA heading**
- 14 *substitute*
- 15 **54ZA Return of seized films or computer games**
- 16 **29 Section 54ZA**
- 17 *after*
- 18 film
- 19 *insert*
- 20 or computer game

- 1 **30 Section 54ZA (a)**
- 2 *omit*
- 3 X 18+, R 18+, MA 15+, M, PG or G
- 4 **31 Section 54ZB heading**
- 5 *substitute*
- 6 **54ZB Destruction of seized films or computer games**
- 7 **32 Section 54ZB (1)**
- 8 *after*
- 9 film
- 10 *insert*
- 11 or computer game
- 12 **33 Section 54ZB (1) (a)**
- 13 *omit*
- 14 X 18+, R 18+, MA 15+, M, PG or G
- 15 **34 Section 54ZB (3) and (4)**
- 16 *after*
- 17 film
- 18 *insert*
- 19 or computer game

1 **35 New section 54ZB (5)**

2 *insert*
3 (5) In this section:
4 *licence*—see section 54A.

5 **36 Schedule 1, items 5 to 7**

6 *after*
7 film
8 *insert*
9 or computer game

10 **37 Dictionary, definition of *classified***

11 *substitute*
12 *classified*—
13 (a) means classified under the Commonwealth Act, and includes
14 reclassified under that Act; and
15 (b) for division 6A.2 (Seized films and computer games)—see
16 section 54Y.

17 **38 Dictionary, definitions of *defined offence* and *defined***
18 ***period***

19 *substitute*
20 *defined offence*, in relation to a seized film or computer game, for
21 division 6A.2 (Seized films and computer games)—see section 54Y.
22 *defined period*, in relation to a seized film or computer game, for
23 division 6A.2 (Seized films and computer games)—see section 54Y.

- 1 **39 Dictionary, new definition of *R 18+ computer game***
- 2 *insert*
- 3 *R 18+ computer game*, for division 6A.1 (Enforcement)—see
- 4 section 54T.
- 5 **40 Dictionary, definition of *seized film***
- 6 *omit*
- 7 **41 Dictionary, new definition of *seized film or computer***
- 8 ***game***
- 9 *insert*
- 10 *seized film or computer game*, for division 6A.2 (Seized films and
- 11 computer games)—see section 54Y.
- 12 **42 Dictionary, definition of *X 18+ film*, paragraph (b)**
- 13 *omit*
- 14 6.4
- 15 *substitute*
- 16 6A.1

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 29 March 2012.

2 Notification

Notified under the Legislation Act on 2012.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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