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LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

**CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES)
(ENFORCEMENT) AMENDMENT BILL 2012**

EXPLANATORY STATEMENT

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CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) AMENDMENT BILL 2012

Overview of Bill

The Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2012 (the ACT Classification Amendment Bill) amends the *Classification (Publications, Films and Computer Games) (Enforcement) Act 1995* (the ACT Classification Act).

The amendments give effect to the decision made by all jurisdictions to introduce an R18+ classification category for computer games.

Background to the decision to introduce the R18+ category

In 2010, the Commonwealth announced that it would advocate for the introduction of an R18+ classification category for computer games.

The classification of computer games in Australia, as well as films and publications, is governed by the *Classification (Publications, Films and Computer Games) Act 1995* (the Commonwealth Classification Act).

The *Guidelines for the Classification of Films and Computer Games*, made under section 12 of the Commonwealth Classification Act, currently regulate the classification of computer games.

Under section 51(v) of the Australian Constitution, the Commonwealth Government has the power to make laws with regard to telecommunications (including broadcasting) and imported material, but not locally produced materials. The latter fall under the jurisdiction of State and Territory governments.

Section 51(v) confers power on the Commonwealth to **classify** material. Material is currently categorised into the G, PG, M, MA15+ or RC categories.

The Commonwealth Classification Act is a single National Classification Code which has been negotiated between the Commonwealth and the States and Territories. The Code sets out the principles to be followed in classification decisions and the general criteria for all classification categories.

States and Territories are responsible for the **copyright** of materials, that is, determining the specific content of materials within each category. Copyright provisions vary according to the nature of the material (eg TV, film, publications), and the State or Territory, subject to a specific exclusion for the ACT.

Under section 23 of the *Australian Capital Territory (Self-Government) Act 1988*, the classification of materials for the purposes of copyright is a matter which is excluded from the ACT's power to make laws. The ACT's *Classification (Publications, Films and Computer Games) (Enforcement) Act 1995* (the ACT

Enforcement Act) simply enforces the Commonwealth law in relation to classification. Under the scheme, States and Territories are also responsible for the **enforcement** of classification decisions.

In late 2010, the Standing Council of Attorneys General (SCAG), now renamed the Standing Council on Law and Justice (SCLJ), were tasked with determining the parameters of the proposed R18+ category, and redrafting the *Guidelines for the Classification of Films and Computer Games*.

At the SCLJ meeting on 21-22 July 2011, all Ministers agreed, with the exception of New South Wales which abstained from the vote, to introduce an R18+ classification category for computer games. The NSW Government has since agreed to introduce the category.

The *Guidelines for the Classification of Films and Computer Games* have now been redrafted, so that there will be separate guidelines for films and for computer games.

The Commonwealth has now introduced legislation into the House of Representatives, the Classification (Publications, Films and Computer Games) Amendment (R 18+ Computer Games) Bill 2012. This bill is expected to commence on 1 January 2013.

Effect of the ACT Classification Amendment Bill

The ACT Classification Amendment Bill will introduce an R18+ classification category for computer games in the ACT, placing it within the current framework which contains the G, PG, M, MA15+ and RC categories.

The new category will be enforced by the Office of Regulatory Services (ORS). Currently in the ACT, ORS regulates X18+ films by licensing sellers of such films and ensuring X18+ films are sold only in the designated industrial areas of Fyshwick, Mitchell and Hume.

ORS also has inspection powers, including the power to enter and search premises without a warrant, to ensure that businesses are complying with their obligations in regard to X18+ films under the ACT Classification Act.

Unlike X18+ films, R18+ computer games will be available to the public from a wide range of retail outlets, such as department stores and specialist computer games stores. Therefore, no licensing regime will be required, as is the case with X18+ films.

In order to enable ORS to enforce the R18+ computer game category, the ACT Classification Amendment Bill replicates the enforcement framework that is currently in place for X18+ films, excluding the requirement for licences.

Human Rights implications

The amendments proposed in this bill engages the following rights under the *Human Rights Act 2004* (the HR Act):

- freedom of expression (section 16(2)); and
- protection of the family and children (section 11(2)).

Section 16(2)

Under section 16(2) of the HR Act, everyone has the right to freedom of expression. This right includes the freedom to seek, receive and impart information and ideas of all kinds, regardless of borders, whether orally, in writing or in print, by way of art, or in another way chosen by him or her.

The scope of the right extends to content that, while not directly causing harm to others, is thought to convey messages or imagery that others may find offensive. This is problematic, as what is “offensive” will be based on personal attitudes, but it includes indecent language (*Gul v Creed & Anor [2010] VSC 185*).

The ACT Classification Amendment Bill arguably infringes this right by limiting the audience to which computer game companies can sell their products. Consequently, it also impacts on the content that computer game consumers, commonly referred to as ‘gamers’, can access.

For example, a proportion of computer games which are currently rated MA15+ will become R18+ games under the new scheme. Many MA15+ games only fall into that classification category because they have had some, but not all, harmful or offensive content stripped out of them. These games may be moved up into the R18+ category now, because the content may be deemed to be more appropriate for the new category.

Gamers under the age of 18 years old would also be affected by the introduction of an R18+ category, as it would prevent them from accessing games that were moved out of the MA15+ category into the R18+ category. However, this limitation is reasonable and proportionate in the context of evidence in relation to the harm caused by children and young people being exposed to violence.

For example, in a study conducted in the United States, from 2003-2010, it was found that young teens who play any Mature-rated (age 17+) game on a routine basis are at higher risk than teens who play other types of games for behaving aggressively or having problems at school at least once over the course of a year.¹

Section 11

The ACT Classification Amendment Bill also engages section 11(2) of the HR Act, which provides that every child has the right to the protection needed by the child, because of being a child, without distinction or discrimination of any kind.

¹ Olsen, Cheryl K. Sc.D and Kutner, Lawrence Ph.D, “Grand Theft Childhood: The Surprising Truth About Violent Video Games* (*And What Parents Can Do)”, Simon & Schuster, January 2011.

The introduction of the R18+ classification category engages this right in a positive sense, as it will provide more protection to children and vulnerable adults than the present scheme under which material, other than Refused Classification (RC) material, may be purchased from overseas and have no guidance as to its content. As argued above, this could result in children being exposed to violent content that may cause harm.

Reasonable limits under section 28

Under section 28 of the *Human Rights Act 2004*, human rights may be subject to reasonable limits set by Territory laws that can be demonstrably justified in a free and democratic society.

In deciding whether a limit is reasonable, all relevant factors must be considered, including the following:

- a) the nature of the right affected;
- b) the importance of the purpose of the limitation;
- c) the nature and extent of the limitation;
- d) the relationship between the limitation and its purpose;
- e) any less restrictive means reasonably available to achieve the purpose the limitation seeks to achieve.

In light of the discussion above, the Government believes that limits imposed by the ACT Classification Amendment Bill on the freedom of expression are reasonable and proportionate in the context of the underlying purpose of the legislation, which is to protect children and young people from harmful content.

The best way to inform adults and protect children from harmful material is to regulate distribution of that material through classification.

Contrary to some arguments put forward by opponents of the introduction of the category, an R18+ classification will not introduce prohibited and offensive games to Australia. The RC category still remains, and the Attorney-General of any jurisdiction may request the reconsideration of a classification if concerned about a particular game.

The R18+ category will provide governments with a greater ability to control the distribution of these games and adult purchasers with greater information to enable them to determine whether this is something they truly want to view or use.

Clause Notes

Clause 1 Name of Act

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

Clause 2 Commencement

This clause provides that the Act commences on 1 January 2013. This is the date that the Commonwealth has set for commencement of the new classification category.

Clause 3 Legislation amended

This clause provides that the Act amends the *Classification (Publications, Films and Computer Games) (Enforcement) Act 1995*.

Clause 4 Section 41

Section 41 currently states that a person commits an offence if the person demonstrates a computer game classified MA15+ in a public place, and either the determined markings are not exhibited before the computer game can be played, or entry to the public place is not restricted to adults, or children accompanied by a parent or guardian while in the place.

Clause 4 omits the phrase 'classified MA15+' in section 41(1)(a), and substitutes a new phrase, 'classified R18+ or MA15+', to reflect the introduction of the R18+ classification category.

Section 41 also currently states that a person commits an offence if they demonstrate a computer game classified MA15+ in a public place, and entry to the public place is not restricted to adults, or children accompanied by a parent or guardian while in the place.

Clause 4 substitutes a new provision to reflect the introduction of the R18+ category, as follows:

- “(ii) entry to the public place is not restricted to—
 - (A) for a computer game classified R 18+—adults; or
 - (B) for a computer game classified MA 15+—adults or children accompanied by a parent or guardian while in the place.”

Finally, section 41 currently contains a penalty of 20 penalty units for demonstrating a computer game classified MA15+ in a public place. Clause 4 substitutes the penalty provision in section 41(1) with a new provision that apportions a higher penalty to the public demonstration of R18+ games, as follows:

- “Maximum penalty:
 - (a) for a computer game classified R 18+—50 penalty units; or
 - (b) for a computer game classified MA 15+—20 penalty units.”

The penalty of 50 penalty units has been applied here to reflect the fact that there should be a higher penalty for offences relating to R18+ games, as these games are harmful to children. The application of 50 penalty units mirrors the penalty imposed for the same offence in relation to X18+ films.

Clause 5 Section 42 heading

This clause replaces the existing heading for section 42, 'Demonstration of unclassified, RC and MA 15+ computer game', substituting a new heading, 'Demonstration of unclassified, RC, R18+ and MA15+ computer games'. It reflects the introduction of the R18+ classification category.

Clause 6 Section 42

Section 42 currently states that a person commits an offence if the person demonstrates a computer game somewhere that is not a controlled space for demonstrating the computer game, and the computer game is classified RC or MA 15+, or is an unclassified computer game.

Clause 6 substitutes a new phrase, 'classified RC, R18+ or MA15+', to reflect the introduction of the R18+ classification category.

Clause 7 Section 42(1), penalty, new paragraph (ab)

Section 42(1) currently contains the following penalty units for the offence of demonstrating a computer game somewhere that is not a controlled space for demonstrating the computer game:

- “(a) for a computer game classified RC or an unclassified computer game that is subsequently classified RC—100 penalty units, imprisonment for 1 year or both; or
- (b) for a computer game classified MA 15+ or an unclassified computer game that is subsequently classified MA 15+—20 penalty units.”

Clause 7 inserts a new provision, section 42(1)(ab), which prescribes a penalty amount of 50 penalty units, to place the offence as it relates to R18+ computer games within a proportionate range, between the RC and MA15+ offences. The penalty amount of 50 penalty units mirrors the penalty imposed for the same offence in relation to X18+ films.

Clause 8 Section 43 heading

This clause replaces the existing heading for section 43, 'Private demonstration of RC computer games in presence of child', substituting a new heading, 'Private demonstration of RC or R18+ computer games in presence of child', to reflect the introduction of the R18+ classification category.

Clause 9 Section 43

Section 43 provides that a person commits an offence if the person demonstrates an RC or unclassified computer game in a place other than a public place, and a child is present during any part of the demonstration.

Clause 9 omits the phrase 'classified RC' and substitutes a new phrase, 'classified RC or R18+', to reflect the introduction of the R18+ classification category.

Clause 10 Section 43(1), penalty

Section 43(1) currently contains a penalty of 50 penalty units for privately demonstrating an RC computer game, or an unclassified computer game that is subsequently classified RC, in the presence of a child.

Clause 10 inserts a penalty amount of 50 penalty units for the offence as it relates to R18+ computer games. The penalty amount is the same as that for RC games to ensure that the policy intention behind the Bill, to better protect children, is satisfied. The penalty amount of 50 penalty units mirrors the penalty imposed for the same offence in relation to X18+ films.

Clause 11 Sale or delivery of certain computer games to child Section 46

Section 46 currently states that a person commits an offence if the person sells or delivers an RC computer game or an unclassified computer game to a child.

Clause 11 omits the phrase, 'classified RC', and substitutes a new phrase, 'classified RC or R18+', to reflect the introduction of the R18+ classification category.

Clause 12 Section 46(1), penalty

Section 46(1) currently contains a penalty of 100 penalty units, imprisonment for 1 year or both, for the offence of selling or delivering an RC or unclassified computer game to a child.

Clause 12 inserts a penalty amount of 50 penalty units for the offence as it relates to R18+ computer games, which places the offence within a proportionate range, as compared to the RC offence penalty.

Clause 13 Leaving computer games in certain places Section 47

Section 47 currently states that a person commits an offence if the person leaves an RC, MA15+ or unclassified computer game in a public place or, without the occupier's permission, at private premises.

Clause 13 omits the phrase, 'classified RC or MA15+' and substitutes a new phrase, 'classified RC, R18+ or MA15+', to reflect the introduction of the R18+ classification category.

Clause 14 Section 47(1), penalty

Section 47(1) currently contains the following penalty units for the offence of leaving computer games in certain places:

- “(a) for a computer game classified RC, or an unclassified computer game that is subsequently classified RC – 100 penalty units, imprisonment for 1 year or both; or
- (b) for a computer game classified MA 15+, or an unclassified computer game that is subsequently classified MA 15+ – 20 penalty units.”

Clause 14 inserts a new provision, section 47(1)(ab), which prescribes a penalty amount of 50 penalty units, imprisonment for 6 months or both, to place the offence as it relates to R18+ computer games within a proportionate range, between the RC and MA15+ offences. The penalty mirrors the penalty imposed for the same offence in relation to X18+ films.

Clause 15 Processing or copying computer game for purpose of sale or demonstration Section 48(4)

Section 48 currently states that a person commits an offence if the person possesses an RC computer game or an unclassified computer game, and intends to sell or demonstrate the game.

Section 48(4) states that section 48 does not apply if, since the offence was alleged to have been committed, the computer game has been classified MA15+, M, PG or G.

Clause 15 omits the phrase, ‘classified MA15+’ and substitutes a new phrase, ‘classified R18+, MA15+’, to reflect the introduction of the R18+ classification category.

Clause 16 Division 6.4 heading

This clause replaces the existing heading for division 6.4, ‘Enforcement’, with a new heading, ‘Part 6A – Enforcement for X18+ films and R18+ computer games’. A new subheading, ‘Division 6A.1 – Enforcement’ is also inserted.

This amendment reflects the fact that a new part, part 6A, has been created to regulate the enforcement of the R18+ classification category and X18+ films in the same part of the Act. The policy rationale for this is that ORS will be the responsible agency for enforcement of both classification categories.

Clause 17 Section 54T heading

This clause replaces the existing heading for section 54T, ‘Meaning of X18+ film for div 6.4’, with a new heading, ‘Definitions – div 6A.1’. This reflects the new subheading in division 6.4, inserted by clause 16.

Clause 18 Section 54T, new definition of R18+ computer game

This clause inserts a definition for *R18+ computer game*, for the purposes of the new part 6A, as follows:

“*R18+ computer game* includes an unclassified computer game and a computer game classified RC.”

All classification categories are defined under the Commonwealth Classification Act, so the new definition in section 54T simply reflects the fact that games that may be initially unclassified or classified RC, may have their classification changed at the Commonwealth level once the R18+ classification category commences. This definition mirrors the definition for X18+ films.

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

Section 54W(1)(a) currently outlines the power given to ORS investigators, in relation to X18+ films, to enter a premises to which a licence relates at any reasonable time when the premises are open for business, without a warrant.

As this power will now also apply to R18+ computer games, clause 19 omits the phrase ‘to which a licence relates’, as licences are not required to sell or possess R18+ computer games.

Clause 20 Section 54W(3)

Section 54W(3) currently prescribes the conditions under which an ORS inspector can enter and search a premises without a warrant to inspect possible breaches of the offences in relation to X18+ films.

In order to reflect the fact that R18+ computer games will also be regulated within division 6A.1, clause 20 inserts the phrase ‘or a defined offence in relation to an R18+ computer game’ after all references to ‘X18+ films’ in section 54(3).

Clause 21 New section 54W(6)

This clause inserts a new section, section 54W(6), into division 6A.1 as follows:

“(6) In this section:
defined offence, in relation to an R18+ computer game – see section 54Y.”

Section 54Y contains definitions for division 6A.2, which currently only relate to X18+ films – clause 21 ensures that the definitions now also apply to R18+ computer games.

Clause 22 Division 6.5 heading

This clause replaces the existing heading for division 6.5, ‘Seized films’, with a new heading, ‘Seized films and computer games’, as part 6A will now regulate X18+ films and R18+ computer games.

Clause 23 Section 54Y

This clause replaces the current section 54Y, which contains definitions for the purposes of division 6.5, with a new section 54Y containing definitions for the purposes of division 6A.2, which falls within the new part 6A.

Clause 23 inserts a definition of ‘classified’ which is defined as any material not including material classified RC. This reflects the fact that part 6A only deals with X18+ films and R18+ computer games.

Clause 23 relocates the current definition of ‘defined offence’ in relation to seized X18+ films to the new section 54Y. A new paragraph, paragraph (b) is added into the definition of ‘defined offence’ to address R18+ computer games that may be seized, as follows:

“*defined offence* means...

(b) in relation to a seized computer game – an offence in relation to the computer game against –

- (i) this Act; or
- (ii) the *Crimes Act 1900*, section 66; or
- (iii) the *Criminal Code 1995* (Cwlth), section 474.26.

This new paragraph reflects the fact that computer games can be accessed on the Internet and could constitute an offence against section 66 of the *Crimes Act 1900* (ACT) (‘Using the Internet etc to deprave young people’), or section 474.26 of the *Criminal Code 1995* (Cwlth) (‘Using a carriage service to procure persons under 16 years of age’).

The new section 54Y also contains the definition of ‘defined period’ in relation to the seizure of X18+ films, which describes the period of time that the Commissioner for Fair Trading can hold a seized film after taking it from the owner. The definition now incorporates R18+ computer games, as follows:

“*defined period*, in relation to a seized film or seized computer game, means –
(a) 120 days after the seizure of the film or computer game; or
(b) any extended, or further extended, period that is approved under section 54YB(1).”

Clause 23 also relocates to division 6A.2 the definition of ‘seized film’, which means a film seized under section 54W. A reference to ‘computer game’ is inserted to reflect the fact that part 6A now deals with X18+ films and R18+ computer games.

Clause 24 Extension of defined period Section 54YB

Section 54YB currently states that the Commissioner for Fair Trading may, in writing, approve the extension, or further extension, of the defined period in relation to a seized film for the period that the commissioner considers, on reasonable grounds, to be necessary or desirable for -

“(a) allowing the person from whom the film was seized to satisfy the commissioner, on reasonable grounds, that the film is classified X18+, R18+, MA15+, M, PG or G; or

(b) the administration of this Act.”

This clause inserts into section 54YB a reference to ‘or computer game’, to recognise the fact that part 6A now deals with X18+ films and R18+ computer games.

Clause 25 Section 54YB(1)(a)

This clause omits the phrase ‘X18+, R18+, MA15+, M, PG or G’ from section 54YB(1)(a). This has been done to reflect the new definition of ‘classified’ inserted into section 54Y by clause 26. ‘Classified’ means any material – so, material rated X18+, R18+, MA15+, M, PG or G – other than material rated RC.

Clause 26 Notice Section 54Z

Section 54Z currently states:

“(1) This section applies to a seized film if the Commissioner is not satisfied, on reasonable grounds, that the film is classified X18+, R18+, MA15+, M, PG or G.

(2) If this section applies to a seized film, the Commissioner must give a written notice to the person from whom the film was seized inviting the person to satisfy the Commissioner, on reasonable grounds, within the defined period that the film is classified X18+, R18+, MA15+, M, PG or G.”

Clause 26 inserts the term ‘or computer game’ after references to the term ‘film’ to reflect the fact that the Commissioner has the same responsibility in relation to the return of seized computer games.

Clause 27 Section 54Z

This clause omits the phrase ‘X18+, R18+, MA15+, M, PG or G’ from section 54Z, to reflect the new definition of ‘classified’ inserted into section 54Y by clause 25. ‘Classified’ means any material – so, material rated X18+, R18+, MA15+, M, PG or G – other than material rated RC.

Clause 28 Section 54ZA heading

This clause replaces the existing heading for section 54ZA, ‘Return of seized films’, with a new heading, ‘Return of seized films and computer games’. This is to reflect the fact that as part 6A will now regulate X18+ films and R18+ computer games.

Clause 29 Section 54ZA

Section 54ZA provides that the Commissioner for Fair Trading must take reasonable steps to return a seized film to the person from whom it was seized if the Commissioner is satisfied, on reasonable grounds, that the film is classified X18+, R18+, MA15+, M, PG or G.

Clause 29 inserts the phrase ‘or computer game’ after all references to the term ‘film’ to reflect the fact that the Commissioner has the same responsibility in relation to the return of seized computer games.

Clause 30 Section 54ZA(a)

This clause omits the phrase ‘X18+, R18+, MA15+, M, PG or G’ from section 54ZA(a), to reflect the new definition of ‘classified’ inserted into section 54Y by clause 23. ‘Classified’ means any material – so, material rated X18+, R18+, MA15+, M, PG or G – other than material rated RC.

Clause 31 Section 54ZB heading

This clause replaces the existing heading for section 54ZB, ‘Destruction of seized films’, with a new heading, ‘Destruction of seized films and computer games’. This is to reflect the fact that as part 6A will now regulate X18+ films and R18+ computer games.

Clause 32 Section 54ZB(1)

Section 54ZB(1) provides that the Commissioner must destroy a seized film if, following the issue of a notice under section 54Z(2), the person from whom the film was seized does not satisfy the Commissioner, on reasonable grounds in accordance with the invitation in the notice, that the film is classified X18+, R18+, MA15+, M, PG or G.

Clause 32 inserts the phrase ‘or computer game’ after all references to the term ‘film’ to reflect the fact that the Commissioner has the same responsibility in relation to the return of seized computer games.

Clause 33 Section 54ZB(1)(a)

This clause omits the phrase ‘X18+, R18+, MA15+, M, PG or G’ from section 54ZB(1)(a), to reflect the new definition of ‘classified’ inserted into section 54Y by clause 25. ‘Classified’ means any material – so, material rated X18+, R18+, MA15+, M, PG or G – other than material rated RC.

Clause 34 Section 54ZB(3) and (4)

Sections 54ZB(3) and (4) provide the following:

“(3) The Commissioner must destroy a seized film if a defined offence in relation to the film is proved.

(4) Despite subsections (1), (2) and (3), the Commissioner may retain a seized film for the purposes of the administration of this Act for the period as the Commissioner considers, on reasonable grounds, to be necessary or desirable for those purposes.”

Clause 34 inserts the phrase ‘or computer game’ after all references to the term ‘film’ to reflect the fact that the Commissioner has the same responsibility in relation to the return of seized computer games.

Clause 35 New section 54ZB(5)

This clause inserts a new section, section 54ZB(5), which acts as a signpost for the definition of ‘licence’, which has been relocated to section 54A.

Clause 36 Schedule 1, items 5 to 7

Schedule 1 sets out the reviewable decisions for the ACT. Item 5 refers to the decision to refuse to approve an extension of the defined period in relation to a seized film; Item 6 refers to the decision to approve the extension of the defined period in relation to a seized film for a period of less than that applied for by the applicant; Item 7 refers to the decision to destroy a seized film.

This clause amends the description of the decisions to reflect the fact that section 54YB now also relates to computer games.

Clause 37 Dictionary, definition of *classified*

This clause inserts a definition of ‘classified’ for the purposes of the ACT Classification Act, as follows:

- “(a) means classified under the Commonwealth Act, and includes reclassified under that Act; and
- (b) for division 6A.2 (Seized films and computer games) – see section 54Y.”

Clause 37 therefore specifies that the Commonwealth is responsible for **classifying** games, and the ACT **enforces** those classifications.

The clause also acts as a signpost for section 54Y, which now defines ‘classified’ for the purposes of division 6A.2.

Clause 38 Dictionary, definitions of *defined offence* and *defined period*

This clause acts as a signpost for section 54Y, which now defines ‘defined offence’ and ‘defined period’ for the purposes of division 6A.2.

Clause 39 Dictionary, new definition of *R18+ computer game*

This clause acts as a signpost for section 54T, which now defines ‘R18+ computer game’ for the purposes of division 6A.2.

Clause 40 Dictionary, definition of *seized film*

This clause omits the definition of ‘seized film’ from the dictionary, as this definition has been replaced by a new definition, ‘seized film or computer game’ in clause 23.

Clause 41 Dictionary, new definition of *seized film or computer game*

This clause acts as a signpost for section 54Y, which now defines ‘seized film or computer game’ for the purposes of division 6A.2.

Clause 42 Dictionary, definition of *X18+ film*, paragraph (b)

This clause omits the reference to division 6.4, and inserts a reference to division 6A.1, to reflect the fact that division 6A.1 has been inserted to regulate X18+ films and R18+ computer games.