

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

*Introduction and First Reading*

Bill introduced, on motion by **Hon Michael Mischin (Attorney General)**, and read a first time.

*Second Reading*

**HON MICHAEL MISCHIN (North Metropolitan — Attorney General)** [7.54 pm]: I move —

That the bill be now read a second time.

The Classification (Publications, Films and Computer Games) Enforcement Amendment Bill 2012 qualifies as uniform legislation within the meaning of standing order 126(1) as it gives effect to a multilateral intergovernmental agreement on censorship to which the government of the state is a party. The bill relates to the operation of the national cooperative classification scheme operated by the commonwealth, states and territories and implements the decision made at the July 2011 meeting of the Standing Committee of Attorneys-General to introduce an R 18+ classification for computer games. It is the product of some 10 years of negotiations between the commonwealth and the states and territories.

The agreement has resulted in the Classification (Publications, Films and Computer Games) Amendment (R 18+ Computer Games) Act 2012 of the commonwealth, which I shall refer to as the commonwealth amendment act, which amended the Classification (Publications, Films and Computer Games) Act 1995 of the commonwealth, which for convenience I will refer to as the commonwealth classification act. The commonwealth amendments will come into effect on 1 January 2013.

This bill implements the necessary amendments to the Western Australian Classification (Publications, Films and Computer Games) Enforcement Act 1996—the WA enforcement act. The effect of the commonwealth classification act and this bill will be to bring the current classification categories for computer games into line with existing categories to classify films, with the exception of the X 18+ category for films, by creating a new R 18+ category for computer games. It will also align the computer game classification categories in Australia with those in use overseas.

Presently, the highest legally available classification category for computer games is MA 15+, which means that such games are unsuitable for minors under the age of 15. Games that exceed the content permitted in this category are currently classified RC; namely, refused classification. Importantly, ministers have agreed that there shall be no dilution of the RC classification and RC material will not be included in the proposed R 18+ classification. Therefore, the introduction of an R 18+ classification is a new, adults-only classification that can be applied to some of the more extreme material that may currently fit within the MA 15+ classification.

Extensive public consultation over the past two and a half years involving the Classification Board, industry, community organisations and the general public has shown strong support for an R 18+ classification. For instance, in 2009 the commonwealth Attorney-General's Department received close to 60 000 submissions in response to a discussion paper on the matter. There was overwhelming support, with 98 per cent of respondents wanting an R 18+ classification. A national survey conducted by Galaxy Consultants in 2010 revealed that 80 per cent of the 2 226 people contacted supported the introduction of an adults-only category for games.

Before outlining the amendments to the WA enforcement act required as a result of Western Australia being a full participant in the NCCS, I will briefly remind members of how the NCCS operates. The NCCS is a cooperative arrangement between the commonwealth, states and territories that was established in 1996. Under the NCCS, publications, films and computer games are classified by the commonwealth Classification Board under the provisions of the commonwealth classification act. Material is classified in accordance with the National Classification Code and with classification guidelines that are used to interpret the code. Pursuant to the commonwealth classification act and the 1995 intergovernmental agreement, which is the foundation for the NCCS, classification guidelines may be amended only by the unanimous agreement of ministers. Work on finalising the proposed classification guidelines for computer games has now been completed. The responsible commonwealth minister must, in accordance with the commonwealth classification act, publish the finalised guidelines in the commonwealth government *Gazette*. Under the intergovernmental agreement, responsible ministers are required to table the amended guidelines in their respective Parliaments within 30 sitting days after the guidelines are published by the commonwealth. As the responsible minister, I shall attend to that at the appropriate time. All states and territories then apply those classifications. However, the enforcement of those classification decisions is a matter for each state and territory under its complementary enforcement legislation.

In our state, the Western Australia Police enforce classification decisions pursuant to the WA enforcement act, which stipulates under what conditions restricted publications, films and computer games may be advertised,

sold or exhibited. Accordingly, this bill gives recognition to R 18+ computer games; prescribes various restrictions on the demonstration, display, sale or supply and advertising of R 18+ computer games; and prescribes offences and penalties, similar to those which apply to R 18+ films, which make it illegal to allow children to access adults-only computer games. I am confident that the R 18+ classification for computer games will inform parents, consumers and retailers about games that are unsuitable for children, and will prevent minors from purchasing unsuitable material.

In summary, the bill allows adults to access material while affording protection to children, and ensures that Western Australia remains an effective participant in the NCCS.

I commend the bill to the house and I table the explanatory memorandum relative to the bill.

[See paper 4984.]

Debate adjourned and bill referred to the Standing Committee on Uniform Legislation and Statutes Review, pursuant to standing orders.