

**CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) ENFORCEMENT  
AMENDMENT BILL 2012 — PROPOSED SECTION 153A**

*Statement*

**HON MICHAEL MISCHIN (North Metropolitan — Attorney General)** [5.19 pm]: During the debate on the Classification (Publications, Films and Computer Games) Enforcement Amendment Bill 2012, I advised that I would provide an explanation on the operation of new section 153A of that bill. This is a transitional provision that applies when there is a change of classification of computer games from MA 15+ to R 18+. The classification of a computer game that is classified MA 15+ before the bill commences could change to R 18+ under the commonwealth Classification (Publications, Films and Computer Games) Act 1995. This could occur under the part 4, “Reclassification”, or part 5, “Review of decisions”, pursuant to the commonwealth act, within 12 months after the commencement of the bill. When the commonwealth amendments, which provide for R 18+ classification, become law on 1 January 2013, a distributor of an MA 15+ game would have a reasonable expectation that the current classification would remain in force. However, the introduction of an R 18+ category may mean that a small number of games may be reclassified under parts 4 and 5 of the commonwealth act, as above.

Under part 4 of the commonwealth act, the Classification Review Board could review MA 15+ games that have been classified for more than two years. This is a very rare occurrence and it is unlikely that the Classification Review Board would seek to have a classification raised. Given the introduction of an R 18+ category, it is more likely that an eligible person would apply to the Classification Review Board for a review of a decision under part 5 of the commonwealth act. The 12-month period is considered to be a reasonable time frame for eligible persons to seek a review of an existing MA 15+ classification decision that is in place on 1 January 2013.

New section 153A, a transitional provision, allows distributors to adjust to the possibility of games changing their classification during the 12-month period. Thus, for any games with a classification of MA 15+ that become classified R 18+ in that period, it is considered reasonable to allow distributors 90 days to comply with the Classification (Publications, Films and Computer Games) Enforcement Act 1996, given that they would have expected that the game in question would remain at the classification level of MA 15+. It was not considered desirable for this provision to apply permanently because, after 12 months, it is considered fair that distributors should have to comply immediately with any reclassification decisions.

I hope that this is a satisfactory explanation to understand the operation of new section 153A. I hope that it answers Hon Adele Farina’s query that was raised during the Committee of the Whole.