

Western Australia

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

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Western Australia

LEGISLATIVE COUNCIL

*(As amended in Committee)*

**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 1996.***

The Parliament of Western Australia enacts as follows:

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1    **1.       Short title**

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

4    **2.       Commencement**

5           This Act comes into operation as follows —

6           (a)   sections 1 and 2 come into operation on the day on  
7                which this Act receives the Royal Assent (*assent day*);

8           (b)   the rest of the Act —

9                (i)   comes into operation on 1 January 2013 if assent  
10                day is not later than that day; or

11               (ii)  is deemed to have come into operation on  
12                1 January 2013 if assent day is later than that  
13                day.

14   **3.       Act amended**

15           This Act amends the *Classification (Publications, Films and*  
16           *Computer Games) Enforcement Act 1996*.

17   **4.       Section 3 amended**

18           In section 3 in the definition of *contentious material* delete  
19           “MA 15+ or” and insert:

20

21           MA 15+, R 18+ or

22

23   **5.       Section 57 amended**

24           In section 57(c) delete “M or MA 15+; or” and insert:

25

26           M, MA 15+ or R 18+; or

27

1 **6. Section 84 amended**

2 In section 84(2) delete “RC,” and insert:

3

4 RC or R 18+,

5

6 Note: The heading to amended section 84 is to read:

7 **RC and R 18+ computer games, sale etc. of**

8 **7. Section 85 amended**

9 (1) In section 85(1) after “classified” insert:

10

11 R 18+ or

12

13 (2) In section 85(2):

14 (a) in paragraph (a) after “be classified” insert:

15

16 R 18+ or

17

18 (b) in paragraph (b) after “classified” insert:

19

20 R 18+ or

21

22 (3) After section 85(2) insert:

23

24 (3A) A person must not demonstrate in a place that is not a  
25 public place, in the presence of a minor —

26 (a) an unclassified computer game that would, if  
27 classified, be classified R 18+; or

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1                   (b) a computer game classified R 18+,  
2                   unless that person is a parent or guardian of the minor.  
3                   Penalty: a fine of \$2 000.

4           (3B) It is a defence to a charge of an offence against  
5           subsection (3A) for the person charged to prove that  
6           the person believed on reasonable grounds that the  
7           minor was an adult.  
8

9           Note: The heading to amended section 85 is to read:

10                   **R 18+ and MA 15+ computer games, demonstration of**

11   **8. Section 85A amended**

12           In section 85A(a) and (b) after “classified” insert:

13  
14           R 18+ or  
15

16           Note: The heading to amended section 85A is to read:

17                   **R 18+ and MA 15+ computer games, containers etc., display of in**  
18                   **public**

19   **9. Section 88 amended**

20           Before section 88(1) insert:

21  
22           (1A) A person must not sell or supply to a minor a computer  
23           game classified R 18+ unless the person is a parent or  
24           guardian of the minor.  
25           Penalty: a fine of \$5 000.

26           (1B) It is a defence to a charge of an offence against  
27           subsection (1A) for the person charged to prove that —  
28                   (a) the minor produced to the person charged or  
29                   that person’s employee or agent acceptable  
30                   proof of age before the person charged sold or

- 1                                   supplied the computer game to the minor and  
2                                   the person charged or that person's employee or  
3                                   agent believed on reasonable grounds that the  
4                                   minor was an adult; or  
5                           (b) the minor was employed by the person charged  
6                                   or that person's employer and the supply took  
7                                   place in the course of that employment.  
8

9   **10.    Section 89 amended**

- 10       (1) In section 89(2) after "be classified" insert:  
11

12                           R 18+ or  
13

- 14       (2) In section 89(3) after "classified" insert:  
15

16                           R 18+ or  
17

18   **11.    Section 92 amended**

- 19                           In section 92(2) in the Table item 5 delete "MA 15+," and  
20                           insert:  
21

22                           R 18+, MA 15+,  
23

24   **12.    Section 94 amended**

- 25                           In section 94(2) in the Table item 5 delete "MA 15+," and  
26                           insert:  
27

28                           R 18+, MA 15+,  
29

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1 **13. Section 95 amended**

2 (1) In section 95(1) in the Table after item 4 insert:

3

5 R 18+ R 18+, MA 15+, M, PG or G

4

5 (2) In section 95(2) in the Table after item 4 insert:

6

5 R 18+ R 18+, MA 15+, M, PG or G

7

8 (3) In section 95(3) delete “computer film” and insert:

9

10 film

11

12 **14. Section 110 amended**

13 In section 110(b) delete “RC or” and insert:

14

15 RC, R 18+ or

16

17 **15. Section 153A inserted**

18 Before section 153 insert:

19

20 **153A. Change of classification of computer games from**  
21 **MA 15+ to R 18+**

22 If —

23 (a) immediately before the coming into operation  
24 of this section, a computer game is classified  
25 MA 15+; and

26 (b) within 12 months after the coming into  
27 operation of this section, the computer game



1 becomes classified R 18+ under the  
2 Commonwealth Act; and  
3 (c) within 90 days after the change in  
4 classification, a person commits an offence in  
5 relation to the computer game under section 85,  
6 85A, 86, 88, 89, 92, 94 or 95 (the *relevant*  
7 *section*); and  
8 (d) the person would not have committed any  
9 offence under the relevant section if the  
10 computer game had still been classified  
11 MA 15+,  
12 then the person is taken not to have committed an  
13 offence under the relevant section.  
14

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