

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

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Western Australia

LEGISLATIVE COUNCIL

**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:

s. 1

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 — on the day on which this Act
7 receives the Royal Assent;
8 (b) the rest of the Act — on a day fixed by proclamation,
9 and different days may be fixed for different provisions.

10 **3. Act amended**

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

13 **4. Section 3 amended**

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

16
17 MA 15+, R 18+ or
18

19 **5. Section 57 amended**

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

21
22 M, MA 15+ or R 18+; or
23

6. Section 84 amended

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

RC or R 18+,

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

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

7. Section 85 amended

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

R 18+ or

(2) In section 85(2):

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

R 18+ or

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

R 18+ or

(3) After section 85(2) insert:

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

(a) an unclassified computer game that would, if 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

s. 13

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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