



Australian Capital Territory

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

A2012-44

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Australian Capital Territory

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

A2012-44

An Act to amend the *Classification (Publications, Films and Computer Games) (Enforcement) Act 1995*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

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

2 Commencement

This Act commences on 1 January 2013.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Legislation amended

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

4 Section 41

substitute

41 Demonstration of R 18+ and MA 15+ computer games

- (1) A person commits an offence if—
- (a) the person demonstrates a computer game classified R 18+ or MA 15+ in a public place; and
 - (b) either—
 - (i) the determined markings are not exhibited before the computer game can be played; or
 - (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.

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.
- (2) An offence against this section is a strict liability offence.

5 Section 42 heading

substitute

42 Demonstration of unclassified, RC, R 18+ and MA 15+ computer games

6 Section 42

omit

classified RC or MA 15+

substitute

classified RC, R 18+ or MA 15+

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

insert

- (ab) for a computer game classified R 18+ or an unclassified computer game that is subsequently classified R 18+—50 penalty units; or

8 Section 43 heading

substitute

**43 Private demonstration of RC or R 18+ computer games in
presence of child**

9 Section 43

omit

classified RC

substitute

classified RC or R 18+

10 Section 43 (1), penalty

substitute

Maximum penalty:

- (a) for a computer game classified RC or an unclassified computer game that is subsequently classified RC—50 penalty units; or
- (b) for a computer game classified R 18+ or an unclassified computer game that is subsequently classified R 18+—50 penalty units.

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

omit

classified RC

substitute

classified RC or R 18+

12 Section 46 (1), penalty

substitute

Maximum penalty:

- (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 R 18+ or an unclassified computer game that is subsequently classified R 18+—50 penalty units.

**13 Leaving computer games in certain places
Section 47**

omit

classified RC or MA 15+

substitute

classified RC, R 18+ or MA 15+

14 Section 47 (1), penalty

insert

- (ab) for a computer game classified R 18+ or an unclassified computer game that is subsequently classified R 18+—50 penalty units, imprisonment for 6 months or both; or

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

omit

classified MA 15+

substitute

classified R 18+, MA 15+

16 Division 6.4 heading

substitute

**Part 6A Enforcement for X 18+ films and
R 18+ computer games**

Division 6A.1 Enforcement

17 Section 54T heading

substitute

54T Definitions—div 6A.1

18 Section 54T, new definition of *R 18+ computer game*

insert

R 18+ computer game includes an unclassified computer game and
a computer game classified RC.

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

omit

to which a licence relates

20 Section 54W (3)

after

X 18+ films

insert

or a defined offence in relation to an R 18+ computer game

21 New section 54W (6)

insert

(6) In this section:

defined offence, in relation to an R 18+ computer game—see section 54Y.

22 Division 6.5 heading

substitute

Division 6A.2 Seized films and computer games

23 Section 54Y

substitute

54Y Definitions—div 6A.2

In this division:

classified does not include classified RC.

defined offence means—

- (a) in relation to a seized film—an offence in relation to the film against—
 - (i) this Act; or
 - (ii) the *Crimes Act 1900*; or
 - (iii) the *Publications Control Act 1989*; or
 - (iv) the *Business Franchise (“X” Videos) Act 1990*; and
- (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.

defined period, in relation to a seized film or 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).

seized film or computer game means a film or computer game seized under section 54W.

24 Extension of defined period

Section 54YB

after

film

insert

or computer game

25 Section 54YB (1) (a)

omit

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

**26 Notice
Section 54Z**

after

film

insert

or computer game

27 Section 54Z

omit

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

28 Section 54ZA heading

substitute

54ZA Return of seized films or computer games

29 Section 54ZA

after

film

insert

or computer game

30 Section 54ZA (a)

omit

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

31 Section 54ZB heading

substitute

54ZB Destruction of seized films or computer games

32 Section 54ZB (1)

after

film

insert

or computer game

33 Section 54ZB (1) (a)

omit

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

34 Section 54ZB (3) and (4)

after

film

insert

or computer game

35 New section 54ZB (5)

insert

(5) In this section:

licence—see section 54A.

36 Schedule 1, items 5 to 7

after

film

insert

or computer game

37 Dictionary, definition of *classified*

substitute

classified—

- (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.

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

substitute

defined offence, in relation to a seized film or computer game, for division 6A.2 (Seized films and computer games)—see section 54Y.

defined period, in relation to a seized film or computer game, for division 6A.2 (Seized films and computer games)—see section 54Y.

39 Dictionary, new definition of *R 18+ computer game*

insert

R 18+ computer game, for division 6A.1 (Enforcement)—see section 54T.

40 Dictionary, definition of *seized film*

omit

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

insert

seized film or computer game, for division 6A.2 (Seized films and computer games)—see section 54Y.

42 Dictionary, definition of *X 18+ film*, paragraph (b)

omit

6.4

substitute

6A.1

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 29 March 2012.

2 Notification

Notified under the Legislation Act on 3 September 2012.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2012, which was passed by the Legislative Assembly on 23 August 2012.

Clerk of the Legislative Assembly

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