

## TASMANIA

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

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

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

P. R. ALCOCK, *Clerk of the House*  
13 November 2012

*(Brought in by the Minister for Justice, the Honourable Brian  
Neal Wightman)*

**A BILL FOR**

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

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

**1. Short title**

This Act may be cited as the *Classification  
(Publications, Films and Computer Games)  
Enforcement Amendment Act 2012*.

**2. Commencement**

This Act commences on 1 January 2013.

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**3. Principal Act**

In this Act, the *Classification (Publications, Films and Computer Games) Enforcement Act 1995\** is referred to as the Principal Act.

**4. Section 3 amended (Interpretation)**

Section 3 of the Principal Act is amended by inserting “, R 18+” after “15+” in the definition of *contentious material*.

**5. Section 14 amended (Conditions applying to category 1 restricted publications)**

Section 14(1)(a) of the Principal Act is amended by omitting “, other than by a parent of that minor”.

**6. Section 15 amended (Conditions applying to category 2 restricted publications)**

Section 15(1)(a) of the Principal Act is amended by omitting “, other than by a parent of that minor”.

**7. Section 16 amended (Offences in relation to category 1 and 2 restricted publications)**

Section 16 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

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- (2) A person must not sell a publication classified category 2 restricted to another person knowing or having reason to believe that that other person intends to deliver or exhibit the publication to a minor.

Penalty: Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 12 months, or both.

**8. Section 17 amended (Offences in relation to unclassified objectionable publications)**

Section 17(4) of the Principal Act is amended by omitting “if that person is not the minor’s parent”.

**9. Section 37 amended (R 18+ film not to be sold or delivered to minor)**

Section 37(1) of the Principal Act is amended by omitting “if the person is not the minor’s parent”.

**10. Section 53 amended (RC, R 18+ or MA 15+ computer game not to be demonstrated in public place)**

Section 53 of the Principal Act is amended as follows:

- (a) by inserting in paragraph (a) “, R 18+” after “RC”;

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- (b) by inserting in paragraph (b) “, R 18+” after “RC”;
- (c) by inserting the following paragraph after paragraph (a) in the penalty:
  - (ab) in the case of a computer game classified R 18+ – a fine not exceeding 50 penalty units; or

**11. Section 54 amended (RC or R 18+ computer game not to be demonstrated privately in presence of minor)**

Section 54(1) of the Principal Act is amended as follows:

- (a) by inserting in paragraph (a) “or R 18+” after “RC”;
- (b) by inserting in paragraph (b) “or R 18+” after “RC”.

**12. Section 54A inserted**

After section 54 of the Principal Act, the following section is inserted in Part 4:

**54A. R 18+ computer games not to be sold or delivered to minor under 18**

- (1) A person must not sell or deliver a computer game classified R18+ to a minor under 18.

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Penalty: Fine not exceeding 20 penalty units.

- (2) It is a defence to a prosecution under subsection (1) to prove that the defendant, or the defendant's employee or agent believed, on reasonable grounds that the minor was 18 years or older.

**13. Section 60 amended (Classified computer game not to be sold, delivered or demonstrated with advertisement for computer game of higher classification)**

Section 60 of the Principal Act is amended by inserting after item 4 in the table the following item:

5.	R 18+	R 18+, MA 15+, M, PG or G
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**14. Section 80 amended (Matters averred to in complaint)**

Section 80(2) of the Principal Act is amended by omitting "minor or a minor under 15" twice occurring and substituting "minor, a minor under 15 or a minor under 18".

**15. Section 82 repealed**

Section 82 of the Principal Act is repealed.

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**16. Repeal of Act**

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.