

CLAUSE NOTES

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

- Clause 1:** provides the short title for the Act
- Clause 2:** provides that the Act will commence on a day to be proclaimed (will be coordinated with Commonwealth changes which is at this stage expected to be 1 January)
- Clause 3:** provides that the Principal Act, as referenced throughout the Act, is the *Classification (Publications, Films and Computer Games) Enforcement Act 1995*.
- Clause 4:** amends section 53 of the Principal Act, which presently provides that RC and MA15+ games cannot be demonstrated in a public place, to include R18+ computer games as material that cannot be demonstrated in a public place, and provides a penalty of a fine not exceeding 50 penalty units for doing so. A penalty unit is currently \$130.00.
- Clause 5:** amends section 54 of the Principal Act, which currently provides that RC computer games cannot be privately exhibited to a minor, so that neither RC nor R18+ computer games can be exhibited privately in the presence of a minor. This section mirrors provisions in place for RC and R18+ films.
- Clause 6:** inserts a new section 54A which provides that R18+ computer games cannot be sold or

delivered to a minor under 18 years of age. An exception is made if the minor's parent consents to the sale or delivery. This section mirrors provisions in place for R18+ films.

Clause 7: amends section 60 of the Principal Act. This will allow computer games classified as R18+ to include advertising material for games that are classified R18+. MA15+, M, PG or G.

Clause 8: adds "a minor under 18" to the averment clause of the Principal Act, so that if a complaint states that a person was a minor under 18, this is proof of that fact.

Clause 9: this section is repealed as part of the Council of Australian Governments project to abolish provisions deeming company directors liable in all but the most exceptional of circumstances.

Clause 10: this is a standard clause included in all amending legislation which provides for the automatic repeal of this Act. The amendments made by this Act continue despite the repeal of this Act.