

TASMANIA

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

CONTENTS

1. Short title
2. Commencement
3. Principal Act
4. Section 53 amended (RC, R 18+ or MA 15+ computer game not to be demonstrated in public place)
5. Section 54 amended (RC or R 18+ computer game not to be demonstrated privately in presence of minor)
6. Section 54A inserted
 - 54A. R 18+ computer games not to be sold or delivered to minor under 18
7. Section 60 amended (Classified computer game not to be sold, delivered or demonstrated with advertisement for computer game of higher classification)
8. Section 80 amended (Matters averred to in complaint)
9. Section 82 repealed
10. Repeal of Act

**CLASSIFICATION (PUBLICATIONS, FILMS AND
COMPUTER GAMES) ENFORCEMENT
AMENDMENT BILL 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 a day to be proclaimed.

3. Principal Act

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

*No. 105 of 1995

Classification (Publications, Films and Computer Games)
Enforcement Amendment Act 2012
Act No. of

s. 4

4. 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”;
- (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

5. 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”.

*Classification (Publications, Films and Computer Games)
Enforcement Amendment Act 2012
Act No. of*

s. 6

6. 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 if the person is not the parent of the minor.

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 –
- (a) the minor was 18 or older; or
 - (b) the minor's parent had consented to the sale or delivery.

7. 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:

*Classification (Publications, Films and Computer Games)
Enforcement Amendment Act 2012
Act No. of*

s. 8

5.	R 18+	R 18+, MA 15+, M, PG or G
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8. 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”.

9. Section 82 repealed

Section 82 of the Principal Act is repealed.

10. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.