

Passed by both Houses



New South Wales

# **Classification (Publications, Films and Computer Games) Enforcement Amendment (R 18+ Computer Games) Bill 2012**

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*I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.*

*Clerk of the Legislative Assembly.  
Legislative Assembly,  
Sydney, , 2012*



New South Wales

## **Classification (Publications, Films and Computer Games) Enforcement Amendment (R 18+ Computer Games) Bill 2012**

Act No , 2012

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*An Act to amend the *Classification (Publications, Films and Computer Games) Enforcement Act 1995* to provide for the enforcement of an R 18+ classification category for computer games; and for related purposes.*

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*I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.*

*Assistant Speaker of the Legislative Assembly.*

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Classification (Publications, Films and Computer Games) Enforcement Amendment (R 18+ Computer Games) Act 2012*.

**2 Commencement**

This Act commences on 1 January 2013, or on the date of assent to this Act, whichever is the later.

**3 Repeal of Classification (Publications, Films and Computer Games) Enforcement Amendment (Uniform Classification) Act 2004 No 82**

The *Classification (Publications, Films and Computer Games) Enforcement Amendment (Uniform Classification) Act 2004* is repealed.

## **Schedule 1      Amendment of Classification (Publications, Films and Computer Games) Enforcement Act 1995 No 63**

**[1] Section 15 Films to display determined markings and consumer advice**

Omit “section 39 or 97A of” from section 15 (4) (a).

**[2] Section 27 Sale or public demonstration of unclassified or RC computer games prohibited**

Insert “or R 18+” after “MA 15+” in the second dot point in the penalty provision.

**[3] Section 30 Sale or delivery of RC, R 18+ or MA 15+ computer games to minors prohibited**

Insert after section 30 (1):

- (1A) A person must not sell or deliver to a minor a computer game classified R 18+, or an unclassified computer game that would, if classified, be classified R 18+, unless the person is a parent or guardian of the minor.

Maximum penalty: 100 penalty units for an individual, 200 penalty units for a corporation.

- (1B) It is a defence to a prosecution for an offence under subsection (1A) to prove that:
- (a) the minor, before being sold or delivered the computer game, produced to the defendant (or the defendant’s employee or agent) documentary evidence that might reasonably be accepted as applying to the minor and as showing that the minor was an adult, or
  - (b) the defendant (or the defendant’s employee or agent) believed on reasonable grounds that the minor was an adult, or
  - (c) the minor was employed by the defendant and the delivery took place in the course of that employment.

**[4] Section 30A**

Insert after section 30:

**30A Parents not to permit minors to attend demonstration of RC or R 18+ computer games**

A person who is the parent or guardian of a minor must not permit the minor to attend the demonstration in a public place of a

computer game classified RC or R 18+ or an unclassified computer game that would, if classified, be classified RC or R 18+.

Maximum penalty: 20 penalty units.

**[5] Section 31 Minors over 15 not to buy or attend demonstration of RC or R 18+ computer games**

Insert “or R 18+” after “RC” wherever occurring.

**[6] Section 31A**

Insert after section 31:

**31A R 18+ computer games not to be publicly demonstrated in presence of minors**

- (1) A person must not publicly demonstrate a computer game classified R 18+ if a minor is present during any part of the demonstration.

Maximum penalty: 50 penalty units for an individual, 100 penalty units for a corporation.

- (2) It is a defence to a prosecution for an offence under this section to prove that:
- (a) the minor, before being admitted to the part of the public place in which the computer game was demonstrated, produced to the defendant (or the defendant’s employee or agent) documentary evidence that might reasonably be accepted as applying to the minor and as showing that the minor was an adult, or
  - (b) the defendant (or the defendant’s employee or agent) believed on reasonable grounds that the minor was an adult, or
  - (c) the minor was employed by the defendant and the demonstration took place in the course of that employment.

**[7] Section 33 Private demonstration of RC or R 18+ computer games in presence of minors**

Insert after section 33 (1):

- (1A) A person must not privately demonstrate in the presence of a minor a computer game classified R 18+, or an unclassified computer game that would, if classified, be classified R 18+, unless the person is a parent or guardian of the minor.

Maximum penalty: 50 penalty units.

**[8] Section 34 Computer games to display determined markings and consumer advice**

Insert “R 18+ or” after “classified” in section 34 (1).

**[9] Section 34 (5) (a)**

Omit “section 39 of”.

**[10] Section 41 Advertisements with computer games**

Omit the note to section 41 (2).

**[11] Section 53 Exemptions for public libraries**

Insert “, or computer game,” after “film” in paragraph (a) of the definition of *restricted material* in section 53 (1).

**[12] Schedule 1 Savings and transitional provisions**

Insert at the end of clause 1 (1):

any other Act that amends this Act

## **Schedule 2      Amendment of Classification (Publications, Films and Computer Games) Enforcement Amendment Act 2001 No 95**

### **[1]      Schedule 2 Amendments relating to on-line services**

Omit the definition of *matter unsuitable for minors* (but not the note to the definition) from proposed section 45A.

Insert instead:

*matter unsuitable for minors* means Internet content consisting of:

- (a) a film or computer game that is classified R 18+, or
- (b) a film or computer game that would, if classified, be classified R 18+, or
- (c) an advertisement for any film or computer game classified R 18+, or that would, if classified, be classified R 18+, consisting of or containing an extract or sample from the film or computer game comprising moving images.

### **[2]      Schedule 2, proposed section 45A, definition of “objectionable matter”**

Omit “X” wherever occurring. Insert instead “X 18+”.