

Western Australia

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

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As at 29 Nov 2012

No. 53 of 2012

Extract from [www.slp.wa.gov.au](http://www.slp.wa.gov.au), see that website for further information



Western Australia

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

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**Classification (Publications, Films and  
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Act 2012**

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**No. 53 of 2012**

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***An Act to amend the Classification (Publications, Films and  
Computer Games) Enforcement Act 1996.***

*[Assented to 29 November 2012]*

The Parliament of Western Australia enacts as follows:

**s. 1**

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**1. Short title**

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

**2. Commencement**

This Act comes into operation as follows —

- (a) sections 1 and 2 come into operation on the day on which this Act receives the Royal Assent (*assent day*);
- (b) the rest of the Act —
  - (i) comes into operation on 1 January 2013 if assent day is not later than that day; or
  - (ii) is deemed to have come into operation on 1 January 2013 if assent day is later than that day.

**3. Act amended**

This Act amends the *Classification (Publications, Films and Computer Games) Enforcement Act 1996*.

**4. Section 3 amended**

In section 3 in the definition of *contentious material* delete “MA 15+ or” and insert:

MA 15+, R 18+ or

**5. Section 57 amended**

In section 57(c) delete “M or MA 15+; or” and insert:

M, MA 15+ or R 18+; or

**6. Section 84 amended**

In section 84(2) delete “RC,” and insert:

RC or R 18+,

Note: The heading to amended section 84 is to read:

**RC and R 18+ computer games, sale etc. of**

**7. Section 85 amended**

(1) In section 85(1) after “classified” insert:

R 18+ or

(2) In section 85(2):

(a) in paragraph (a) after “be classified” insert:

R 18+ or

(b) in paragraph (b) after “classified” insert:

R 18+ or

(3) After section 85(2) insert:

(3A) A person must not demonstrate in a place that is not a public place, in the presence of a minor —

(a) an unclassified computer game that would, if classified, be classified R 18+; or

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(b) a computer game classified R 18+,

unless that person is a parent or guardian of the minor.

Penalty: a fine of \$2 000.

- (3B) It is a defence to a charge of an offence against subsection (3A) for the person charged to prove that the person believed on reasonable grounds that the minor was an adult.

Note: The heading to amended section 85 is to read:

**R 18+ and MA 15+ computer games, demonstration of**

**8. Section 85A amended**

In section 85A(a) and (b) after “classified” insert:

R 18+ or

Note: The heading to amended section 85A is to read:

**R 18+ and MA 15+ computer games, containers etc., display of in public**

**9. Section 88 amended**

Before section 88(1) insert:

- (1A) A person must not sell or supply to a minor a computer game classified R 18+ unless the person is a parent or guardian of the minor.

Penalty: a fine of \$5 000.

- (1B) It is a defence to a charge of an offence against subsection (1A) for the person charged to prove that —

- (a) the minor produced to the person charged or that person’s employee or agent acceptable proof of age before the person charged sold or



supplied the computer game to the minor and the person charged or that person's employee or agent believed on reasonable grounds that the minor was an adult; or

- (b) the minor was employed by the person charged or that person's employer and the supply took place in the course of that employment.

**10. Section 89 amended**

- (1) In section 89(2) after "be classified" insert:

R 18+ or

- (2) In section 89(3) after "classified" insert:

R 18+ or

**11. Section 92 amended**

In section 92(2) in the Table item 5 delete "MA 15+," and insert:

R 18+, MA 15+,

**12. Section 94 amended**

In section 94(2) in the Table item 5 delete "MA 15+," and insert:

R 18+, MA 15+,

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**13. Section 95 amended**

(1) In section 95(1) in the Table after item 4 insert:

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

(2) In section 95(2) in the Table after item 4 insert:

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

(3) In section 95(3) delete “computer film” and insert:

film

**14. Section 110 amended**

In section 110(b) delete “RC or” and insert:

RC, R 18+ or

**15. Section 153A inserted**

Before section 153 insert:

**153A. Change of classification of computer games from  
MA 15+ to R 18+**

If —

- (a) immediately before the coming into operation of this section, a computer game is classified MA 15+; and
- (b) within 12 months after the coming into operation of this section, the computer game

becomes classified R 18+ under the  
Commonwealth Act; and

- (c) within 90 days after the change in  
classification, a person commits an offence in  
relation to the computer game under section 85,  
85A, 86, 88, 89, 92, 94 or 95 (the *relevant  
section*); and
- (d) the person would not have committed any  
offence under the relevant section if the  
computer game had still been classified  
MA 15+,

then the person is taken not to have committed an  
offence under the relevant section.

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