

House of Assembly—No 76

As laid on the table and read a first time, 19 September 2012

South Australia

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

A BILL FOR

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

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Classification (Publications, Films and Computer Games) (R 18+ Computer Games) Amendment Act 2012*.

5 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Classification (Publications, Films and Computer Games) Act 1995*

4—Amendment of section 15—Types of classifications

Section 15(3)—after paragraph (d) insert:

- 5 (da) **R 18+** Restricted

5—Amendment of section 40A—Keeping R 18+ films with other films

Section 40A(3)—after paragraph (b) insert:

or

- 10 (c) complied with a code of practice prescribed by the regulations for the purposes of this section.

6—Amendment of section 56—Demonstration etc of RC computer games

Section 56(1)(b)—after "public place" insert:

or so that it can be seen from a public place

7—Repeal of section 57

- 15 Section 57—delete the section

8—Amendment of section 58—Demonstration etc of unclassified, R 18+ and MA 15+ computer games

Section 58(1)—delete subsection (1) and substitute:

- 20 (1) A person must not demonstrate a computer game classified R 18+ in a public place unless—
- (a) the determined markings are exhibited before the game can be played; and
 - (b) entry to the place is restricted to adults.

Maximum penalty: \$5 000.

- 25 (1a) A person must not demonstrate so that it can be seen from a public place that is outside the place where it is demonstrated—

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

30 Maximum penalty: \$5 000.

- (1b) A minor who is 15 or older must not buy a computer game classified R 18+, knowing that it is so classified.

Maximum penalty: \$750.

(1c) A person must not demonstrate a computer game classified MA 15+ in a public place unless—

(a) the determined markings are exhibited before the game can be played; and

(b) entry to the place is restricted to adults or minors who are in the care of a parent or guardian while in the public place.

Maximum penalty: \$1 250.

9—Amendment of section 59—Private demonstration of RC and R 18+ computer games in presence of minor

Section 59(2)—delete subsection (2) and substitute:

(2) A person must not demonstrate in a place, other than a public place, in the presence of a minor, a computer game classified R 18+ unless the person is a parent or guardian of the minor.

Maximum penalty: \$5 000.

(3) It is a defence to a prosecution for an offence against subsection (1) or (2) to prove that the defendant believed on reasonable grounds that the minor was an adult.

10—Insertion of section 60A

After section 60 insert:

60A—Keeping R 18+ computer games with other computer games

(1) An occupier of premises (other than adult-only premises) at which computer games with a classification lower than R 18+ are sold must not display material for a computer game classified R 18+ at the premises—

(a) unless—

(i) the material is displayed in a different area (including, for example, in a different aisle or on a different shelving case, stand or table) from that in which material for other computer games is displayed; and

(ii) the area is marked as an area displaying material for computer games classified R 18+ by a notice complying with subsection (2) displayed in a prominent place near the area; and

(iii) the surface area of the material that is on display (for example, the cover of a casing containing the game, where that is on display) is not more than 300 cm²; or

(b) unless, at all times while on display, the material bears no images or markings other than—

(1b) It is a defence to a prosecution for an offence against subsection (1a) to prove that—

- 5
- (a) the minor produced to the defendant or the defendant's employee or agent acceptable proof of age before the defendant sold or delivered the film to the minor and the defendant or the defendant's employee or agent believed on reasonable grounds that the minor was an adult; or
- (b) the minor was employed by the defendant or the defendant's employer and the delivery took place in the course of that employment.
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12—Amendment of section 63—Power to demand particulars and expel minors

Section 63(4)—after "classified" insert:

R 18+ or

15 **13—Amendment of section 64—Leaving computer games in certain places**

Section 64(2)—delete "MA 15+" wherever occurring and substitute in each case:

R 18+ or MA 15+

14—Amendment of section 69A—Liability of occupier for R 18+ advertisements in video stores etc

20 (1) Section 69A(1)—after "films" insert:

or computer games

(2) Section 69A(1)(a) and (b)—after "film" wherever occurring insert:

or computer game

(3) Section 69A(2)—delete subsection (2) and substitute:

25 (2) It is a defence to a prosecution for an offence against subsection (1) to prove that—

- (a) the defendant took all reasonable steps to prevent the commission of the offence; or
- (b) the defendant complied with a code of practice prescribed by the regulations for the purposes of this section.
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(4) Section 69A(3)—delete subsection (3) and substitute:

(3) This section does not apply to—

- (a) material for a film, within the meaning of section 40A, that is lawfully displayed in accordance with that section; or
- (b) material for a computer game, within the meaning of section 60A, that is lawfully displayed in accordance with that section.
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15—Amendment of section 71—Advertisements with computer games

Section 71(1), table—delete the table and substitute:

Table

Item	Column 1 Main game	Column 2 Advertised computer game
1	G	G
2	PG	PG or G
3	M	M, PG or G
4	MA 15+	MA 15+, M, PG or G
5	R 18+	R 18+, MA 15+, M, PG or G

5 **16—Amendment of section 80—Powers of entry, seizure and forfeiture**

Section 80(7)—delete "58(1), 59" and substitute:

59, 60A

17—Amendment of section 91—Regulations

Section 91—after subsection (2) insert:

- 10 (3) The regulations may refer to or incorporate, wholly or partially and
with or without modification, a code, standard or other document
prepared or published by a prescribed body, either as in force at the
time the regulations are made or as in force from time to time.
- 15 (4) If a code, standard or other document is referred to or incorporated in
the regulations—
- (a) a copy of the code, standard or other document must be kept
available for public inspection, without charge and during
ordinary office hours, at an office or offices specified in the
regulations; and
- 20 (b) evidence of the contents of the code, standard or other
document may be given in any legal proceedings by
production of a document apparently certified by the
Minister to be a true copy of the code, standard or other
document.