

**Legislative Council—No 44**

As received from the House of Assembly and read a first time, 15 February 2005

South Australia

**Classification (Publications, Films and Computer Games) (Types of Classifications) Amendment Bill 2004**

A BILL FOR

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

---

## Contents

### Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

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

- 4 Amendment of section 15—Types of classifications
- 5 Amendment of section 30—Exhibition of RC and X 18+ films
- 6 Amendment of section 31—Prohibition of exhibition of R 18+ or MA 15+ films in certain places
- 7 Amendment of section 32—Attendance of minor at certain films—offence by parents etc
- 8 Amendment of section 33—Attendance of minor at certain films—offence by minor
- 9 Amendment of section 34—Private exhibition of certain films in presence of minor
- 10 Amendment of section 35—Attendance of minor at R 18+ film—offence by exhibitor
- 11 Amendment of section 36—Attendance of minor at MA 15+ film—offence by exhibitor
- 12 Amendment of section 38—Sale of RC and X 18+ films
- 13 Amendment of section 41—Keeping unclassified or RC or X 18+ films with other films
- 14 Amendment of section 42—Sale or delivery of certain films to minors
- 15 Amendment of section 44—Leaving films in certain places
- 16 Amendment of section 45—Possession or copying of film for purpose of sale or exhibition
- 17 Amendment of section 57—MA 15+ computer games
- 18 Amendment of section 58—Demonstration of unclassified, RC and MA 15+ computer games
- 19 Amendment of section 62—Sale or delivery of certain computer games to minors
- 20 Amendment of section 63—Power to demand particulars and expel unaccompanied minors under 15
- 21 Amendment of section 64—Leaving computer games in certain places
- 22 Amendment of section 67—Certain films, publications and computer games not to be advertised
- 23 Amendment of section 68—Screening of advertisements with feature films
- 24 Amendment of section 69—Liability of occupier for certain advertisements
- 25 Amendment of section 70—Sale of feature films with advertisements
- 26 Amendment of section 71—Advertisements with computer games
- 27 Amendment of section 75A—Interpretation
- 28 Amendment of section 80B—Forfeiture of other seized films, publications and computer games
- 29 Amendment of section 83A—Proof of classification by consent
- 30 Amendment of section 84—Protection for classified material against prosecutions under indecency etc laws
- 31 Amendment of section 88—Publication to prescribed person or body

### Part 3—Transitional provisions

- 32 Application of Act
  - 33 Conversion of certain pre-commencement classifications to equivalent new classifications
-

**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) (Types of Classifications) Amendment Act 2004*.

### **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**

- (1) Section 15(1)—delete "(Refused Classification)" and substitute:

Refused Classification

- (2) Section 15(2) and (3)—delete subsections (2) and (3) and substitute:

- (2) The following are the different types of classifications for films in ascending order:

- (a) **G** General
- (b) **PG** Parental Guidance
- (c) **M** Mature
- (d) **MA 15+** Mature Accompanied
- (e) **R 18+** Restricted
- (f) **X 18+** Restricted
- (g) **RC** Refused Classification.

- (3) The following are the different types of classifications for computer games in ascending order:

- (a) **G** General
- (b) **PG** Parental Guidance
- (c) **M** Mature
- (d) **MA 15+** Mature Accompanied
- (e) **RC** Refused Classification.

- (4) In subsections (1), (2) and (3), text that is not in bold is included by way of explanation and does not form part of the classification.

**5—Amendment of section 30—Exhibition of RC and X 18+ films**

Section 30—delete "X" wherever occurring and substitute in each case:

X 18+

**6—Amendment of section 31—Prohibition of exhibition of R 18+ or MA 15+ films in certain places**

Section 31—delete "R or MA" and substitute:

R 18+ or MA 15+

**7—Amendment of section 32—Attendance of minor at certain films—offence by parents etc**

Section 32—delete "X or R" wherever occurring and substitute in each case:

X 18+ or R 18+

**8—Amendment of section 33—Attendance of minor at certain films—offence by minor**

Section 33—delete "X or R" and substitute:

X 18+ or R 18+

**9—Amendment of section 34—Private exhibition of certain films in presence of minor**

(1) Section 34(1)—delete "X " wherever occurring and substitute in each case:

X 18+

(2) Section 34(2)—delete "R " and substitute:

R 18+

**10—Amendment of section 35—Attendance of minor at R 18+ film—offence by exhibitor**

Section 35(1)—delete " R" and substitute:

R 18+

**11—Amendment of section 36—Attendance of minor at MA 15+ film—offence by exhibitor**

Section 36(1)—delete " MA" and substitute:

MA 15+

**12—Amendment of section 38—Sale of RC and X 18+ films**

Section 38—delete "X " wherever occurring and substitute in each case:

X 18+

**13—Amendment of section 41—Keeping unclassified or RC or X 18+ films  
with other films**

Section 41(1)—delete " X" and substitute:

X 18+

5 **14—Amendment of section 42—Sale or delivery of certain films to minors**

(1) Section 42(1)—delete "X " wherever occurring and substitute in each case:

X 18+

(2) Section 42(2)—delete "R " and substitute:

R 18+

10 (3) Section 42(5)—delete "X or R" and substitute:

X 18+ or R 18+

(4) Section 42(6)—delete "MA" and substitute:

MA 15+

**15—Amendment of section 44—Leaving films in certain places**

15 (1) Section 44(1)—delete "X " wherever occurring and substitute in each case:

X 18+

(2) Section 44(2)—delete "R or MA " wherever occurring and substitute in each case:

R 18+ or MA 15+

20 **16—Amendment of section 45—Possession or copying of film for purpose of  
sale or exhibition**

Section 45(1)—delete "X" wherever occurring and substitute in each case:

X 18+

**17—Amendment of section 57—MA 15+ computer games**

Section 57—delete "MA (15+)" and substitute:

25 MA 15+

**18—Amendment of section 58—Demonstration of unclassified, RC and MA  
15+ computer games**

Section 58(2)—delete "MA (15+)" wherever occurring and substitute in each case:

MA 15+

30 **19—Amendment of section 62—Sale or delivery of certain computer games to  
minors**

Section 62(2)—delete "MA (15+)" and substitute:

MA 15+

**20—Amendment of section 63—Power to demand particulars and expel unaccompanied minors under 15**

Section 63(4)—delete "MA (15+)" and substitute:

MA 15+

5 **21—Amendment of section 64—Leaving computer games in certain places**

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

MA 15+

**22—Amendment of section 67—Certain films, publications and computer games not to be advertised**

10 Section 67(1)(b)—delete "X" and substitute:

X 18+

**23—Amendment of section 68—Screening of advertisements with feature films**

(1) Section 68, table—delete " MA " wherever occurring and substitute in each case:

MA 15+

15 (2) Section 68, table—delete "R " wherever occurring and substitute in each case:

R 18+

**24—Amendment of section 69—Liability of occupier for certain advertisements**

(1) Section 69—delete "R " wherever occurring and substitute in each case:

20 R 18+

(2) Section 69—delete "MA " wherever occurring and substitute in each case:

MA 15+

**25—Amendment of section 70—Sale of feature films with advertisements**

(1) Section 70, table—delete " MA " wherever occurring and substitute in each case:

25 MA 15+

(2) Section 70, table—delete "R " wherever occurring and substitute in each case:

R 18+

**26—Amendment of section 71—Advertisements with computer games**

(1) Section 71, table—delete "G(8+)" wherever occurring and substitute in each case:

30 PG

(2) Section 71, table—delete "M(15+)" wherever occurring and substitute in each case:

M

(3) Section 71, table—delete "MA(15+)" wherever occurring and substitute in each case:

MA 15+

**27—Amendment of section 75A—Interpretation**

- (1) Section 75A, definition of *matter unsuitable for minors*—delete "R " wherever occurring and substitute in each case:

R 18+

- 5 (2) 75A, definition of *objectionable matter*—delete "X " wherever occurring and substitute in each case:

X 18+

**28—Amendment of section 80B—Forfeiture of other seized films, publications and computer games**

- 10 Section 80B(7)(a)(i)—delete "X" and substitute:

X 18+

**29—Amendment of section 83A—Proof of classification by consent**

Section 83A(2)—delete "X" and substitute:

X 18+

15 **30—Amendment of section 84—Protection for classified material against prosecutions under indecency etc laws**

Section 84—delete "X" wherever occurring and substitute in each case:

X 18+

**31—Amendment of section 88—Publication to prescribed person or body**

- 20 Section 88(a)—delete "X, R or MA" and substitute:

X 18+, R 18+ or MA 15+

**Part 3—Transitional provisions**

**32—Application of Act**

- 25 (1) The amendments made by this Act apply to the doing of things on or after the commencement of this Act.
- (2) The insertion of section 15(4) by this Act does not affect the interpretation of the *Classification (Publications, Films and Computer Games) Act 1995* as in force before the inclusion of that provision.

**33—Conversion of certain pre-commencement classifications to equivalent new classifications**

- 5 (1) A film that, immediately before the commencement of this Act, had a classification of a type specified in column 2 of an item in the Table, is, for the purpose of applying the *Classification (Publications, Films and Computer Games) Act 1995* after that commencement, to be taken to have, and to have had at all times before that commencement when it had that classification, the classification of the type specified opposite it in column 3 of that item.

**TABLE**

<b>Film classifications</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Item</b>	<b>Former type of classification</b>	<b>New type of classification</b>
1	MA	MA 15+
2	R	R 18+
3	X	X 18+

- 10 (2) A computer game that, immediately before the commencement of this Act, had a classification of a type specified in column 2 of an item in the Table, is, for the purpose of applying the *Classification (Publications, Films and Computer Games) Act 1995* after that commencement, to be taken to have, and to have had at all times before that commencement when it had that classification, the classification of the type specified opposite it in column 3 of that item.
- 15

**TABLE**

<b>Computer game classifications</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Item</b>	<b>Former type of classification</b>	<b>New type of classification</b>
1	G (8+)	PG
2	M (15+)	M
3	MA (15+)	MA 15+