

Serial 2
Classification of Publications, Films and Computer Games Amendment
Bill 2012
Mr Elferink

A Bill for an Act to amend the *Classification of Publications, Films and
Computer Games Act*

NORTHERN TERRITORY OF AUSTRALIA

CLASSIFICATION OF PUBLICATIONS, FILMS AND COMPUTER GAMES
AMENDMENT ACT 2012

Act No. [] of 2012

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2012

An Act to amend the *Classification of Publications, Films and Computer Games Act*

[Assented to [] 2012]
[Second reading [] 2012]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Classification of Publications, Films and Computer Games Amendment Act 2012*.

2 Commencement

This Act commences:

- (a) if the Administrator's assent to this Act is declared before 1 January 2013 – on 1 January 2013; or
- (b) otherwise – on the day fixed by the Administrator by *Gazette* notice.

3 Act amended

This Act amends the *Classification of Publications, Films and Computer Games Act*.

4 Section 65 amended

Section 65(3)

omit

5 Section 65A inserted

After section 65

insert

65A Demonstration of R 18+ computer games

A person must not demonstrate a computer game classified R 18+ in a public place unless:

- (a) the determined markings relevant to the game's classification are exhibited before the game can be played; and
- (b) entry into the place is restricted to adults.

Fault element: Strict liability offence.

Maximum penalty: 100 penalty units.

6 Section 67 amended

- (1) Section 67, heading

omit, insert

67 Demonstration of unclassified, RC, R 18+ and MA 15+ computer games

- (2) Section 67(a), (b) and fault element statement, paragraph (c), after "RC"

insert

, R 18+

- (3) Section 67, penalty provision, after "12 months."

insert

For a game classified R 18+, or an unclassified game that would, if classified, be classified R 18+:

100 penalty units.

7 Section 68 amended

- (1) Section 68, heading

omit

RC

insert

unclassified, RC or R 18+

- (2) Section 68(1)(a)(i) and (ii), after "RC"

insert

or R 18+

- (3) Section 68(1), fault element statement, paragraph (b), after "RC"

insert

or R 18+

- (4) Section 68(1), penalty provision

omit, insert

Maximum penalty: For a game classified RC, or an unclassified game that would, if classified, be classified RC:

100 penalty units or imprisonment for 12 months.

For a game classified R 18+, or an unclassified game that would, if classified, be classified R 18+:

100 penalty units.

- (5) Section 68(2)(a), after "RC"

insert

or R 18+

8 Section 71 amended

- (1) Section 71(1)(a) and (b), after "RC"

insert

or R 18+

- (2) Section 71(1), fault element statement, paragraph (b), after "RC"

insert

or R 18+

- (3) Section 71(1), penalty provision

omit, insert

Maximum penalty: For a game classified RC, or an unclassified game that would, if classified, be classified RC:

200 penalty units or imprisonment for 2 years.

For a game classified R 18+, or an unclassified game that would, if classified, be classified R 18+:

100 penalty units.

- (4) Section 71(2)(b), after "RC"

insert

or R 18+

- (5) After section 71(2)

insert

- (2A) Subsection (1) does not apply if:

- (a) the game is classified R 18+, or is an unclassified game that would, if classified, be classified R 18+; and
- (b) the child is at least 15 years of age; and
- (c) the person who sells or delivers the game to the child is a parent or guardian of the child.

(2B) It is a defence to a prosecution for an offence against subsection (1), if the game is classified R 18+, or is an unclassified game that would, if classified, be classified R 18+, if the defendant proves that:

(a) the defendant believed, on reasonable grounds, that the child was an adult; or

(b) if the offence relates to the delivery of the game, the child was employed by the defendant and the delivery took place in the course of employment.

(2C) A child who is at least 15 years of age must not buy a computer game classified RC or R 18+.

Fault element: Knowledge that the game is classified RC or R 18+.

Maximum penalty: 50 penalty units.

9 Section 73 amended

(1) Section 73(1)(a), (b) and fault element statement, paragraph (c), after "RC"

insert

, R 18+

(2) Section 73(1), penalty provision, after "2 years."

insert

For a game classified R 18+, or an unclassified game that would, if classified, be classified R 18+:

100 penalty units.

(3) Section 73(2), after "RC"

insert

, R 18+