



Classification (Publications, Films and Computer Games) (Modifications of Computer Games) Instrument 2015

made under paragraph 20A(2)(e) and subsection 21(3) of the

Classification (Publications, Films and Computer Games) Act 1995

Compilation No. 1

Compilation date: 14 March 2024

Includes amendments: F2024L00299

Registered: 4 April 2024

Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Classification (Publications, Films and Computer Games) (Modifications of Computer Games) Instrument 2015* that shows the text of the law as amended and in force on 14 March 2024 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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1 Name

This instrument is the *Classification (Publications, Films and Computer Games) (Modifications of Computer Games) Instrument 2015*.

3 Definitions

In this instrument:

Act means the *Classification (Publications, Films and Computer Games) Act 1995*.

gameplay means the general manner in which a player interacts with a computer game.

Example: In a car racing game, the *general* manner in which a player interacts with the game involves driving (rather than, for example, specifically driving a Formula 1 car through particular types of environments).

original game means a computer game before it is subject to the modification concerned.

Note: For the meaning of *Board*, *computer game* and *work* see sections 5 and 5A of the Act.

4 Prescribed computer games modifications

Modifications of unclassified games that are later classified

(1) For the purposes of paragraph 20A(2)(e) of the Act—modifications of a kind prescribed under section 6 are covered by subsection 20A(2) of the Act.

Note 1: If a computer game is modified and is classified in unmodified form at a later time, and the modification is of a kind covered by subsection 20A(2) of the Act, the modified game is taken from that later time to have the same classification as the classified game.

Note 2: Section 20A of the Act applies in relation to computer games classified on or after 1 January 2013, regardless of when the computer game was modified.

Section 5

Classified games that are later modified

- (2) For the purposes of subsection 21(3) of the Act—subsection 21(1) of the Act does not apply to modifications of a kind prescribed under section 6.

Note 1: If a classified computer game is modified, the modified game becomes unclassified when the modification occurs, except if subsections 21(2) or (3) of the Act applies.

Note 2: Section 21 of the Act applies in relation to computer games classified on or after 1 January 2013.

5 **Meaning of *minor and/or technical modification***

A *minor and/or technical modification* means a modification to a computer game that:

- (1) does not cause the game, as modified, to be materially different to the original game; and
- (2) is not a work.

6 **Rule for modification of computer games**

Notwithstanding anything contained in section 7, a modification to a computer game is prescribed by this section if the modification:

- (a) is a minor and/or technical modification; and
- (b) does not have a material effect on the gameplay of the original game; and
- (c) does not change the title of the original game; and
- (d) is not likely to cause the game, as modified, to be given a different classification to the original game.

7 **Examples of operation of rule**

- (1) The applicability of a particular example in subsections (2) and (3) will depend on the specific nature of the original game and the modification.
- (2) Without limiting or extending the operation of section 6, examples of modifications that may be covered by that section include:

- (a) patches or updates that fix security vulnerabilities, compatibility problems or bugs;
 - (b) graphics enhancements;
 - (c) format changes;
 - (d) additions of songs, characters, weapons, costumes, skins or vehicles;
 - (e) additions of environments, levels, missions, storylines or modes, even if these affect the overall difficulty or setting of the game.
- (3) Without limiting or extending the operation of section 6, examples of modifications that are unlikely to be covered by that section include:
- (a) patches or updates that make accessible previously inaccessible content that is likely to change the computer game's overall classification;
 - (b) a remake of a simple game with vastly improved graphics that causes the game, as modified, to become unrecognisable from the original game;
 - (c) the addition of items or environments that completely alter the general manner in which a player interacts with a game;
 - (d) a computer game involving the same or similar characters, settings and plot as the original game but can be played without the original game.

8 Rule does not prevent classification of modified computer games

- (1) Section 6 does not apply to a modification to a computer game if:
- (a) an application to classify a modified computer game has been made to the Board; or
 - (b) an approved classification tool is used to produce a decision for the computer game as modified and the decision would be taken to be a decision of the Board but for the operation of section 6; or
 - (c) an accredited person has classified a modified computer game under section 22K of the Act.

Endnotes

Endnote 1—About the endnotes

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Classification (Publications, Films and Computer Games) (Modifications of Computer Games) Instrument 2015	1 July 2015 (F2015L01078)	1 July 2015 (s 2)	
Classification (Publications, Films and Computer Games) Legislation Amendment Instrument 2024	13 Mar 2024 (F2024L00299)	Sch 3: 14 Mar 2024 (s 2)	—

Endnote 4—Amendment history

Provision affected	How affected
s 2.....	rep LA s 48D
s 8.....	am F2024L00299
	ed C1

Endnotes

Endnote 5—Editorial changes

Endnote 5—Editorial changes

In preparing this compilation for registration, the following kinds of editorial change(s) were made under the *Legislation Act 2003*.

Paragraph 8(1)(b)

Kind of editorial change

Change to punctuation

Details of editorial change

Schedule 3 item 1 of the *Classification (Publications, Films and Computer Games) Legislation Amendment Instrument 2024* provides as follows:

1 Paragraph 8(1)(b)

After “section 6”, insert “; or”.

This amendment results in the text “; or.” at the end of paragraph 8(1)(b).

This compilation was editorially changed to omit the full stop in paragraph 8(1)(b) to correct the punctuation.