



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

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

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I, Michael Keenan, Minister for Justice, make the following instrument under paragraph 20A(2)(e) and sub-section 21(3) of the *Classification (Publications, Films and Computer Games) Act 1995*.

Dated 22 June 2015

Michael Keenan  
Minister for Justice

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## 1 Name

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

## 2 Commencement

This instrument commences on the day it is registered.

## 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.

##### *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.