



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

Classification (Publications, Films and Computer Games) Act 1995

I, Michael Keenan, Minister for Justice, make the following instrument under paragraph 20A(2)(e) and subsection 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 Films) 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*.

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

Note: For the meaning of *Board*, *classified* and *film* see section 5 of the Act.

4 Prescribed films modifications

Modifications of unclassified films that are later classified

(1) For the purposes of paragraph 20A(2)(e) of the Act—modifications of a kind prescribed under section 5 are covered by subsection 20A(2) of the Act.

Note 1: If a film 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 film is taken from that later time to have the same classification as the classified film.

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

Classified films 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 5.

Note 1: If a classified film is modified, the modified film 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 films classified on or after 1 January 2013.

5 Rule for modifications of films

(1) Subject to subsection (2), a modification to a film is prescribed by this subsection if the modification consists of:

- (a) a black and white film that has been changed to colour in full or in part (or vice versa); or
- (b) a film in analogue format that has been converted to a digital format (or vice versa).

(2) Subsection (1) does not apply to a modification that:

- (a) adds any footage, or audio not included in the original film; or
- (b) omits any footage or audio present in the original film; or
- (c) is likely to cause the film, as modified, to be given a different classification to the original film.

Note: Subsection 5(2) does not affect the operation of modifications covered by paragraphs 20A(2)(a), (b), (c) or (d), or 21(2)(a), (b), (ba), (c), or (d) of the Act.

6 Rule does not prevent classification of modified films

(1) Section 5 does not apply to a modified film if:

- (a) an application to classify a modified film has been made to the Board; or
- (b) an approved classification tool is used to produce a decision for the film as modified and the decision would be taken to be a decision of the Board but for the operation of section 5.