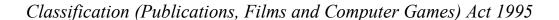


Classification (Publications, Films and Computer Games) (Modifications of Films) Instrument 2015



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

			Page
Contents			
	1	Name	2
	2	Commencement	2
	3	Definitions	2
	4	Prescribed films modifications	2
	5	Rule for modifications of films	3
	6	Rule does not prevent classification of modified films	3

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.