



## Classification (Publications, Films and Computer Games) (Global Rating Tool) Approval 2017

I, Mitch Fifield, Minister for Communications, make the following instrument under subsection 22CA(1) of the *Classification (Publications, Films and Computer Games) Act 1995*.

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### 1 Name of instrument

This instrument is the *Classification (Publications, Films and Computer Games) (Global Rating Tool) Approval 2017*.

### 2 Commencement

This instrument commences on 1 January 2017.

### 3 Definitions

In this instrument:

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

**Department** means the Department of Communications and the Arts.

**classification tool** means a tool that may be approved under section 22CA of the Act for the purposes of classifying one or more of the following (the **relevant material**):

- a) publications;
- b) films;
- c) computer games.

**Department's website** means the website [This is a link to the Classification website](#) or any replacement website.

**Global Rating Tool** means the classification tool known by that name on 1 December 2016 and made available for use by IARC. The tool, which is in the form of an online questionnaire, produces ratings for various jurisdictions. For the avoidance of doubt, this instrument only deals with the Global Rating Tool in its capacity to produce decisions for Australia.

**IARC** means the International Age Rating Coalition, Inc. which is, on 1 December 2016, a nonstock corporation organised under the General Corporation Law of the State of Delaware in the United States of America. Its participants are classification bodies from various jurisdictions.

**National Classification Database** means the register, known as the National Classification Database, maintained by the Department, or any replacement register.

**online and/or mobile games** means a class of computer games that:

- (a) can be played by:
  - (i) streaming the game over the internet; or
  - (ii) downloading the game from the internet; and
- (b) has not been published in the form of (or contained on), a disc, cartridge, arcade machine, memory card or like device (**physical product**).

Note: For the definitions of **Board**, **classify**, **decision** and **publish**, see section 5 of the Act.  
For the definition of **computer game**, see section 5A of the Act.

## **5 Approval**

Acting under subsection 22CA(1) of the Act, and having regard to the matters specified in the guidelines made for the purposes of subsection 22CA(4) of the Act I APPROVE the Global Rating Tool for the purposes of classifying online and/or mobile games, subject to the conditions set out in the Schedule to this instrument.

Note: The guidelines can be found on the Department's website.

**Mitch Fifield** Minister for Communications

Dated            December 2016

## Schedule    Conditions on the approval of the Global Rating Tool

Under subsection 22CA(3) of the Act, the following conditions are imposed on the approval of the Global Rating Tool to classify online and/or mobile games:

### 1    Australian community standards

The Global Rating Tool must produce decisions and determine consumer advice that are broadly consistent with Australian community standards and with decisions made by the Classification Board. This condition will be satisfied if the Global Rating Tool, as far as practicable, implements the classification programming 'logic' (as amended from time-to-time) supplied by the Department.

### 2    Refused Classification (RC) material

The Global Rating Tool must have the capacity to refuse classification to computer games.

### 3    Games that must not be classified by the Global Rating Tool

- (1) The Global Rating Tool must not produce a decision in relation to a computer game if, before the decision is produced:
  - (a) the Department or Board has formed the opinion that the game should not be classified using the Global Rating Tool; and
  - (b) the Department has made reasonable efforts to notify the developer or publisher of the game; and
  - (c) if necessary, the game's title has been notified by the Department in writing to IARC; and
  - (d) the game's title has been included in a list, published on the Department's website, of games that cannot be classified using the Global Rating Tool.
- (2) The Department or Board may form the opinion that a game should not be classified by the Global Rating Tool if the game is high-profile, unusual or controversial.
- (3) The Global Rating Tool must not produce a decision in relation to a computer game if the person that attempts to produce the decision is a **blocked applicant**.
- (4) A person is a blocked applicant if:
  - (a) the Department or Board has formed the opinion that the person should not be permitted to use the Global Rating Tool to produce decisions for a period of 12 months; and
  - (b) the Department has made reasonable efforts to notify the person; and
  - (c) if necessary, the name of the person has been notified by the Department in writing to IARC.

- (5) The Department or Board may form the opinion that a person should not be permitted to use the Global Rating Tool to produce decisions for a period of 12 months if the person has a history of providing misleading or deceptive information to the Global Rating Tool.

#### **4 Survival of decisions of the Global Rating Tool**

For the avoidance of doubt, decisions of the Global Rating Tool will survive the expiry or revocation of this approval if they:

- (a) are produced while this approval is in effect; and
- (b) comply with the Act and this approval, including the conditions set out in this Schedule.

#### **Effect of breach of conditions**

If one or more conditions of this approval are breached in relation to a decision of the Global Rating Tool, subsection 22CF(3) of the Act makes it clear that the decision is not taken to be a decision of the Board. That is, the decision will be invalid even if it is included on the National Classification Database.