



Modified computer games—legal changes July 2015

What changes are being made?

Computer games today are often changed or updated in small or minor ways that do not affect the original classification of the game. These changes are called ‘modifications’ or ‘mods’.

The *Classification (Publications, Films and Computer Games) (Modifications of Computer Games) Instrument 2015* came into effect on 1 July 2015 and changes the law in relation to modifications.

Now, many kinds of modified games do not have to be submitted for classification. These modified games can automatically use the classification and consumer advice of the original game.

This change reduces the cost and regulatory burden on industry without reducing the classification information available to the Australian community.

What types of modifications are covered?

To be covered by the changes, a modification to a computer game must meet five criteria:

1. It must be minor and/or technical. This means that it must not cause the modified game to be materially, meaning substantially or majorly, different to the original game.
2. The modification must not be a ‘discrete work’. A discrete work is a game that does not require the original game in order to play the modification.
3. It must not have a material effect on gameplay.
4. It must not change the title of the original game.
5. It must not be likely to cause the modified game to need a different classification to the original game.

What games are affected?

The change covers two types of modifications:

- Type 1—classified games that are later modified—this is the vast majority of modifications.

A type 1 example would be when a developer decides to release an update for the game after the original classification has been made. The modified game keeps the original classification.



- Type 2—modifications of unclassified games that are later classified—this is a smaller number.

A type 2 example would be when a developer creates two versions of the same game, and then has one version classified, but not the other. Both versions of the game will have the legal classification.

When does the change apply?

For type 1 modifications, the original game must have been classified after 1 January 2013 and the modification must have occurred after 1 July 2015.

For type 2 modifications, the change applies to games classified on or after 1 January 2013 regardless of when the game was modified.

What are some examples of modifications covered by the change?

- Patches or updates that fix security vulnerabilities, compatibility problems or bugs.
- Graphics enhancements.
- Format changes.
- Additions of songs, characters, weapons, costumes, skins or vehicles.
- Additions of environments, levels, missions, storylines or modes (even if these affect the overall difficulty or setting of the game).

What are some examples of modifications not covered by the change?

- Patches or updates that give access to previously hidden content that is likely to change the game's classification.
- A remake of a simple game with vastly improved graphics that means the modified game is unrecognisable from the original.
- Additions of items or environments that completely change the general way a player interacts with a game.
- A game that has the same or similar characters, settings and plot as the original but can be played as a standalone game.

When should a modified game be submitted for classification?

If a modification does not fit the five essential criteria, it should be submitted for classification.

Even if a modification does fit the five essential criteria it can still be submitted for classification if that is what a developer or publisher wants to do.

What to do if I'm not sure a modification needs classifying?

For more information email: applications@classification.gov.au.