



Modified films

What is the modifications rule for films?

Under the *Classification (Publications, Films and Computer Games) Act 1995* (Classification Act), a classified film that is modified becomes unclassified when the modification is made.

What are the exceptions to the modifications rule?

Certain types of modifications made to films do not require classification again. The exceptions are:

- including or removing an advertisement
- adding or removing navigation functions or material that provides a description or translation of the audio or visual content of the film
- changing the format from 2D or 3D (or vice versa)
- changing a black and white film to colour in full or in part (or vice versa)
- converting an analogue film to digital (or vice versa)
- format changes
- colour grading, visual effects or audio level changes
- omitting footage or audio.

These exceptions only apply if the modification is not likely to cause the film to be given a different classification. If the modification is likely to cause the film to be given a different classification, the modified film will need to be classified. These exceptions apply for films that were originally classified on or after 1 January 2013.

For more information refer to sections 20A and 21 of the *Classification (Publications, Films and Computer Games) Act 1995* and the *Classification (Publications, Films and Computer Games) (Modifications of Films) Instrument 2015*.

What are the new exceptions?

The *Classification (Publications, Films and Computer Games) (Modifications of Films) Instrument 2015* was amended on 25 January 2018 to expand the list of exceptions to the modifications rule. The amendments were designed to reduce the cost and regulatory burden on industry while continuing to provide quality classification information to the Australian community.

The new exceptions under the instrument cover modifications that consist of:

- format changes
- colour grading, visual effects or audio level changes
- omitting footage or audio.



The exceptions to the modifications rule only apply if the modifications are not likely to cause the film, as modified, to be given a different classification. Furthermore, the original film must have been classified on or after 1 January 2013 to be covered by the new exceptions.

What are some examples of modifications covered by the new exceptions?

Format changes

This new exception provides clarity that modifications to a film's presentation format to deliver a different audio-visual experience compared to the original film would not require classification again, as long as the format change is not likely to cause the film, as modified, to be given a different classification.

For example, if a film that is classified G is released in cinemas in 2017 and then released for a virtual reality (VR) headset in 2018 with no other changes to content, the VR format film would not need to be classified again unless the format change is likely to change the classification. This exception is similar to the current exceptions for changing the format of a film from 2D to 3D and from analogue to digital. This new exception is intended to provide flexibility for future technological changes.

Colour grading, visual effects or audio level changes

Sometimes minor technical changes are made to films in post-production after classification. These changes can include finalising colour grading and digital graphics, removing visible wires from scenes, fixing computer generated imagery and adjustments to audio levels. This new exception makes it clear these changes do not require classification again as long as these are not likely to cause the film, as modified, to be given a different classification. However, if these changes are likely to cause the modified film to be given a different classification, it will need to be submitted for classification.

Omitting footage or audio

Some modifications consist of the removal of previously classified material that does not alter the classification. This is typically the case in home entertainment releases that contain an already classified film with different amounts of bonus material but it can also apply to alternative versions of a film. The aim is to ensure that distributors do not need to get each version separately classified.

Example: Home entertainment releases with bonus content

A Blu-ray release of a children's film has been classified G. It contains a previously classified feature film along with an audio commentary, still images, deleted scenes and featurettes as bonus material.

Simultaneous or subsequent releases of the same film (for example, a DVD release) with **less** bonus material than the Blu-ray (for example, deleted scenes only) do not need to be resubmitted for classification as long as the reduced level of bonus content would not likely cause the DVD release to be given a different classification to the Blu-ray release.

However, if footage is added (such as different deleted scenes that do not appear on the Blu-ray), the DVD version of the film needs to be classified regardless of whether the added footage would have an impact on classification.

Example: Alternative versions of films

If a 100-minute film is made shorter in duration to 98 minutes (for example, by omitting a scene) and the omission is not likely to cause the film, as modified, to be given a different classification to the original film, it does not need to be resubmitted for classification. Similarly, if the 100-minute and 98-minute versions are released together, only the 100-minute version would need to get classified.

However, if new scenes are added to a film in an extended version, or the reduced level of content would likely cause the film to be given a higher or lower classification, the film needs to be classified.

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

For more information email: applications@classification.gov.au or contact us on 02 9289 7100.