



## Classification (Publications, Films and Computer Games) (Global Rating Tool) Approval 2014

I, Michael Keenan, Minister for Justice, 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 2014*.

### 2 Commencement

This instrument commences on 1 December 2014.

### 3 Expiry

This instrument will expire (with the same effect as if it had been revoked by another instrument) on the last moment of 1 December 2015 unless, under section 22CB of the Act, this instrument is:

- (a) revoked before that date; or
- (b) varied to omit this clause or specify a later date of expiry.

Note: This instrument should be revoked on 3 months' notice unless the revocation needs to be done as a matter of urgency.

### 4 Definitions

In this instrument:

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

**Branch** means the Classification Branch of the Commonwealth Attorney-General's Department.

**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 [www.classification.gov.au](http://www.classification.gov.au), administered by the Branch, or any replacement website.

**Global Rating Tool** means the classification tool known by that name on 1 December 2014 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 2014 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.

**Michael Keenan**  
Minister for Justice

Dated 2014

# 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 Branch.

## 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 Branch or Board has formed the opinion that the game should not be classified using the Global Rating Tool; and
  - (b) the Branch 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 Branch 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 Branch 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 Branch 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 Branch has made reasonable efforts to notify the person; and

- (c) if necessary, the name of the person has been notified by the Branch in writing to IARC.
- (5) The Branch 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 Marking to be displayed in relation to online and/or mobile game only**

- (1) Subject to subclause (2), the classification marking and consumer advice for a decision of the Global Rating Tool may be used in relation to the classified game published in the form of an online and/or mobile game only.
- (2) The classification marking and consumer advice for a decision of the Global Rating Tool may be used in relation to the classified game published in any form if:
  - (a) an application in relation to the game has been made under paragraph 22CH(2)(b) of the Act; and
  - (b) the Board has not revoked the classification produced by the Global Rating Tool.

Note: If the Board revokes a decision of the Global Rating Tool and subsequently classifies the computer game, the marking and consumer advice for the Board's decision must be displayed in relation to the game regardless of the form in which it is published.

#### **5 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.