



Classification (Publications, Films and Computer Games) (Spherex Classification Tool) Approval 2022

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

Dated 18 October 2022

MICHELLE ROWLAND
Minister for Communications

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1 Name

This instrument is the *Classification (Publications, Films and Computer Games) (Spherex Classification Tool) Approval 2022*.

2 Commencement

This instrument commences on the day after it is signed.

3 Definitions

Note: A number of expressions used in this instrument are defined in section 5 of the Act, including the following:

- (a) approved classification tool;
- (b) Board;
- (c) film;
- (d) Review Board.

In this instrument:

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

approval guidelines means the *Classification (Publications, Films and Computer Games) (Approval of Classification Tools) Guidelines 2014* made for the purposes of subsection 22CA(4) of the Act.

Note: The approval guidelines can be viewed on the Australian classification website (www.classification.gov.au).

Australian Classification Board means the Board as defined in the Act.

Australian Classification Review Board means the Review Board as defined in the Act.

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:

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

Department means the Department responsible for classification policy.

National Classification Database means the register of classification decisions maintained by the Department, or any replacement register.

National Classification Scheme means the cooperative arrangement between the Australian Government and state and territory governments with respect to classification of publications, films, and computer games and for the enforcement of those classifications.

Spherex means Spherex Inc. (Company Number 541519), a stock corporation registered in the United States of America that provides content distribution services to media companies.

Spherex Classification Tool means the classification tool known by that name on the day this instrument is signed.

4 Approval

Acting under subsection 22CA(1) of the Act, and having regard to the matters specified in the approval guidelines, I approve the Spherex Classification Tool for the purpose of classifying films, subject to the conditions set out in Schedule 1.

Schedule 1—Conditions on the approval of the Spherex Classification Tool

Note 1: See section 4.

Note 2: If one or more conditions set out in this Schedule are breached in relation to a decision of the Spherex Classification Tool, subsection 22CF(3) of the Act makes it clear that the decision is not taken to be a decision of the Board. This means the decision will be invalid even if it is included in the National Classification Database.

1 Australian community standards

- (1) The Spherex Classification Tool must have the capacity to produce classification decisions that are broadly consistent with Australian community standards and with classification decisions made by the Board.
- (2) The Spherex Classification Tool must determine consumer advice giving information about the content of each film that it classifies.

2 Refused Classification (RC) material

- (1) The Spherex Classification Tool must have the capacity to refuse classification to films that meet the criteria in clause 2 of the Schedule to the approval guidelines.

3 Use of the Spherex Classification Tool

- (1) The Spherex Classification Tool must not be used to produce a classification decision for a film:
 - (a) that has been classified by the Australian Classification Board, the Australian Classification Review Board or another approved classification tool;
 - (b) that, at the time the Spherex Classification Tool is used to produce the classification decision, the film is intended to be exhibited in a public place or distributed in a physical format; or
 - (c) where the classification decision is the result of an IT error.

4 Programming of the Spherex Classification Tool

- (1) The Spherex Classification Tool must:
 - (a) be responsive to changes to the National Classification Scheme; and
 - (b) output data that can be efficiently included in the National Classification Database.

6 Survival of decisions of the Spherex Classification Tool

- (1) For the avoidance of doubt, decisions of the Spherex Classification Tool will survive the revocation of this instrument if they:
 - (a) are produced while this instrument is in effect; and
 - (b) comply with the Act and this instrument, including the conditions set out in this Schedule; and
 - (c) are in force immediately before the revocation of this instrument takes effect.
- (2) For the avoidance of doubt, this section does not prevent a decision of the Spherex Classification Tool from being subsequently revoked in accordance with the Act.