



Classification (Eligible Films) Determination 2002

I, DARYL ROBERT WILLIAMS, Attorney-General, make this Determination for the definition of *eligible film* in section 31 of the *Classification (Publications, Films and Computer Games) Act 1995*, and under section 35 of that Act.

Dated 16 December 2002

DARYL WILLIAMS
Attorney-General

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1 Name of Determination

This Determination is the *Classification (Eligible Films) Determination 2002*.

2 Commencement

This Determination commences on 1 January 2003.

3 *Classification (Eligible Films) Determination 1999* — revocation

The *Classification (Eligible Films) Determination 1999* is revoked.

4 Definition

In this Determination:

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

Note Some expressions used in this Determination are defined in the Act (see section 5), including:

- Board
- classified
- film
- publication
- Review Board.

5 Conditions for *eligible film* (Act s 31)

For the definition of *eligible film* in section 31 of the Act, the conditions that an unclassified film must comply with in order to be an eligible film for the Act are the conditions set out in Part 1 of Schedule 1.

6 Conditions for advertising matter (Act s 35)

For section 35 of the Act, the conditions that apply to the use of advertising matter in relation to eligible films in respect of which certificates of exemption have been granted under section 33 of the Act are the conditions set out in Part 2 of Schedule 1.

Note Under section 36 of the Act, a notice, in writing, may be given to a person to whom a certificate of exemption has been granted that revokes the certificate if the Board is satisfied that there has been a breach of a condition determined under section 35 of the Act.

Schedule 1 Conditions

(sections 5 and 6)

Part 1 Conditions for an eligible film

1. It is reasonable to expect that the film will be classified 'G', 'PG', 'M' or 'MA' by the Board or, on review, by the Review Board.
2. The film must not contain frequent or intense depictions of sex, violence, drug-taking or use of obscene language.
3. The film must deal only in a discreet or subtle manner with elements such as sexual concepts, violence, drugs and assaultive use of coarse language.
4. The following items must be submitted to the Board with the application for a certificate of exemption in relation to the film:
 - (a) a synopsis of the film;
 - (b) details of the major cast and credit lists;
 - (c) available foreign advertising;
 - (d) reviews or media comment (both foreign and Australian);
 - (e) details of any foreign classification and markings for the film.
5. The film must be able to be counted as an eligible film for the distribution group submitting it, on the basis of the following arrangements:
 - (a) the number of certificates of exemption for eligible films (*certificates*) granted for a calendar year must not be greater than 100, and must be granted to distribution groups in accordance with paragraph (b);
 - (b) for a distribution group mentioned in column 2 of an item in the following table, the number of certificates that may be granted to the group for a calendar year is the number mentioned in column 3 of the item:

Item	Distribution group	Number of certificates
1	Roadshow Film Distributors Pty Ltd	17
2	United International Pictures Pty	17
3	20th Century Fox Film Distributors Pty Ltd	15
4	Columbia Tri-Star Films Pty Ltd	15
5	Buena Vista International	15
6	Independents/Reserve	21

- (c) at 30 September in each calendar year, any unused part of the number of certificates that may be granted to a distribution group for the calendar year may be made available to any other distribution group in order of application;

- (d) if a certificate is granted to a distribution group in a calendar year, for a film that remains unclassified at the end of the calendar year, the certificate for that film is additional to the number of certificates that may be granted to the distribution group in any subsequent calendar year in which the film remains unclassified.

Part 2 Conditions for advertising matter

1 Submission to Board prior to publication

All available advertising matter that is proposed for publication in Australia in connection with an eligible film that has been granted a certificate of exemption must be submitted to the Board prior to any publication for advertising purposes in Australia.

2 Exemption messages

- (1) If an eligible film has been granted a certificate of exemption on or after 1 January 2003, all advertising matter that is published in connection with the film, must carry the following exemption message in a legible form:

**This film has advertising approval.
Check the classification closer to the release date.**



**Office of Film and
Literature Classification
Informing your choices www.oflc.gov.au**

- (2) However, for advertising matter in printed form of less than 150 square centimetres, the following exemption message may be used in legible form:

Check the classification closer to the release date.



**Office of Film and
Literature Classification
Informing your choices www.oflc.gov.au**

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- (3) For advertising matter in the form of film, the exemption message must be displayed for the following time:
- (a) for film of 1 minute or less — 3 seconds;
 - (b) for film longer than 1 minute — 10 seconds.

3 Time for withdrawal of exemption message

When an eligible film that has been granted a certificate of exemption is classified under the Act, the exemption message mentioned in condition 2 must be withdrawn:

- (a) for advertising matter in the form of film — within 7 days (and preferably within 48 hours) after notification of classification; and
- (b) for other advertising matter — within 48 hours after notification of classification.

4 Screening of advertising matter before film classification

- (1) If it is reasonable to expect that an eligible film that has been granted a certificate of exemption will be classified 'M', advertising matter in the form of film must not be made available by the distributor of the eligible film for exhibition at a screening of a film classified as 'G' or 'PG'.
- (2) If it is reasonable to expect that an eligible film that has been granted a certificate of exemption will be classified as 'MA', advertising matter in the form of film must not be made available by the distributor of the eligible film for exhibition at a screening of a film classified as 'G', 'PG' or 'M'.