



# **Classification (Publications, Films and Computer Games) Regulations 2005**

**Select Legislative Instrument 2005 No. 264 as amended**

made under the

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

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This compilation was prepared on 1 July 2007  
taking into account amendments up to SLI 2007 No. 180

Prepared by the Office of Legislative Drafting and Publishing,  
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**1 Name of Regulations** [see Note 1]

These Regulations are the *Classification (Publications, Films and Computer Games) Regulations 2005*.

**2 Commencement**

These Regulations commence on 1 December 2005.

**3 Repeal and transitional**

- (1) The Classification (Publications, Films and Computer Games) Regulations are repealed.
- (2) Despite the repeal by these Regulations of regulation 12 of the Classification (Publications, Films and Computer Games) Regulations, that regulation as in force immediately before 1 December 2005 continues to apply until 31 December 2005 in relation to eligible documents within the meaning of that regulation.

**4 Interpretation**

- (1) In these Regulations:

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

*Assessed Computer Game — Level 1*, in relation to an application for classification of a computer game, means an application that:

- (a) is accompanied by an assessment of the game by an authorised person that indicates that the game should be given a classification other than G, PG or M; and
- (b) is not an Assessed Computer Game — Level 2 application.

**Assessed Computer Game — Level 2**, in relation to an application for classification of a computer game, means an application that:

- (a) is accompanied by an assessment of the game by an authorised person that indicates that the game should be given a classification other than G, PG or M; and
- (b) if subsection 17 (2) of the Act applies — satisfies that subsection by means of paragraph 17 (2) (b) of the Act; and
- (c) is accompanied by a separate recording of the game that displays typical game play.

**Assessed Computer Game — Level 3**, in relation to an application for classification of a computer game, means an application that is accompanied by an assessment of the game by an authorised person that indicates that the game should be given a classification of G, PG or M.

**authorised person** means a person authorised for subsection 17 (3) of the Act.

**Computer Game — Level 1**, in relation to an application for classification of a computer game, means an application that:

- (a) is not accompanied by an assessment of the game by an authorised person; and
- (b) is not a Computer Game — Level 2 application.

**Computer Game — Level 2**, in relation to an application for classification of a computer game, means an application that:

- (a) is not accompanied by an assessment of the game by an authorised person; and
- (b) if subsection 17 (2) of the Act applies — satisfies that subsection by means of paragraph 17 (2) (b) of the Act; and
- (c) is accompanied by a separate recording of the game that displays typical game play.

**Demonstrated Computer Game Level**, in relation to an application for classification of, or a certificate in relation to, a computer game, means an application:

- (a) that, under subsection 19 (2) or 28A (4) of the Act, is required to be demonstrated; or

- (b) in respect of which the applicant has proposed, and the Board has accepted, that a demonstration before the Board be performed.

*running time*, in relation to a film, means the audio or visual content of a film measured in elapsed time from the first sound or image to the final sound or image.

*State or Territory* includes an authority of a State or Territory.

- (2) A reference to *revised publication* is a reference to the alteration of a publication that has been classified by the subsequent replacement of any part of the content in respect of which the publication was classified.
- (3) A reference to *title change* is a reference to the alteration of a film, publication or computer game that has been classified by the subsequent replacement of the title under which the film, publication or computer game was classified.

## **5 Fee for classification of publication**

- (1) For subparagraph 13 (1) (d) (i) and subsection 22A (2) of the Act, and subject to regulation 19, the fee in respect of a publication that, in relation to its number of pages, is specified in column 2 of an item in Part 1 of Schedule 1 is the amount prescribed in column 3 of the item.
- (2) For subparagraph 13 (1) (d) (i) of the Act, the fee in respect of a publication that:
- (a) is a revised publication; or
  - (b) has undergone a title change;
- is the amount prescribed in column 3 of the item in Part 1 of Schedule 1 that applies to the publication.

## **6 Fee for declaration that classification applies to future issues of publication**

For subsections 13 (3) and 22A (2) of the Act, and subject to regulation 19, the fee in respect of a declaration that the classification for an original issue of a periodical applies to one or more future issues is the amount prescribed in column 3 of item 1 in Part 8 of Schedule 1.

*Note* For classification of original and future issues of periodicals, see *Classification (Serial Publications) Principles 2005*.

**7 Fee for classification of film**

For subparagraph 14 (1) (d) (i) and subsection 22A (2) of the Act, and subject to regulation 19:

- (a) the fee in respect of a film for public exhibition that, in relation to its running time, is specified in column 2 of an item in Part 2 of Schedule 1, is the amount prescribed in column 3 of the item; and
- (b) the fee in respect of a film for public exhibition that has undergone a title change is the amount prescribed in column 3 of the item in Part 2 of Schedule 1 that applies to the film; and
- (c) the fee in respect of a film other than a film for public exhibition and that, in relation to its running time, is specified in column 2 of an item in Part 3 of Schedule 1, is the amount prescribed in column 3 of the item; and
- (d) the fee in respect of a film other than a film for public exhibition that has undergone a title change is the amount prescribed in column 3 of the item in Part 3 of Schedule 1 that applies to the film.

**8 Fee for classification of computer game**

For paragraph 17 (1) (d) and subsection 22A (2) of the Act, and subject to regulation 19:

- (a) the fee in respect of a category of computer game specified in column 2 of an item in Part 4 of Schedule 1 is the amount prescribed in column 3 of the item; and
- (b) the fee in respect of a computer game that has undergone a title change is the amount prescribed in column 3 of the item in Part 4 of Schedule 1 that applies to the computer game.

**9 Priority processing**

- (1) This regulation applies to an application under paragraph 7 (c) or (d) or regulation 8 that is accompanied by the priority processing fee prescribed, as applicable, by Part 3 or Part 4 of Schedule 1.
- (2) The Board must:
  - (a) classify, or refuse to classify, the film or computer game; or
  - (b) determine that the film or computer game is, or is not, an exempt film or game;within 5 business days after receiving all the material required to enable classification (or exemption).
- (3) An amount equal to the priority processing fee paid must be returned to the applicant if subregulation (2) is not complied with.

*Note 1* Sections 14 and 17 of the Act set out the requirements for making an application for classification of films and computer games.

*Note 2* Subsection 26 (4) of the Act sets out when notice of a decision must be given to an applicant.

**10 Fee for certain information**

For section 27 of the Act, and subject to regulation 19, the fee for information of a kind specified in column 2 of an item in Part 5 of Schedule 1 is the amount prescribed in column 3 of the item.

**11 Fee for certificate that film or computer game is exempt**

For subparagraph 28A (2) (c) (i) of the Act:

- (a) the fee in respect of an unclassified film for public exhibition that, in relation to its running time, is specified in column 2 of an item in Part 6 of Schedule 1 is the amount prescribed in column 3 of the item; and
- (b) the fee in respect of an unclassified film other than a film for public exhibition that, in relation to its running time, is



specified in column 2 of an item in Part 6 of Schedule 1 is the amount prescribed in column 3 of the item; and

- (c) the fee in respect of a category of computer game specified in column 2 of an item in Part 6 of Schedule 1 is the amount prescribed in column 3 of the item.

**12 Fee for approval of advertisement**

For paragraph 29 (2) (d) of the Act, the fee for an application for approval of an advertisement is the amount prescribed in column 3 of item 2 in Part 8 of Schedule 1.

**13 Fee for certificate of exemption for film for advertising purposes**

For paragraph 32 (2) (d) of the Act, the fee for a certificate of exemption for a film for advertising purposes is the amount prescribed in column 3 of item 3 in Part 8 of Schedule 1.

**14 Fee for review of decision**

For paragraph 43 (1) (d) of the Act, the fee for review of a decision is the amount prescribed in column 3 of item 4 in Part 8 of Schedule 1.

**15 Partial refund of fee for application for classification**

- (1) If an applicant for classification of a publication, film or computer game withdraws the application before a decision has been made by the Board in relation to the application, the applicant may apply to the Director for a partial refund of the application fee paid.

*Note* Regulation 17 applies in relation to an application, for classification of a film other than a film for public exhibition or of a computer game, that is withdrawn by an applicant who has paid the fee and the priority processing fee in relation to the application.

- (2) An application for partial refund of an application fee must:
  - (a) be in writing; and
  - (b) state the date on which the application for classification was made; and

- (c) be made in a form acceptable to the Director.
- (3) In determining the amount of the fee to be refunded (if any), the Director must have regard to the following:
  - (a) if the application for refund was made no later than 2 business days after the application for classification was made — the applicant is entitled to a full refund of the amount of the fee paid;
  - (b) if the application for refund was made in the period commencing 3 business days after the application for classification was made and ending at the end of 5 business days after the application for classification was made — the Director is entitled to retain \$120 of the amount of the fee paid;
  - (c) if the application for refund was made 6 business days, or later, after the application for classification was made, and the Board has not made a decision in respect of that application for classification — the Director is entitled to retain \$280 of the amount of the fee paid;
  - (d) in any other case — the applicant is not entitled to a refund of the amount of the fee paid.
- (4) Within 28 days after receiving an application for refund, the Director must:
  - (a) determine the amount of the fee to be refunded to the applicant; and
  - (b) give written notice of the decision to the applicant.

**16 Partial refund of fee for application for review**

- (1) This regulation applies in relation to an application for review made under subsection 42 (1) of the Act.
- (2) An applicant under paragraph 42 (1) (b), (c) or (d) of the Act who decides to withdraw a review application may apply to the Convenor for a partial refund of the review fee paid by the applicant.
- (3) An application for partial refund of a review fee must:
  - (a) be in writing; and

- (b) state the date on which the application for classification was made; and
  - (c) be made in a form acceptable to the Convenor.
- (4) In determining the amount of the review fee to be refunded, the Convenor must have regard to the following:
- (a) if the application for refund was made no later than 2 business days after the application for review of a decision was made — the amount of the fee that the Convenor is entitled to retain is \$1 600;
  - (b) if:
    - (i) the application for refund was made 3 business days, or later, after the application for review of a decision was made; and
    - (ii) the Review Board has not completely dealt with the application for review;  
the amount of the fee that the Convenor is entitled to retain is \$4 000;
  - (c) in any other case — the applicant is not entitled to a refund of the amount of the fee paid.
- (5) Within 28 days after receiving an application for refund, the Convenor must:
- (a) determine the amount of the review fee to be refunded to the applicant; and
  - (b) give written notice of the decision to the applicant.

**17 Fee for withdrawal of application for classification for which priority processing fee has been paid**

- (1) This regulation applies in relation to an application for classification of one of the following items that is accompanied by the priority processing fee prescribed, as applicable, by Part 3 or Part 4 of Schedule 1:
- (a) a film other than a film for public exhibition;
  - (b) a film, other than a film for public exhibition, that has undergone a title change;
  - (c) a computer game;
  - (d) a computer game that has undergone a title change.

## Regulation 18

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*Note* Paragraphs 7 (c) and (d) and regulation 8 set out the prescribed fees in relation to the items mentioned in paragraphs (a) to (d).

- (2) If the applicant elects to withdraw that application before a decision has been made by the Board in relation to the application, the applicant must tell the Director, in writing, of the election.
- (3) An applicant making an election to withdraw may apply to the Director for a partial refund of the application for classification fee paid, but the applicant is not entitled to a refund of the priority processing fee paid.
- (4) An application for a partial refund must:
  - (a) be in writing; and
  - (b) state the date on which the application for classification was made; and
  - (c) be in a form acceptable to the Director.
- (5) In determining the amount of the fee to be refunded, the Director must take into account that the amount of the fee that the Director is entitled to retain is \$300.
- (6) Within 28 days after receiving an application for refund, the Director must:
  - (a) determine the amount of the fee to be refunded to the applicant; and
  - (b) give written notice of the decision to the applicant.

### **18 Fee for issue of certificate**

For section 87 of the Act, and subject to regulation 19, the fee for a certificate specified in column 2 of an item in Part 7 of Schedule 1 is the amount prescribed in column 3 of the item.

### **19 When certain fees are reduced or not payable**

- (1) In this regulation:

*eligible document* means:

  - (a) an application for the classification of a publication, film or computer game; or

- (b) a copy of a classification certificate or of a notice under section 26 of the Act; or
  - (c) a certificate issued under section 87 of the Act.
- (2) The fee for an eligible document is not payable by a State or Territory in a calendar year, if:
- (a) the eligible document is requested by the State or Territory in relation to enforcement of a law of the State or Territory that complements the Act for the purposes of the scheme referred to in section 3 of the Act; and
  - (b) this subregulation has not applied previously in that calendar year in relation to the State or Territory to more than 100 eligible documents.
- (3) If subregulation (2) has applied in a calendar year in relation to a State or Territory to 100 eligible documents, the fee payable by the State or Territory for an eligible document that:
- (a) is of a kind referred to in paragraphs (a) or (b) of the definition of eligible document; and
  - (b) relates to enforcement of a law of the State or Territory to which paragraph (2) (a) refers; and
  - (c) is issued later in that calendar year;
- is 50% of the relevant fee prescribed in regulation 5, 7, 8 or 10 as the case requires.
- (4) If subregulation (2) has applied in a calendar year in relation to a State or Territory to 100 eligible documents, the fee payable by the State or Territory for an eligible document that:
- (a) is of the kind referred to in paragraph (c) of the definition of eligible document; and
  - (b) relates to enforcement of a law of the State or Territory to which paragraph (2) (a) refers; and
  - (c) is issued later in that calendar year;
- is the relevant fee prescribed in regulation 18.

**20 Calculation of period within which Board is to make decision (Act s 87A)**

- (1) For subsection 87A (1) of the Act, the period runs from the start of the first business day after the day when staff assisting the Board make a recommendation that an application is complete because the application satisfies the requirements of section 13, 14, 17 or 29 of the Act.
- (2) The period does not include any period:
  - (a) commencing on a day when the Board requests any of the following:
    - (i) expert, technical or other advice or information;
    - (ii) rectification of a copy of a publication, film, computer game or advertisement; and
  - (b) ending at the start of the business day after the Board receives a complete response to the request.
- (3) The period also does not include any period:
  - (a) commencing on a day when the Board finds that the application does not meet the requirements of section 13, 14, 17 or 29 of the Act; and
  - (b) ending at the start of the business day after the Board determines that the application does meet the requirements of sections 13, 14, 17 and 29 of the Act.

**21 Period within which the Review Board is to make a decision (Act s 87B)**

- (1) For subsection 87B (1) of the Act, the period is:
  - (a) if the Convenor considers the application to be sufficiently complex that it is not likely to be completed within 20 business days — 40 business days; or
  - (b) in any other case — 20 business days.
- (2) Without limiting subregulation (1), the Convenor may be satisfied that an application is complex if:
  - (a) the application deals with a computer game; or

- (b) the publication, film, computer game or advertisement under review has the potential to promote, incite or instruct in a matter of crime or violence; or
  - (c) the original application was an enforcement application made under section 22A of the Act; or
  - (d) the Review Board is considering at least 2 applications covering similar subject matter at the same time; or
  - (e) the Convenor agrees to accept submissions from a person other than the applicant for review or the applicant for the original application; or
  - (f) at least 2 applicants apply for a review of the same publication, film, computer game or advertisement.
- (3) On written application by the applicant for review and the applicant for the original application, the Review Board may extend the time mentioned in paragraph (1) (b) up to 40 business days.
- (4) For subsection 87B (1) of the Act, the period runs from the start of the first business day after the Review Board:
- (a) decides that an application for review satisfies the requirements of Part 5 of the Act; and
  - (b) receives a copy of the publication, film, computer game or advertisement for the purpose of review.
- (5) The period does not include any period:
- (a) commencing on a day when the Review Board:
    - (i) receives a written request mentioned in subregulation (3); or
    - (ii) requests expert, technical or other advice or information; and
  - (b) ending at the start of the business day:
    - (i) after the Review Board makes a decision under subregulation (3); or
    - (ii) after the Review Board receives a complete response to the request.

## Schedule 1 Fees

### Part 1 Fee for classification of a publication (regulation 5)

#### Division 1 Publications

Item	Number of pages	Fee (\$)
1	0–76 pages	520
2	77–152 pages	590
3	153–252 pages	690
4	253–500 pages	890
5	501–800 pages	1 260
6	More than 800 pages	1 840

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#### Division 2 Other

Item	Category	Fee (\$)
1	Revised publication	210
2	Title change	360

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### Part 2 Fee for classification of a film for public exhibition (paragraphs 7 (a) and (b))

#### Division 1 New application

Item	Duration of film	Fee (\$)
1	0–60 minutes	990
2	61–120 minutes	1 830

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Item	Duration of film	Fee (\$)
3	121–180 minutes	2 300
4	181–240 minutes	2 860
5	More than 240 minutes	5 090

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**Division 2 Other**

Item	Category	Fee (\$)
1	Title change	600

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**Part 3 Fee for classification of a film other than a film for public exhibition**

(paragraphs 7 (c) and (d) and regulation 9)

**Division 1 New application**

Item	Duration of film	Fee (\$)
1	0–60 minutes	510
2	61–120 minutes	700
3	121–180 minutes	840
4	181–240 minutes	1 010
5	241–300 minutes	1 180
6	301–400 minutes	1 420
7	401–500 minutes	1 660
8	501–600 minutes	1 910
9	601–700 minutes	2 120
10	701–800 minutes	2 460
11	More than 800 minutes	3 160

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**Division 2 Other**

Item	Category	Fee (\$)
1	Title change	390

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**Division 3 Priority processing**

Item	Category	Fee (\$)
1	Priority processing	400

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**Part 4 Fee for classification of a computer game**  
(regulations 8 and 9)

**Division 1 Computer game application types**

Item	Category of computer game	Fee (\$)
1	Computer Game — Level 1	2 040
2	Computer Game — Level 2	1 150
3	Assessed Computer Game — Level 1	810
4	Assessed Computer Game — Level 2	630
5	Assessed Computer Game — Level 3	470

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**Division 2 Computer game for which demonstration required or accepted**

Item	Category of computer game	Fee (\$)
1	Demonstrated Computer Game Level	1 070

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**Division 3 Other**

Item	Category	Fee (\$)
1	Title change	460

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**Division 4 Priority processing**

Item	Category	Fee (\$)
1	Priority processing	400

**Part 5 Fee for information**  
(regulation 10)

Item	Category of information	Fee (\$)
1	Copy of a classification certificate	90
2	Copy of a notice under section 26 of the Act	90

**Part 6 Fee for exempt film or exempt computer game certificate**  
(regulation 11)

**Division 1 Film for public exhibition**

Item	Duration of film	Fee (\$)
1	0–60 minutes	990
2	61–120 minutes	1 830
3	121–180 minutes	2 300
4	181–240 minutes	2 860
5	More than 240 minutes	5 090

**Division 2 Film other than a film for public exhibition**

Item	Duration of film	Fee (\$)
1	0–60 minutes	510
2	61–120 minutes	700
3	121–180 minutes	840
4	181–240 minutes	1 010

<b>Item</b>	<b>Duration of film</b>	<b>Fee (\$)</b>
5	241–300 minutes	1 180
6	301–400 minutes	1 420
7	401–500 minutes	1 660
8	501–600 minutes	1 910
9	601–700 minutes	2 120
10	701–800 minutes	2 460
11	More than 800 minutes	3 160

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**Division 3 Demonstration required or accepted**

<b>Item</b>	<b>Category of computer game</b>	<b>Fee (\$)</b>
1	Demonstrated Computer Game Level	1 070

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**Division 4 Demonstration not required or accepted**

<b>Item</b>	<b>Category of computer game</b>	<b>Fee (\$)</b>
1	Computer Game — Level 1	2 040
2	Computer Game — Level 2	1 150
3	Assessed Computer Game — Level 1	810
4	Assessed Computer Game — Level 2	630
5	Assessed Computer Game — Level 3	470

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## **Part 7      Fee for evidentiary certificate under section 87 of Act**

(regulation 18)

<b>Item</b>	<b>Category of evidentiary certificate</b>	<b>Fee (\$)</b>
1	A certificate stating that the classification, title and version of a publication, film or computer game are unchanged since classification, based on: <ul style="list-style-type: none"> <li>(a) a title cross-check with the records of the previous classification; and</li> <li>(b) a confirmatory viewing of the publication, film or computer game</li> </ul>	1 410
2	A certificate confirming the classification and title of a publication, film or computer game that has been previously classified, based on a title cross-check with the records of the previous classification	710
3	A certificate describing a publication, film or computer game in relation to which action has been taken, or not taken, under the Act	710

## **Part 8      Other fees**

(regulations 6, 12, 13 and 14)

<b>Item</b>	<b>Category</b>	<b>Fee (\$)</b>
1	Fee for declaration that classification applies to future issues of publication	1 130
2	Fee for approval of advertisement	450
3	Fee for certificate of exemption for film for advertising purposes	510
4	Fee for review of decision	8 000

**Table of Instruments**

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**Notes to the *Classification (Publications, Films and Computer Games) Regulations 2005***

**Note 1**

The *Classification (Publications, Films and Computer Games) Regulations 2005* (in force under the *Classification (Publications, Films and Computer Games) Act 1995*) as shown in this compilation comprise Select Legislative Instrument 2005 No. 264 amended as indicated in the Tables below.

**Table of Instruments**

<b>Year and Number</b>	<b>Date of FRLI registration</b>	<b>Date of commencement</b>	<b>Application, saving or transitional provisions</b>
2005 No. 264	24 Nov 2005 (see F2005L03681)	1 Dec 2005	
2007 No. 180	29 June 2007 (see F2007L01881)	1 July 2007	—

**Table of Amendments**

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**Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

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<b>Provision affected</b>	<b>How affected</b>
R. 16 .....	am. 2007 No. 180
R. 20 .....	ad. 2007 No. 180
R. 21 .....	ad. 2007 No. 180

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