



# Classification (Publications, Films and Computer Games) Regulations 2005<sup>1</sup>

**Select Legislative Instrument 2005 No. 264**

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I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Classification (Publications, Films and Computer Games) Act 1995*.

Dated 23 November 2005

P. M. JEFFERY  
Governor-General

By His Excellency's Command

PHILIP RUDDOCK  
Attorney-General

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## **1 Name of Regulations**

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- (1) The Classification (Publications, Films and Computer Games) Regulations are repealed.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 Director 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 Director.
- (4) In determining the amount of the review fee to be refunded, 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 review of a decision was made — the amount of the fee that the Director 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 Director 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 Director 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.

*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.

## 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

#### Division 2 Other

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

### 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

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

**Division 2    Other**

Item	Category	Fee (\$)
1	Title change	600

**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

Schedule 1	Fees
Part 4	Fee for classification of a computer game

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**Division 2 Other**

Item	Category	Fee (\$)
1	Title change	390

**Division 3 Priority processing**

Item	Category	Fee (\$)
1	Priority processing	400

**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

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

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

**Division 3 Other**

Item	Category	Fee (\$)
1	Title change	460



**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

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Item	Duration of film	Fee (\$)
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**

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

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**Division 4 Demonstration not required or accepted**

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

(regulation 18)

Item	Category of evidentiary certificate	Fee (\$)
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)

Item	Category	Fee (\$)
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

### Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See [www.frlj.gov.au](http://www.frlj.gov.au).