



Classification (Authorised Television Series Assessor Scheme) Determination 2008¹

Classification (Publications, Films and Computer Games) Act 1995

I, BOB DEBUS, Minister for Home Affairs, make this Determination under subsection 14B (3) of the *Classification (Publications, Films and Computer Games) Act 1995*.

Dated 13 November 2008

BOB DEBUS
Minister for Home Affairs

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Part 1 Preliminary

1 Name of Determination

This Determination is the *Classification (Authorised Television Series Assessor Scheme) Determination 2008*.

2 Commencement

This Determination commences on the commencement of Schedule 2 to the *Classification (Publications, Films and Computer Games) Amendment (Assessments and Advertising) Act 2008*.

3 Interpretation

(1) In this Determination:

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

barring notice has the same meaning as in paragraph 14B (4) (d) of the Act.

Section 3

classification guidelines means the guidelines made under section 12 of the Act.

Note The following terms have the same meaning as in the Act:

- authorised television series assessor
 - Board
 - classifiable elements
 - classified
 - Director
 - television series film.
- (2) Information contained in an assessment may be taken to be misleading, incorrect or grossly inadequate if:
- (a) classifiable elements are not identified; or
 - (b) classifiable elements are identified as having a lower impact than the classification guidelines suggest; or
 - (c) material is recommended for classification at a lower level than the Board would consider appropriate, but only if:
 - (i) classifiable elements are not identified; or
 - (ii) classifiable elements are identified as having a lower impact than the classification guidelines suggest.

Section 4

Part 2 **Authorised television series assessors****4** **Authorised television series assessors**

- (1) The Director may, in writing, authorise a person as an authorised television series assessor.
- (2) The Director must not authorise a person as an authorised television series assessor if:
 - (a) the person has not completed training approved by the Director in the making of assessments; or
 - (b) a notice under section 6 is in force in relation to the person.

5 **Revocation of authorised television series assessor status**

- (1) The Director may, in writing, revoke an authorisation of a person as an authorised television series assessor if the Director is satisfied that 1 or more of the conditions mentioned in subsection (2) apply.
- (2) The conditions are as follows:
 - (a) the authorised television series assessor has prepared an assessment of a television series film and the television series film contains classifiable elements that:
 - (i) were not brought to the Board's attention before the classification was made in accordance with paragraph 10 (d); or
 - (ii) were brought to the Board's attention before the classification was made in accordance with paragraph 10 (d) but the assessment of the elements was misleading, incorrect or grossly inadequate;
 - (b) if the Director has requested that the authorised television series assessor complete further training approved by the Director in the making of assessments — the authorised television series assessor has not completed the training;
 - (c) the authorised television series assessor has prepared 2 or more assessments mentioned in subsection 14B (1) of the Act that contain misleading, incorrect or grossly inadequate information.

Note Subsection 3 (2) specifies circumstances in which an assessment is taken to be misleading, incorrect or grossly inadequate, or to contain misleading, incorrect or grossly inadequate information.

Section 7**6 Barring notice to authorised television series assessor**

- (1) The Director may give a written notice to a person if the Director is satisfied that:
- (a) both of the following apply:
 - (i) the Board classified a film taking into account an assessment of the film prepared by the person;
 - (ii) the Board has revoked the classification of the film under section 21AB of the Act; or
 - (b) the person has prepared 2 or more assessments mentioned in subsection 14B (1) of the Act that contain misleading, incorrect or grossly inadequate information.

Note 1 If the Director gives a notice to a person under this subsection, the person cannot be authorised to prepare assessments of television series films while the notice remains in force (see section 4).

Note 2 Subsection 3 (2) specifies circumstances in which an assessment is taken to contain misleading, incorrect or grossly inadequate information.

- (2) The notice takes effect from the date specified in the notice and continues in force for a period, not exceeding 3 years, that is specified in the notice.

7 Review by AAT

An application may be made to the Administrative Appeals Tribunal for review of a decision of the Director under subsection 5 (1) or 6 (1).

Section 8

Part 3 Applicants**8 Barring notice to applicant**

- (1) The Director may give a written notice to a person if:
- (a) the person has submitted 2 or more applications that were accompanied by assessments under section 14B of the Act; and
 - (b) the assessments contained misleading, incorrect or grossly inadequate information; and
 - (c) because of those assessments, the Director revoked the authorisation of the authorised television series assessors who prepared them.

Note Subsection 3 (2) specifies circumstances in which an assessment is taken to contain misleading, incorrect or grossly inadequate information.

- (2) The notice takes effect from the date specified in the notice and continues in force for a period, not exceeding 3 years, that is specified in the notice.
- (3) If the Director gives a notice to a person under subsection (1), the person must not submit an assessment with an application for classification of a television series film under section 14B of the Act while the notice remains in force.

9 Review by AAT

An application may be made to the Administrative Appeals Tribunal for review of a decision of the Director under subsection 8 (1).

Part 4 Assessment of television series films

10 Assessment

An assessment of a television series film under section 14B of the Act must:

- (a) deal with each episode of the television series film and with all of the series-related material; and
- (b) identify the impact of every classifiable element, and the impact and location of the highest classifiable elements; and
- (c) identify what the cumulative impact is for the entire product; and
- (d) include a recommendation on the appropriate classification for the television series film at the level of the content of the highest impact; and
- (e) include a recommendation on the appropriate consumer advice for the television series film if the recommended classification is PG or higher.

Note The classifiable elements are themes, violence, sex, language, drug use and nudity.

11 Disagreement with recommended classification

If the Director or the Board disagrees with the recommended classification of a television series film, the Director must give a notice in writing to the applicant:

- (a) stating the particulars of the disagreement; and
- (b) inviting the applicant to make, within 14 days after receiving the notice, any additional submissions the applicant may wish to make before the Board makes a decision on the application.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.