



# **Classification (Publications, Films and Computer Games) (Conditional Cultural Exemption Rules) Instrument 2015**

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

---

I, Michael Keenan, Minister for Justice, make the following instrument under section 6G of the *Classification (Publications, Films and Computer Games) Act 1995*.

Dated                    31 August 2015

Michael Keenan  
Minister for Justice

---

## Contents

1	Name	2
2	Commencement	2
3	Transitional	2
4	Definitions	3
5	Registration process for registered events	4
6	Conditional cultural exemptions—registered events	6
7	Approved cultural institutions	7
8	Conditional cultural exemptions—approved cultural institutions	8
9	Applications to the Director for exemption or declaration - subsections 6H(1) to (4) of the Act	8

---

### 1 Name

This instrument is the *Classification (Publications, Films and Computer Games) (Conditional Cultural Exemption Rules) Instrument 2015*.

Note: This instrument is to be read in conjunction with Division 2 of Part 1A of the Act.

### 2 Commencement

This instrument commences on the day it is registered.

### 3 Transitional

(1) If:

(a) the Director has, prior to commencement of Part 3 of Schedule 3 of the Amendment Act, granted an exemption for a publication, film, computer game or organisation; and

(b) an event to which that exemption relates has not yet occurred at the commencement of Part 3 of Schedule 3 of the Amendment Act;

the publication, film, computer game or organisation is still subject to that exemption for that event.

(2) Applications to the Director for exemption of a publication, film, computer game or organisation, that were submitted, but on which no decision has been made prior to the commencement of Part 3 of Schedule 3 of the Amendment Act, lapse on commencement of Part 3 of Schedule 3 of the Amendment Act.

---

---

## 4 Definitions

In this instrument:

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

**Amendment Act** means the *Classification (Publications, Films and Computer Games) Amendment (Classification Tools and Other Measures) Act 2014*.

**Conditional Cultural Exemption Rules** means this instrument, the *Classification (Publications, Films and Computer Games) (Conditional Cultural Exemption Rules) Instrument 2015*.

**Department** means the Commonwealth Attorney-General's Department.

**registering person** means a natural person working for or with, or representing, or otherwise associated with, in a paid or voluntary capacity, an organisation that is organising a registered event, and who is involved in the organisation of the relevant showing, and is responsible for the registration of the event.

**registration process** means the process described in section 5.

**relevant material** means any submittable publication, unclassified film or unclassified computer game that is to be demonstrated, exhibited or screened as part of a registered event or an event organised by an approved cultural institution.

**relevant organisation** means the organisation responsible for the demonstration, exhibition or screening of publications, films or computer games in accordance with Division 2 of Part 1A of the Act and the Conditional Cultural Exemption Rules.

**relevant showing** means the demonstration, exhibition or screening of the relevant material as part of a registered event or an event organised by an approved cultural institution.

**trained person** means a natural person working for or with, or representing, or otherwise associated with, in a paid or voluntary capacity, an approved cultural institution, and who is involved in that organisation's demonstration, exhibition or

screening of publications, films or computer games, and who has completed the training requirements.

**training requirements** means the training required and approved by the Department for the purposes of paragraph 6F(1)(e) or paragraph 6F(2)(c) of the Act.

Note 1: The Department may require further training to be undergone if, for example, it believes that an organisation has breached the requirements of Division 2 of Part 1A of the Act or the Conditional Cultural Exemption Rules, or where additional training is required because of changes to the rules or classification standards.

Note 2: For the meaning of **approved cultural institution**, **contentious material**, **Director**, **registered event** and **subject to a conditional cultural exemption** see section 5 of the Act.

## 5 Registration process for registered events

Note: Section 6D of the Act provides criteria for when an event is a “registered event”. Paragraph 6D(a) specifies that the event must wholly or mainly involve, or wholly or mainly relate to, the display, screening, demonstration or exhibition of films, computer games and/or publications. Events including trade shows, film festivals and mixed media events may be able to satisfy this requirement.

- (1) For the purposes of paragraph 6D(c) of the Act the registration process for a registered event is complete when the information required by the Department about the relevant organisation and event has been recorded on the Department’s applications processing system or its replacement(s).
- (2) The information required by the Department about the relevant organisation must be complete and accurate and may include:
  - (a) the legal name of the organisation and any current registered business or trading name; and
  - (b) the name of the registering person; and
  - (c) a declaration by the registering person that they have understood the requirements of Division 2 of Part 1A of the Act and the Conditional

- 
- Cultural Exemption Rules, and will ensure that those requirements are satisfied in relation to the event they are registering; and
- (d) contact details for the organisation and registering person; and
  - (e) the location of the primary online information (if any) about the organisation, such as website or social media; and
  - (f) the Australian Business Number (if any) of the organisation; and
  - (g) if the organisation is an incorporated body, the incorporated association number issued by the relevant state or territory.
- (3) The information required by the Department about the event must be complete and accurate and may include:
- (a) the name of the event; and
  - (b) the type and purpose of the event; and
  - (c) the date the event commences; and
  - (d) the date the event concludes; and
  - (e) details of the location(s) of the event; and
  - (f) whether the relevant material comprises films, computer games or publications, or a combination of one or more of these types of materials; and
  - (g) the titles of the relevant material; and
  - (h) if the relevant material includes film, the intended number of screenings; and
  - (i) the audience age restrictions for the relevant material; and
  - (j) the location of the primary online promotion and information (if any) about the event, such as website or social media; and
-

- (k) the details of any relevant exemption or declaration granted by the Director in accordance with section 6H of the Act.
- (4) If information that has been registered in accordance with subsections (2) and/or (3) above changes after the registration process is complete but before the event has concluded, the registration process is considered to be incomplete to the extent that it applies to those changes. The changed required information must be recorded on the Department's application processing system or its replacement(s) to complete the registration process as it applies to those changes. The changed required information must be recorded prior to the changes taking place.
- (5) If the relevant organisation is unable to record the required information, or the changed required information, on the Department's application processing system or its replacement(s) in accordance with subsections (1) to (4) above, the registration process for the event is considered to be complete when the required information, or changed required information, is received by the Department.
- (6) For the purposes of subsection (5) above, acceptable reasons for an organisation's inability to record the required information or changed required information on the Department's application processing system or its replacement(s) include:
- (a) disability, serious illness or incapacity of the registering person;
  - (b) being in a remote or other location without functional online access;
  - (c) the Department's application processing system or its replacement(s) is unavailable;
- but do not include running out of time.

## **6 Conditional cultural exemptions—registered events**

- (1) For the purposes of paragraph 6C(e) of the Act, the relevant material, if film, must not be demonstrated, exhibited or screened more than four times per State or Territory as part of the registered event.

---

Note: Film festivals and events that tour to regional, rural or remote areas under the auspices of a “travelling film festival” or a “touring film festival”, may register each tour stop or regional stop as a separate event.

- (2) For the purposes of paragraph 6C(f) of the Act, a clear and legible notice must be prominently and publicly displayed at the relevant showing regarding any age restrictions that apply in relation to access to the relevant material.
- (3) The conditions that must be satisfied for the purposes of paragraph 6C(g) of the Act are:
- (a) the event must be for a specified and limited duration; and
  - (b) the event must not be one in a series of identical or similar registered events that could be reasonably considered to have been arranged primarily for the purpose of circumventing the requirements at subsection 6(1); and
  - (c) the requirements of any exemption or declaration granted by the Director in accordance with subsections 6H(1) to (4) of the Act must be satisfied.

## 7 **Approved cultural institutions**

Note: An organisation will be an approved cultural institution if it meets the criteria in section 6F of the Act. Art galleries, museums and other cultural institutions that have a sound reputation may be approved cultural institutions for the purposes of the Act. Activities staged under the auspices of a local council or a major cultural event that is organised by government may also meet the requirements of section 6F.

- (1) For the purpose of paragraphs 6E(f), 6F(1)(g) and 6F(2)(e) of the Act, an approved cultural institution must have one or more trained persons for the purpose of satisfying subsection 7(2).
- (2) Any assessments of the likely classification of relevant material for the purpose of satisfying the requirements of paragraphs 6E(b), 6E(c), 6E(d), 6F(1)(d) and 6F(2)(b) of the Act must be done or approved by a trained person.

**8 Conditional cultural exemptions—approved cultural institutions**

For the purposes of paragraph 6E(e) of the Act, a clear and legible notice must be prominently and publicly displayed at the relevant showing regarding any age restrictions that apply in relation to access to the relevant material.

**9 Applications to the Director for exemption or declaration—subsections 6H(1) to (4) of the Act**

Note: Paragraph 6H(3)(a) provides that an application to the Director for exemptions or declarations specified under section 6H of the Act must be in a form approved, in writing, by the Director.

- (1) All applications for exemptions or declarations specified under section 6H of the Act must:
- (a) be in writing; and
  - (b) be signed by, or on behalf of, the applicant (the relevant organisation); and
  - (c) specify the type, extent and duration of the exemption or declaration being sought; and
  - (d) include the reason the exemption or declaration is sought and any supporting evidence; and
  - (e) include a statement about the benefit, if any, to the public of the exemption or declaration sought.
- (2) In addition to the requirements at subsection (1) above, applications for exemptions or declarations specified under section 6H of the Act must also include the information required by the Director about the organisation, which may include:
- (a) the legal name of the organisation and any current registered business and trading names; and
  - (b) the name of a contact person within the organisation; and
  - (c) contact details for the organisation and contact person; and



- 
- (d) the Australian Business Number (if any) of the organisation; and
  - (e) if the organisation is an incorporated body, the incorporated association number issued by the relevant state or territory; and
  - (f) adequate and relevant information that may assist the Director's consideration of the application such as the purpose for which the organisation was formed, background, history, size and reputation of the organisation; and
  - (g) other information as required by the Director for the purpose of deciding whether to grant the exemption or declaration sought.
- (3) In addition to the requirements at subsections (1) and (2) above, applications for exemptions or declarations specified under section 6H of the Act that relate to a particular film, publication, computer game or event must include the information required by the Director which may include:
- (a) the name of the event; and
  - (b) the type and purpose of the event; and
  - (c) the date the event commences; and
  - (d) the date the event concludes; and
  - (e) details of the location(s) of the event; and
  - (f) whether the relevant material comprises films, computer games or publications, or a combination of one or more of these types of materials; and
  - (g) the titles of the relevant material; and
  - (h) if the relevant material includes film, the intended number of screenings; and
  - (i) the location of the primary online promotion and information (if any) about the event, such as website or social media; and

(j) any age restrictions that apply in relation to access to the relevant material;  
and

(k) adequate written synopses or descriptions for the relevant material; and

Note: An adequate written synopsis of a film, under subparagraph 14(1)(d)(ii) of the Act, is described as “in English that includes a statement or summary of any incidents, or of the plot, depicted or intended to be depicted by the film”.

(l) for any films or computer games that would be likely to be classified M or above, details of the contentious material; and

(m) for any publications that would be likely to be classified Category 1 – restricted or higher, details of the content that is likely to be Category 1 – restricted or higher.