



Australian Government

Office of Film and Literature Classification

STANDING COMMITTEE OF ATTORNEYS-GENERAL: CENSORSHIP

FILM FESTIVAL GUIDELINES COMMENCING 1 FEBRUARY 2004

Film Festival Guidelines

Film Exemptions

1. A person or organisation wishing to screen an unclassified film at a film festival/season/special film event may apply to the Director¹ (or, in some jurisdictions, the State or Territory Minister²) to have the unclassified film which the applicant wishes to exhibit, formally exempted from classification.
2. When applying for exemption under clause 1, the applicant must submit adequate information about the matters listed in clauses 3, 4 and 5 below.
3. The applicant must submit the title of the film accompanied by an adequate synopsis³. The Director will take the synopsis into account, as well as any other information the OFLC may have about the film, in deciding whether to grant an exemption.
4. In deciding whether to grant an exemption, the Director must have regard to:
 - a) the purpose for which the film is to be screened; and
 - b) the extent to which the applicant carries on activities of a medical, scientific, educational, cultural or artistic nature; and
 - c) the reputation of the applicant in relation to the screenings of films; and
 - d) the conditions as to admission of persons to the screening of the film.
5. The Director will also have regard to any matters he/she considers relevant, such as:
 - a) the number of times the film will be screened, and

¹ The Director is the Director of the Classification Board. In the NT, the Director is referred to as the “National Director”, and in the ACT as “director”.

² The Director does not exempt films to be shown in SA and QLD film festivals and events. Applications for film exemptions are to be directed in SA to the Film Festivals Exemption Officer, SA Attorney-General’s Department. For Film Festivals in QLD, refer to the Approved Organisation section of these guidelines and to the Films Classification Officer, QLD Department of Tourism, Racing and Fair Trading.

³ An adequate written synopsis of a film, under 14. (1) d (ii) of the *Classification (Publications, Films and Computer Games) Act 1995* 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”.

- b) whether the audience is aged 18 years and over.
6. Where specified in State or Territory legislation, the Director is required to apply any guidelines or directions issued by the relevant Minister(s) in considering an application for an exemption.
 7. When making a decision about an exemption, the Director will have regard to Section 11 of the (Cwth) *Classification (Publication, Films and Computer Games) Act 1995* (the Commonwealth Classification Act).
 8. The Director will not grant an exemption for a film already classified X 18+ or RC⁴.
 9. In the case of a film which has been classified X 18+ or RC at least 2 years before the date of application for exemption, the film may be exempted if, in the Director's view, the film would not be classified X 18+ or RC if reclassified under the Commonwealth Classification Act.
 10. If in the opinion of the Director, whether based on the synopsis, other material, inspection of the film, or any other grounds, an unclassified film would be classified X 18+ or RC, the Director will not grant an exemption.
 11. Where the Director has declined to exempt an unclassified film, the organisation may submit the film to the Classification Board for classification. If the film is classified X 18+ or RC, the Director's decision to decline to exempt it will be confirmed to the applicant.
 12. Where an exemption is granted, it is a general requirement that the film must be exhibited under the following conditions:
 - a) only as part of the film festival/season/special film event at specified venues and on or between specified dates and not otherwise;
 - b) not more than four times each during the course of the film festival/season/special film event;
 - c) for the purpose for which the exemption was sought;
 - d) only to persons aged 18 years and over.
 13. Variations to these conditions or additional conditions may also be imposed at the discretion of the Director.
 14. The Director will notify the relevant State(s) and Territory(ies) of his/her decision about the film that has been granted an exemption. The Director will notify the relevant Minister(s) if a film has been refused exemption.

⁴ RC films are described in the National Classification Code as ones that:

- (a) depict, express or otherwise deal with matters of sex, drug misuse or addiction, crime, cruelty, violence or revolting or abhorrent phenomena in such a way that they offend against the standards of morality, decency and propriety generally accepted by reasonable adults to the extent that they should not be classified; or
- (b) depict in any way that is likely to cause offence to a reasonable adult, a person who is, or who appears to be, a child under 18 (whether the person is engaged in sexual activity or not); or
- (c) promote, incite or instruct in matters of crime or violence.

Approved Organisation Status

15. Organisations wishing to screen a film or hold a film festival/season/special film event may apply to the Director⁵ (or, in some jurisdictions, the State or Territory Minister and in the case of Queensland, the Films Classification Officer⁶) for “approved organisation” status.
16. “Approved” status allows an organisation to apply to have unclassified films which it wishes to exhibit, formally exempted from classification.
17. When applying for approved organisation status under clause 15, organisations must submit adequate information about the matters listed in clauses 18 and 19 below.
18. In deciding whether to grant approval to organisations, the Director must have regard to:
 - a) the purpose for which the organisation was formed; and
 - b) the extent to which the organisation carries on activities of a medical, scientific, educational, cultural or artistic nature; and
 - c) the reputation of the organisation in relation to the screenings of films; and
 - d) the conditions as to admission of persons to the screening of films by the organisation.
19. The Director will also have regard to any matters he/she considers relevant, such as:
 - a) the number of times the films will be screened, and
 - b) whether the audience is aged 18 years and over.
20. Where specified in State or Territory legislation, the Director is required to apply any directions or guidelines issued by the relevant Minister in considering whether to approve an organisation.
21. The Director will notify the relevant State(s) and Territory(ies) of his/her decision about an application for approved organisation status.

Film Exemptions for Approved Organisations

22. An approved organisation wishing to screen an unclassified film or hold a film festival/season/special film event may apply to the Director⁷ (or, in some jurisdictions, the State or Territory Minister and in the case of Queensland, the Films Classification Officer⁸) to have unclassified films which the applicant wishes to exhibit, formally exempted from classification.

⁵ The Director is the Director of the Classification Board. In the NT, the Director is referred to as the “National Director”, and in the ACT as “director”.

⁶ The Director does not grant approved organisation status for SA and QLD film festivals and events. Applications for approved organisation status are to be directed in SA to the Film Festivals Exemption Officer, SA Attorney-General’s Department and in QLD, to the Films Classification Officer, QLD Department of Tourism, Racing and Fair Trading.

⁷ The Director is the Director of the Classification Board. In the NT, the Director is referred to as the “National Director”, and in the ACT as “director”.

⁸ The Director does not exempt films to be shown in SA and QLD film festivals and events. Applications for exemption are to be directed in SA to the Film Festivals Exemption Officer, SA Attorney-General’s

23. When applying for exemption under clause 22, the organisation must submit adequate information about the matters listed in clauses 24, 25 and 26 below.
24. The applicant must submit the title of the films accompanied by an adequate synopsis⁹. The Director will take the synopsis into account, as well as any other information the OFLC may have about the film, in deciding whether to grant an exemption.
25. In deciding whether to grant an exemption, the Director must have regard to the purpose for which the films are to be screened.
26. The Director will also have regard to any matters he/she considers relevant, such as:
 - a) the number of times the films will be screened, and
 - b) whether the audience is aged 18 years and over.
27. Where specified in State or Territory legislation, the Director is required to apply any guidelines or directions issued by the relevant Minister(s) in considering an application for an exemption.
28. When making a decision about an exemption, the Director will have regard to Section 11 of the Commonwealth Classification Act.
29. The Director will not grant an exemption for a film already classified X 18+ or RC¹⁰.
30. In the case of a film which has been classified X 18+ or RC at least 2 years before the date of application for exemption, the film may be exempted if, in the Director's view, the film would not be classified X or RC if reclassified under the Commonwealth Classification Act.
31. If in the opinion of the Director, whether based on the synopsis, other material, inspection of the film, or any other grounds, an unclassified film would be classified X 18+ or RC, the Director will not grant an exemption.
32. Where the Director has declined to exempt an unclassified film, the organisation may submit the film to the Classification Board for classification. If the film is classified X 18+ or RC, the Director's decision to decline to exempt it will be confirmed to the applicant.

Department and in QLD to the Films Classification Officer, QLD Department of Tourism, Racing and Fair Trading.

⁹ An adequate written synopsis of a film, under 14. (1) d (ii) of the *Classification (Publications, Films and Computer Games) Act 1995* 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".

¹⁰ RC films are described in the National Classification Code as ones that:

- (a) depict, express or otherwise deal with matters of sex, drug misuse or addiction, crime, cruelty, violence or revolting or abhorrent phenomena in such a way that they offend against the standards of morality, decency and propriety generally accepted by reasonable adults to the extent that they should not be classified; or
- (b) depict in any way that is likely to cause offence to a reasonable adult, a person who is, or who appears to be, a child under 18 (whether the person is engaged in sexual activity or not); or
- (c) promote, incite or instruct in matters of crime or violence.

33. Where an exemption is granted, it is a general requirement that the films must be exhibited under the following conditions:
 - a) only as part of the film festival/season/special film event at specified venues and on or between specified dates and not otherwise;
 - b) not more than four times each during the course of the film festival/season/special film event;
 - c) for the purpose for which the exemption was sought;
 - d) only to persons aged 18 years and over.
34. Variations to these conditions or additional conditions may also be imposed at the discretion of the Director.
35. The Director will notify the relevant State(s) and Territory(ies) of the decision about films that have been granted an exemption. The Director will notify the relevant Minister(s) if a film has been refused exemption.