

A Guide for RUSU Clubs & Societies

There are two main legal issues that must be considered when planning to show films to the public in Australia:

1. Copyright / Public Performance Rights. It is illegal to publicly show a film that is intended for home use only. You must have the Public Performance Rights to screen a film in a public venue.

The solution for this is either to:

- Hire a film from a distributor (for the 'non-theatrical public performance rights' – non-theatrical meaning 'not in a commercial cinema but still public' – like hotels, oil rigs, prisons, schools, RMIT, etc). The main film distributors in Australia are: Village Roadshow – roadshowppi.com.au/wpAbout/Contact.aspx and Amalgamated Movies – amalgamatedmovies.com

OR

- Get a film and approval to use it directly from the producer of the film who must provide a formal letter that authorises the non-theatrical public performance. This is often the only way for non-mainstream films to get distributed.
2. Classification: All films shown to the public in Australia must be classified by the Australian Government Classifications Board.
 - If the film you want to show has not already been classified in Australia, you will need to seek classification or an exemption.
 - Below is an excerpt from the Australian Classifications web page about film classification – from classification.gov.au

I Want To Show A Film Publicly – What Are The Rules?

Overview

- Generally, films must be classified by the Classification Board or Classification Review Board before they can be publicly exhibited in Australia. A film can only be exhibited in the form and under the same title that it was classified.
- Some films may be assessed as being exempt from classification, if they meet certain criteria.
- Films that are granted approval to be screened as part of a film festival do not need to be classified.
- Films that are imported into Australia must be classified before you can show them as classifications or ratings from overseas do not apply in Australia.

Below is information about what the Classification Board considers when classifying a film (again from the Classification website).

What Does The Classification Board Take Into Account When It Makes Decisions?

The Classification Board must apply the provisions in the Classification Act 1995, the National Classification Code, the Guidelines for the Classification of Films, the Guidelines for the Classification of Computer Games and the Guidelines for the Classification of Publications when it makes a classification decision.

The National Classification Code describes the classification types. Commonwealth and State and Territory Ministers with responsibility for classification agree to the Code. This is because the States and Territories are equal partners in the National Classification Scheme. The Classification Act 1995 establishes the Boards, and the States and Territories are responsible for the enforcement of classification decisions and taking action when there are breaches.

The Guidelines for the Classification of Films and Computer Games and the Guidelines for the Classification of Publications are used by the Classification Board and the Classification Review Board to assist them in applying the National Classification Code by describing the classification types, and setting out the scope and limits of material suitable for each classification type. The classification Guidelines are approved by all Ministers with responsibility for classification. The Classification Guidelines are registered Federal Register of Legislative Instruments.

Three essential principles form the Board's classification decisions:

- The importance of context
- Assessing impact
- The six classifiable elements

The six classifiable elements are:

- Themes
- Violence
- Sex
- Language
- Drug use
- Nudity

A film screening may be exempted from being classified under certain conditions such as it is being shown at a Film Festival, a special film event or a community showing.

However, this exemption must be applied for through the Classifications Board:

Before You Apply

General Rules

- If a film has been classified in Australia it can be shown at a film festival without any further involvement by the Classification Board.
- If a film has not been classified and is only going to be shown a limited number of times in each State or Territory as part of a film festival, special film event or community screening, then you can apply to the Director of the Classification Board for a direction to exempt your screenings from classification requirements. The Director will consider your application with regard to the 2007 Film Festival Guidelines. There is no fee for this service.
- The direction will specify the films that can be screened, the number of times they can be screened and the dates between which they can be screened. The direction can also specify age restrictions for the screenings. Films which would be classified X18+ or Refused Classification cannot be granted an exemption.

Database Checks

- You need to search the Classification database to check whether any of the films you will be screening have a classification history before applying for an exemption.

Age Conditions

- Exemptions to screen unclassified films are generally issued with a condition restricting the audience to people aged 18 and over.
- A different age condition may be granted at the Director's discretion if it is satisfied there is good reason for doing so. Any request for the Director to vary age conditions should clearly set out the reasons why the restriction should be lowered or waived, and be supported by a synopsis that clearly shows the film's suitability for the intended audience.
- The 18+ age restriction is the default. Therefore it is your responsibility to supply adequate information or the Director will not consider varying this restriction.

Number of Screenings

- Please be aware that in accordance with the 2007 Film Festival Guidelines, exemptions are generally granted under the condition that each film is to be screened a maximum of four times during the course of a film festival/event.

The time needed to have a film classified or to have an exemption granted is at least three (3) weeks.

Application Processing

Processing Time

- There is no set processing time, but you should provide a complete application at least 3 weeks before you need a decision notified by the Director. If you require the decision within a certain time period, please clearly specify the date.

Decision Notification

- The Classification Branch will send a copy of the direction to you by email. Please nominate one email address to receive this information.
- To apply for classification, please refer to the Classifications Australia website as follows:
classification.gov.au/Industry/Pages/Industry-Journeys.aspx

To seek advice as to whether or not you may receive an exemption from having to have a film classified, contact the Classifications Exemptions Officer as per below:

Further Information

If you require additional information, you can submit an enquiry or contact an officer on the telephone number below:

- Exemptions Officer: Telephone (02) 9289 7147

As it takes at least 3 weeks to gain a film classification, it is vital that you are clear about a film's copyright and classification status before you book the venue and start promoting your event.

If you are unsure of your copyright or classifications requirements, seek advice directly from the experts, including the venue manager, the filmmaker/producer or distributor, Festival Coordinator or Classifications Australia.

If you are still in doubt as to your obligations, please contact RUSU Clubs & Societies for guidance.

Happy Film Events, Everyone!

Produced in July 2013 by J.M. Out for RMIT University Student Union with input from (and thanks to) Marc Morel (Venue Operations Manager RMIT) and Australian Classifications.