



**Australian Government**  
**Classification Review Board**

27 October 2004

23-33 MARY STREET  
SURRY HILLS, NSW

**MEMBERS:** Ms Maureen Shelley (Convenor)  
Ms Kathryn Smith  
Ms Jan Taylor

**APPLICANT:** Buena Vista International (Australia) Pty Ltd (BVI)

**BUSINESS:** To review the Classification Board's decision to grant a Certification of Exemption for a Film for Advertising Purposes for the film *The Pacifier*, with M conditions.

**DECISION AND REASONS FOR DECISION**

**1. Decision**

The Classification Review Board (the Review Board) granted a Certificate of Exemption for a Film for Advertising purposes for *The Pacifier* (the film.)

**2. Legislative provisions**

The *Classification (Publications, Film and Computer Games) Act 1995* (the Act) governs the classification of films and the review of classification decisions. Section 9 of the Act provides that films are to be classified in accordance with the National Classification Code (the Code) and the classification guidelines.

Part 3, Division 2 of the Act provides that a certificate of exemption may be granted in relation to an unclassified film for public exhibition that complies with the *Classification (Eligible Films) Determination 2002* (Determination), for advertising purposes.

The Determination sets out the conditions for advertising material once an eligible film has been approved for exemption from classification for advertising purposes.

### **3. Procedure**

Having earlier received a valid written application for review, three members of the Review Board viewed the advertisement for the film at the Review Board's meeting on 27 October 2004.

The Review Board then met in camera to consider the matter.

### **4. Evidence and other material taken into account**

In reaching its decision the Review Board had regard to the following:

- (i) BVI's application for review;
- (ii) BVI's written submission;
- (iii) the advertisement for the film (the advertisement);
- (iv) the relevant provisions in the Act;
- (v) the relevant provisions in the Code, as amended in accordance with s.6 of the Act; and
- (vi) the *Guidelines for the Classification of Films and Computer Games 2003*;
- (vii) the Classification Board's report on the matter;
- (viii) the relevant provisions in the Determination.

### **5 Synopsis**

The advertisement depicts a Navy SEAL who is assigned to protect five children as a matter of 'national security'.

### **6 Findings on material questions of fact**

The Review Board found that the advertisement contained humorous depictions of a trained Navy SEAL attempting to discipline and control five children of varying ages and gender, in the course of his duties. One such depiction was of the Navy SEAL placing diapers and juice boxes in his weapons belt.

### **7 Reasons for the decision**

The Review Board based the decision to grant a Certificate of Exemption for a Film for Advertising purposes for the film on the content of the advertisement as set out in five and six above.

### **8 Summary**

From the content of the advertisement, the Review Board determined that the film's classification is likely to be PG, therefore, the Review Board granted a Certificate of

Exemption for a Film for Advertising purposes for the film. Accordingly, the film can be advertised with films of any classification for public exhibition, until such time that the film is classified.