

Submission to the “Modernising and Harmonising Classification Standards” initiative

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Comments on the Classification Advisory Council

At one time the diversity of the Classification Board’s membership loosely represented the broader community. With today’s heavy reduction in full-time classifiers, diversity in community representation could arguably transfer to the mooted Classification Advisory Council.

The Council is a fine idea in principle. However, in an era of considerable community tolerance for media content, granular classification criteria and informed public debate, this council risks serving not as a gauge of community opinion and diversity but as a magnet for illiberal encroachment by groups and individuals of indistinct mandate. An ill-faith process would accelerate second-guessing of Board decisions and procedures that must take into account the law, classification guidelines, freedom of expression and the national interest, all matters that Council members may choose to ignore. Regardless of the constitution of the Council or its means of business, it should have no standing to trigger policy review or individual review decisions that is greater than any other individual or group, especially if its philosophy decouples from the principle of freedom of speech, and the philosophy that adults can watch whatever they want except in the most extreme circumstances. The Council’s function should be consultative only, and Classification Board and Review Board members – professionals already accountable for their output – should not be beholden to them. The last thing the Australian classification environment needs is an advisory council whose members attempt to import political stances with a view to restrict community freedoms. The appointment process and the functions and powers, if any, of the Council should be scrutinised for such vulnerability.

Comments on individual recommendations

C03 *Improved reliance on evidence over morality*

The “Update to Modernise and Harmonise Classification Guidelines 2025” all but avoids reference to classification reform for adult material, whether in the R or X categories, or indeed for material refused classification (on the “kink” discussion, see below). If introduced consistently, reliance on *evidence of harm over assumed moral harm* would revisit the arbitrary exclusion of non-sexual depictions of narrative-based violence from the X category. Titles recently submitted by the Australian Border Force that were refused classification are examples of films that are legal with no fanfare in other jurisdictions with social values comparable to Australia. While the X category is almost moribund today given online alternatives, the “actual harm” criterion, if applied, should cover the full range of classifiable material.

C08 *Reconsideration of sexual content*

Removing discriminatory treatment of non-heteronormative film material is just and to be welcomed, though the insinuation that current classification officers are party to this discrimination seems odd and defamatory in the absence of evidence.

In any case, the “exception clause” in the second paragraph of Recommendation C08 is troubling: “Except in cases involving depictions of sexual violence or non-consensual acts, sexual content should be rated consistently, regardless of the artistic style or identities of those involved.”

Classifiers are required to consider all potentially offensive material, including sexual violence and non-consent, within the meaning of Section 11(b)(c)(d) of the Classification (Publications, Films and Computer Games) Act 1995. This section provides for leeway based on “literary, artistic or educational merit (if any)”, a title’s “general character ... including whether it is of a medical, legal or scientific character” and the “persons or class of persons to or amongst whom it is published or is intended or likely to be published”.

Recommendation C08 is oblivious to Section 11, raising the question of what kind of material now under the protection of the Act would be banned, censored or rated more strictly in its absence. Section 11’s exceptional circumstances provide a pressure valve for peripheral and specialty material that should not fall victim to doctrinaire tagging of offensive content. An ideological overriding or extinguishing of Section 11 could augur a revival of prohibition or censoring of manifestly legitimate films – the absurd banning and unbanning of Jim Jarmusch’s **Dead Man** comes to mind – and would bring the classification process into disrepute.

C12 *Self-classification as default*

Even when Recommendation C12 was written in 2025, it was obviously not true that a “significant proportion of content is still classified by the Classification Board”. Since then, the volume of the Board’s work has been overwhelmed by that of accredited classifiers and classification tools of varying capability. The key point is there now can be no coherent “industry standard” when classification is decentralised across diverse media interests. If one takes the final step and divorces the Board from day-to-day classification work (and the skills and historical knowledge this requires), then the Board will retreat to the position of a “rare circumstances” Review Board, potentially suffering a loss in credibility and de facto capacity to oversee classification standards. A role for the Classification Board as authoritative, day-to-day classifier remains pertinent to the credibility of the classification environment.

C13 *Modernise the classification database*

Any reform of the National Classification Database (NCDB) must not be allowed to follow the lead of the British Board of Film Classification, which inexplicably stripped its once-fine website database of advanced search options, preventing users from browsing recent decisions or decisions by date, classification and other variables. A commitment to transparency must retain the current function of accessing every NCDB decision chronologically, and retain/expand the search filters that are available today.

Transparency for the NCDB could also be enhanced by requiring the following:

(a) Netflix and Amazon should insert basic information in database categories that allows titles to be readily identified, instead of filling up file categories (including country of origin, remarkably) with “Not specified”.

(b) Titles that are modified *before or after* the classification process, whether to secure a different rating or otherwise, should include time (minutes + seconds) differentials and, where possible, basic descriptions of cuts or additions. Australian Gazette entries in the 1970s and 1980s routinely tagged film titles as a “pre-censor cut version” to signal responsibility for modifications by distributors; transparency dictates that there be a modern version of this tag. The recent classification saga for **Gladiator II** is example enough of the risk surrounding distributors who censor films to secure a state-mandated classification without public or even Board awareness of the changes. “Risk” here refers to the scenario in which operational and commercial interests of a self-classifying industry converge then erode transparency for the consumer – harking back to the bad old days of pre-1971 classification when the Classification Board’s predecessor body and film distributors conspired to keep the Australian public in the dark on rigorous censorship of movies.

(c) policymakers should consider expanding transparency by increasing access to detailed classification decisions through the website rather than overlaying new symbols, etc, on advertising materials.

(d) providing more details on classification revocations, including when applicants suppress publication of the classifications they hope will be revoked.

(e) the Classification and Review Boards should resist and reverse the trend of redacting material (other than when legally compelled to do so) in online and other reports on titles refused classification, and reverse the trend of compelling interested parties to submit FOI applications for decisions on such material. Finally, the Classification Board should resist attempts to restrict access to NCDB data through use of age verification.

C19 *Classification website – addition of extra community information*

Including civic-group commentary on particular classification decisions in a government database runs an unacceptable risk of political bias, resource misallocation and commercial disruption and should be avoided.

Other comments

1. Parts of the “Update to Modernise and Harmonise Classification Guidelines 2025” seem not to recognise the degree of change to classification activity and product trends over the years, nor understand the basics of the Classification Act and classification guidelines. The Update underrates the effectiveness of the current system and makes presumptuous and unsubstantiated assumptions about the “individual biases” (p8) of Board classifiers who are “often disconnected” (p21) from the community. It is also seemingly unaware of various risks that follow a corporate takeover of the bulk of classification work.

2. The Update criticises the current system and classification terms as too complex yet vague, then offers an array of non-intuitive visual classification aids that require a glossary to decode. No matter how hard the government tries, the classification process will always be confronted by uninformed viewers at the point of sale, including parents. Over-responding to this reality by tipping over into a nanny-state

classification methodology – dogging viewers with textual and symbolic warnings of every potential offensive element with ever-expanding detail – risks exhausting administrative and educational resources to achieve a very modest increase in public awareness, at best. Indeed, we have reached the point where Classification Board consumer advice itself can justify a spoiler warning.

3. The Update's discussion of reforming classification of sexual depictions suggests greater acceptance of kink/fetish sexual activity, but this may not be the case, or may not extend to categories with the strongest depictions. More clarity is required on this subject, especially given the grey area of kink material such as S&M and other consensual violence. In this context, (a) the Update's lack of clarity on floated new criteria for films as against publications, (b) the failure to note the commercial demise of the X rating that would house newly approved kink/fetish content, (c) the greater relevance of kink reforms for enforcement submissions and whether such reforms would suffer state government pushback, and (d) the dwindling volume of R classifications all reflect inadequate understanding of the modern adult market served by the Australian classification system.

4. The Classification Board's annual report should include an ongoing assessment of the performance and accuracy of classification tools, including revocation rates per tool.

Concluding remarks

While the Australian Classification Board remains one of the world's most transparent and accountable and least politicised national classification authorities, efforts to increase transparency and strengthen public awareness are welcome. Reform efforts should recognise the strengths of the current regime and take care not to conflate greater transparency with greater encroachment on civil liberties, particularly in the activities of a Classification Advisory Council of dubious mandate. The Classification Board must remain in place as an arbiter accountable to the public, especially now that the bulk of classification work is distributed to indirectly accountable, private-sector employees or agents of distributors or their automated tools.