



Submission in response to 'Modernising and Harmonising Classification Standards' consultation

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ABOUT ANZSA

ANZSA represents the film and television content and distribution industry in Australia and New Zealand. Its core mission is to advance the business and art of filmmaking, increasing its enjoyment around the world and to support, protect and promote the safe and legal consumption of movie and TV content across all services. The ANZSA-represented companies are Motion Picture Association; Amazon Studios LLC; Walt Disney Studios Motion Pictures; Netflix, Inc.; Paramount Pictures; Sony Pictures Releasing International Corporation; Universal International Films; Inc.; and Warner Bros. Pictures International, a division of Warner Bros. Entertainment Inc.

Our member companies produce and distribute a wide range of film and television content in Australia in cinemas, home entertainment, television and VOD services, and our members are committed to supporting the growth of the Australian screen industry.

INTRODUCTION

ANZSA appreciates the opportunity to comment on the review *Update to modernise and harmonise classification guidelines 2025* (**‘the Review’**), and provide our comments to the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts (**‘the Department’**).

We share the same overall objective as the Government, which is to ensure that, despite the major and rapid changes in the ways Australians encounter and consume media, the classification system remains “effective, inclusive, and trusted”. Our members already employ a range of methods to achieve this, ensuring viewers can expect efficient and accurate classification of content, without placing unnecessary burdens on Australia’s classification system.

THE CURRENT SYSTEM IS WORKING WELL

ANZSA is of the view that the current classification system works well in informing and protecting Australian consumers.

The system remains “one of the most recognised and trusted public frameworks in the world”¹, and enjoys a significant amount of public recognition over its lengthy history of over a hundred years.

The evidence supports this. Public data from the Classification Board and Classification Review Board demonstrates this.² Over the reporting period (2021-2025), only 193 complaints about rating or consumer advice for classification decisions were received, with only 74 complaints for films and TV series. With tens of millions of viewer engagements through cinema admissions, home entertainment rental and purchase, and hundreds of millions of views on SVOD platforms, these 74 complaints show that the current process reflects community expectations and is trusted by parents and

¹ *Update to modernize and harmonise classification guidelines 2025*, page 2.

² Classification Board and Classification Review Board Annual Reports, 2021-25, page 67.

users alike. The data also shows alignment between industry tools and Board thresholds, with very few amendments to self-generated age-ratings, in fact most Board interventions result in refinements in consumer advice instead of changes to the age-ratings.³

ANZSA therefore submits that the core architecture of the classification system in Australia remains sound. Any proposals to make changes to the system must reach a high bar in terms of evidence of actual harm, and benefits to consumers; any reform should be led by the evidence, targeted, and avoid disruptive changes to longstanding structural planks of the system.

NO NEED FOR MAJOR STRUCTURAL REFORMS

Our specific responses to the proposals made in the Review can be found in the Appendix, broadly separated into four major buckets of proposals:⁴

- 1) Changes to age-based classification ratings
- 2) Changes to guidelines/ratings matrices
- 3) Changes to ratings processes
- 4) Changes to overall classification communications approach

Broadly, ANZSA also cautions against major structural reforms to the classification system, without clear evidence that such changes would improve consumer understanding or safety outcomes. We are concerned that the Paper suggests a range of reforms that could introduce confusion and a lack of clear benefits for viewers, and additional complexity and unnecessary burdens on industry.

Complicated changes to existing age ratings and the way consumer advice is presented should be carefully considered and should only proceed based on clear evidence of consumer benefits. Should any changes be required, their application should be forward-looking only and large back-catalogues should not be required to be re-rated. We also submit it would be inappropriate for industry to pay for such changes when it already faces a higher regulatory burden for content moderation than social media companies or broadcasting services. We submit that it also would not be a good use of public funding given how well the system functions today.

We therefore maintain that reforms should prioritise simplification and streamlining of the current, well-understood elements of the current system. This approach is supported by the 2020 *Review of Australian Classification Regulation* (the Stevens Review). This review supported a framework built on long-standing and well-understood

³ The Annual Reports show that the Netflix Tool made 2,237 decisions over the reporting period, with less than 10 resulting in changes to age-based ratings (page 43); the Spherex Tool made 1,110 decisions, with less than 4 resulting in ratings changes (page 44); and the Amazon Tool made 3,907 decisions, with less than 5 resulting in ratings changes.

⁴ ANZSA is not commenting on proposals which are not relevant to the screen sector.

categories, while emphasising clarity, consistency and modernisation rather than structural altering of established classification age ratings.⁵

Should Government decide to implement some of these far-reaching changes, an extensive educational campaign will be required to ensure that trust in the process is not eroded as a result of the changes. We submit it would be inappropriate for industry to pay for such a campaign when it already faces a higher regulatory burden for content moderation than social media companies or broadcasting services. Social media companies are subject to the Online Safety Act, whereas SVOD services have to comply with both the Online Safety Act and the Classifications Act. Broadcasters are exempt from the Online Safety Act, unlike SVOD services, and under the Industry Code registered with the ACMA under the Broadcasting Services Act do not have to provide detailed assessments of the ratings they generate to the regulator. We submit that major structural reforms would also not be a good use of public funding given how well the system functions today.

ADDRESSING THE OVERLAP BETWEEN THE CLASSIFICATIONS ACT AND THE ONLINE SAFETY ACT

We also suggest that the Government assess two additional reforms that would address the overlap between the Classification Act and the Online Safety Act. These two reforms were touched on in the *Consultation Paper: Modernising Australia's Classification Scheme: Stage 2 Reforms*, but unfortunately have not been pursued in the Review.

(1) Clarifying the scope of the National Classification Scheme

The *Consultation Paper: Modernising Australia's Classification Scheme: Stage 2 Reforms* proposed clarifying that classifiable content is professionally produced, distributed on a commercial basis, is directed at an Australian audience, and uploaded by a service provider. This reform will make clear that the current (very broad) definition of 'films' in the Classification Act does not apply to user generated content. This would deliver on key recommendations in the Stevens Review.

Curated, classified systems have earned the trust of their users thanks to their commitment to classify all content before it is made available thanks to a rigorous application of consistent standards, in line with the Australian classification scheme. Social media companies do none of these things, and as such we argue it is entirely appropriate that they are not captured by the same Act.

In the United States, the classifications process is organised on a voluntary basis by the Motion Picture Association (MPA), who recently fought to preserve the distinction between curated content services and user-generated social media services when

⁵ <https://www.infrastructure.gov.au/sites/default/files/documents/review-of-australian-classification-regulation--may2020.pdf>; <https://www.infrastructure.gov.au/sites/default/files/documents/report-of-the-statutory-review-of-the-online-safety-act-2021-february-2025.pdf>

Meta started using its PG-13 rating without permission.⁶ The agreement by Meta to limit its use of the MPA's "PG-13" mark when describing Teen Accounts ensures that the MPA's film ratings, which are the product of many years of consistent use (since 1968), public education, and both regulatory and audience reliance, continue to be clearly distinguished from the newer content moderation tools used by social media.

Similar to the MPA ratings system, the Australian classification system also has a long and storied history; and the system works well because the ratings framework in Australia is stable, predictable, and has built a trusted presence in public confidence over the years. ANZSA cautions against unnecessary disruptions to this system, in the absence of any clear evidence that changes would improve consumer outcomes.

(2) Excluding SVOD services from the scope of the Online Safety Act

ANZSA submits that the regulatory overlap between the Classification Act and the Online Safety Act should be entirely removed – our members that have SVOD services must comply with both regulatory frameworks. This position is consistent with two independent reviews initiated by Government; the Stevens review of the Classifications Act and the Rickard review of the Online Safety Act.

Decoupling the two Acts would remove the overlap and burden faced by streaming video on demand (SVOD) services - who are currently regulated by the two Acts. This overlap imposes red tape and impacts productivity without delivering any additional protections for Australians. For example, one of ANZSA's members estimates that they have devoted approximately 15 days (over 110 hours) to the drafting of Class 1 Standards, and approx. 6 days (over 45 hours) to drafting the Class 2 Codes to ensure they are not inadvertently captured by unnecessary regulatory requirements that are not relevant to professionally produced, classified services.

The overlap also imposes an unequal regulatory burden on SVOD services compared to broadcaster video-on-demand (BVOD) services, who deliver the same content to Australians, generally without offering child profiles and pin codes to reduce access to higher-impact content, yet are not regulated by the Online Safety Act.

The Online Safety Act should be targeted towards the services with user-generated content (UGC), as such content creates unique online safety risks that do not exist for the professional content made available by ANZSA's members. The Classification Act applies to fully curated services only, in line with the definition suggested below.

KEY TO REDUCE OPERATIONAL BURDENS

ANZSA supports reforms to the classification system that improve efficiency and reduce regulatory duplication without weakening consumer protections or causing greater consumer confusion.

⁶ <https://www.motionpictures.org/press/meta-agrees-to-mpas-limits-on-pg-13-references-for-instagram-teen-accounts/>

Consumer understanding and protection is enhanced through simplification of the existing, well-understood system, not unnecessary expansion. Adding additional layers of parallel advisory signals or new visual signals risks undermining understanding and trust. Any new presentation tools should only be pursued as part of a broader simplification of the overall existing advisory system.

CONCLUSION

ANZSA appreciates the work that the Department is undertaking, and we are aligned on the goal of providing clear age-rating information and consumer advice to help viewers decide what they want to watch, or what is suitable for their children to watch.

We encourage the Government to move forward only with targeted reforms that help consolidate viewer confidence in the current system, which is already working well; rather than undertaking major structural and foundational changes without clear evidence of benefit. Public confidence in classification systems is built through a stable and consistent approach over time; frequent structural changes will erode trust in categories and classifications that are and have been relied on by families around the nation for decades.

ANZSA appreciates the opportunity to provide you with these comments. We remain ready to provide further information should this be of assistance.

Paul Muller
Chief Executive Officer

APPENDIX: SPECIFIC RESPONSES TO CONSULTATION QUESTIONS

Bucket 1: Changes to Age-Based Classification Ratings

C01: PG13 Rating

ANZSA does not support this proposal. ANZSA notes that the current classification system already has well-understood age-based ratings that indicate more mature themes. The introduction of a PG13 category would be a significant structural reform; this would impose significant costs for businesses, and changes for consumers that may be difficult to understand, and require expenditure on public education campaigns.

We submit that there is a lack of conclusive evidence that demonstrates the need for the introduction of an entirely new category of age ratings, or any significant benefit such an introduction would provide for Australians. In the absence of any such data, ANZSA is of the view that the introduction of a new PG13 rating should not be rushed but should be carefully considered in close consultation with the key industry stakeholders involved.

Such an introduction should also be strictly forward-looking, and retrospective re-rating of existing catalogues should not be obligated. This would be a major operational burden for businesses with little corresponding benefit for consumers.

C05: MA15+ to MA16+

ANZSA strongly opposes the replacement of the MA15+ rating with a MA16+ rating. This would create significant confusion among viewers, pose major implementation challenges for industry, and a replacement in this manner would risk eroding trust in the classification system that Australian viewers have relied on for decades.

The Social Research Centre report states that the change is required to reflect ‘the social benchmark’ of age 16. We have seen no evidence to suggest that such a benchmark exists. In fact, the age signal of 16 is not universally accepted across Government; we note that the Office of the Australian Information Commissioner is consulting on an exposure draft of the Children’s Online Privacy Code, which sets 15 as the age of a child below which (among other obligations) the child must assent to be the end-user of an online service; and parental consent must be given for the collection, use or disclosure of personal information of that child.

It is correct that the Online Safety Act does use 16 as an age threshold, but we submit that it is better to keep these systems operating entirely independently. The Online Safety Act should be targeted towards UGC services which provide unclassified content and present unique risks that do not exist for professionally-produced, curated and classified content. The Classification Act applies to fully curated services only. The two regimes serve vastly different regulatory purposes and a delineation between them is fully appropriate for the different approaches to content moderation that each

framework requires. ANZSA submits that the regulatory overlap between the two systems should be entirely removed, a conclusion now drawn in both the Stevens review of the Classifications Act and the Rickard review of the Online Safety Review.

If Government decides to pursue this change to the MA rating, we submit that the distributors should be given the flexibility as to whether this applies only proactively or also retroactively. It would be a major operational burden for business if catalogues with thousands of titles would need to be manually re-rated for what we submit is without any real evidence of benefits for viewers. For members with an automated tool this may be an easier process to manage.

ANZSA therefore recommends retaining the MA15+ rating and avoiding the introduction of a new MA16+ rating, which would also maintain a clear separation between the classification system and the Online Safety Act, which serve different purposes.

Bucket 2: Changes to Guidelines and Ratings Matrices

C02: Overhaul of classifiable element “Themes”

ANZSA broadly supports reforms that simplify the existing system. However, we note the Classification Board recently recommended and implemented new themes. ANZSA does not see the need to make further changes at this stage.

C03: Improved reliance on evidence over morality; C07: Clarify definitions; C08: Reconsideration of sexual content

ANZSA supports these proposed reforms in principle; however, we are not aware of any issues under the current policy settings resulting in distorted decisions due to morality or sexual identity. Theoretically, such reforms could improve consistency and predictability for businesses. However, this is only as long as decisions around classification reviews continue to be made in a balanced way, taking in both community concerns and evidence of actual harm.

Bucket 3: Changes to Ratings Processes

C09: Classification Advisory Council (CAC)

ANZSA is supportive of policies that further build research capabilities within the regulator which can help ensure that Australia’s classification scheme continues to reflect community attitudes and voices. However, ANZSA has not seen conclusive evidence that requires the establishment of a new Classification Advisory Council (CAC) when the role could be carried out by the regulator itself. ANZSA submits that the regulator itself could carry out research five years and review the need for changes based on the research. The current process already requires a Classifications Branch, a Classifications Board and a Classifications Review Board. We submit that adding further complexity is premature and not supported by any hard evidence.

Should Government proceed with the establishment of the CAC, ANZSA submits it should be purely a body that provides *advice to the Classification Branch*, without the power to direct the Classification Branch to make policy changes; it should operate on a standing basis and have a clearly defined remit and composition. The composition should ensure there is no ideological or religious bias to the CAC, and its decisions should be based on evidence and specific research, not opinions or preferences.

Government policy relies on classified services to deliver cultural outcomes. To enable those cultural outcomes to be realized, any consideration by government for the establishment of a CAC must also consider industry perspectives and keep to the overarching principle of reducing regulatory burdens and improving the ease of doing business. Specifically, the marginal benefits of changes should be weighed against the technological or practical capacity to implement them, and the frequency at which changes can be made should be kept to a minimum to reduce cost of recalibrating tools and retraining assessors.

If a decision to proceed with the establishment of a CAC is made, ANZSA encourages the Department to consult on the CAC's operating model before it is finalised. This consultation should specifically enable content distributors to comment on the potential associated operational burdens, which have the potential to be significant.

C10: Single-touch classification; C12: Self-classification as default; C14: Expand use of automated classification tools

ANZSA is supportive in principle, provided classification undertaken by any approved method and across all distribution channels is recognised. The use of existing approved tools should also continue and not be adversely affected by any policy change.

C11: Permit updates to classifications

ANZSA is supportive in principle of allowing updates of rating decisions. Historically, some titles are represented in the Classification database more than ten times, sometimes reflecting different versions and formats (variations to the original content with a director's cut or a red-band version, or with different special features). In such cases only the new content should be rated, and the original release should be the primary rating for the title. Industry should also be permitted to update ratings directly via approved APIs where appropriate. We would be supportive in principle of improvements to the Classification database, provided implementation does not impose additional burdens on content distributors.

Further, we support updates to classifications to ensure classifications reflect current guidelines and community standards. Currently, classifications published to the National Classification Database cannot be updated. This means that older content carries older, outdated classifications (for example, "surgical procedures" or "animal attacks"), which are not reflected in current guidelines. Permitting updates to classifications would allow organisations to re-classify such content in line with current

guidelines so that the classifications are up to date and consistent with today's community standards.

Bucket 4: Changes to Overall Classification Communications Approach

C13: Modernise the classification database; C15: Classification website-uniform matrix ; C16: Classification website – personalised preferences; C17: Classification website – unify listings

ANZSA is supportive in principle, provided implementation does not impose additional burdens on content distributors. Government funding will be required to successfully complete these reforms. We don't disagree that the current database is confusing and duplicative yet we doubt whether these changes would represent good value for money; the current system is well understood and results in very few complaints.

C18: Classification website – transparent decisions

ANZSA supports in principle increased transparency in situations where the Classifications Board overturns decisions – this clarifies disputed situations and can positively contribute to improve trust in, and understanding of, the Classifications process. This could be done in a short paragraph in easy-to-understand language which is published on the Classification website.

ANZSA does not support a transparency requirement for every title assessment made by industry. This would exacerbate the regulatory burden for industry and further exacerbate the regulatory imbalance between broadcasters and SVOD services.

C19: Classification website – addition of extra community information

ANZSA strongly opposes this recommendation. The Government requires curated services to use the official classifications system, and together, Government and these curated services have built public trust in the current system.

Promoting alternative ratings systems is certain to deliver different outcomes for some titles as compared to the official process. We submit that providing links to alternative rating systems would undermine public trust and confidence in the official classification ratings. As long as the official classification ratings are legally mandated to be used, Government should promote its own system as the authoritative and most-trusted source of classification information.

C20: Element icons

ANZSA does not support this change. This would cause a significant operational burden on industry and Government, and there is no conclusive data to support the efficacy of this change. On the contrary, the current phrases are well-understood and accepted. There is no evidence to suggest changes to iconography would lead to improved consumer understanding. It would be expensive for Government given that a consumer

education campaign would be required to explain the meaning of these new icons. It would be expensive for industry as it would need to implement these changes, which is likely to be burdensome and costly.

Should Government decide to proceed with this recommendation, ANZSA submits that a significant reduction in the number of advisories and the removal of modifiers would be required. Absent such simplification, many icons would need to be created which increases complexity and thus the risk of confusion from viewers. This is consistent with countries such as South Korea and the Netherlands which use just seven icons – which simplifies viewer education and thus aids viewer understanding.

C21: Quick links to classification listings

ANZSA does not support this recommendation due to the operational burdens this would pose for businesses, and the lack of evidence that such reforms are required. ANZSA's members already provide context about a title through the rating, content advisories, a synopsis, content tagging and trailers. Any future changes would also require significant and material Government-funded improvements to the classification website.

C22: Generational education campaign

ANZSA does not support this recommendation. The data shows extremely low complaint volumes which indicate strong public understanding and trust in the existing system. ANZSA submits that the spending of public funds for such a campaign does not represent good value.