

Review of Australian Classification Regulation

1.

Broadly speaking, most classifications are appropriate for the Australian community, and after many decades of operation are well understood by Australians in my opinion. There are two concerns that I would like to raise. Firstly, many other countries have a 12+ classification. In my view, the M classification should be altered to M12+, with persons under 12 years to be accompanied by a parent or guardian, similar to how MA15+ operates. This is because I believe some M rated films should be more closely scrutinised by parents with very young children. As it stands now, a person of any age can view M rated material when some of that material may be too intense for very young children. Secondly, I am strongly opposed to the prohibition of X18+ material in all States. This should be removed, as adults should be free to view this material at their discretion without government interference. Adults should be free to purchase adult material in adult stores, similar to how it operates in the United Kingdom and similar countries to our own.

2a.

From my observation of 'themes' in the guidelines, they do broadly reflect the classification to which they are assigned. I do believe, however, that the advice of 'adult themes' should be dropped and replaced with a more descriptive explanation, similar to how this operates in the USA. The description of 'adult themes' can be meaningless to many people seeking further guidance to a film's content.

2b.

I believe that the current guidelines accurately reflect community standards with respect to 'violence', and I do not believe they need to be changed. At 18+ level, violence should not be censored or refused in my opinion, especially in the computer games category.

2c.

I also believe that the theme of 'sex' in the guidelines are mostly reflective of community standards. In the R18+ category, I believe that depictions of actual sexual activity within context is acceptable to adults provided they are advised as to its presence in the material. At 18+ level, adults should not be refused access to explicit material if they desire it. I do not believe that governments should restrict or interfere with what adults want to watch at 18+ level.

2d.

Broadly speaking, the guidelines reflect current community standards in relation to 'language'. However, there is one concern I would like to highlight. In almost every instance, the use of one 'c' word elevates a film to MA15+ level. This is restrictive and absurd. Context should always be considered. There are many films that are MA15+ with one solitary use of the 'c' word that should have been accommodated in the M classification instead.

2e.

In my opinion, 'drug' themes are well accommodated and classified in the guidelines and do not need to be altered.

2f.

In terms of 'nudity' in the guidelines, they are broadly reflected in the guidelines. Full frontal nudity should be classified at M level and above if in a sexual context.

3a.

Most of the guidelines are working well, but as noted above, I am suggesting that M be changed to M12+, and that all X18+ material be permissible in all States at adult stores.

3b.

Aside from these suggestions, I believe the Code operates well overall. It must be administered independently, and free from any government interference.

4.

I believe that material likely to be streamed to a family home should be classified, as should films at cinemas. I do believe that a move to industry classifying their own material lower than 15+ is warranted, considering how well this has operated with Netflix, and indeed with television for many decades. I believe I could trust that these industry bodies to do the right thing, with occasional oversight. Adult magazine self rating is suitable and likely to be acceptable to the Australian community in my opinion. I also accept the recommendation of computer games being subject to self regulation for material likely to be M or less.

5.

I am strongly in favour of a harmonisation of all classification ratings across all delivery formats. This is because it would reduce the degree of confusion, especially with television classification. A rating of

R18+ should be permitted on television at certain late hours, but with some modifications to the more extreme material that is permitted in films or home entertainment. All modern televisions have parental lock and control functions that can be used to protect viewers from 15+ and 18+ material if they so wish. There was previously an AO (adults only) rating on television prior to 1994. This should again be allowed but using the R18+ rating instead. To prohibit such a rating for TV broadcasts is absurd and confusing to the Australian consumer.

6.

As noted earlier, I am supportive of a move to industry self classification, as there have been recent and past examples of this working effectively with Netflix, Foxtel and terrestrial television broadcasts. Guidelines must occasionally be reviewed and approved by the relevant government department in consultation with the Australian community. As noted, in my opinion all ratings must be harmonised across accessible formats to reduce confusion among Australian consumers.

7.

I believe that an independent body, free from government interference, should always review a classification decision. In a modern digital environment, I do not see why Review Board members need to be flown to Sydney for a classification review. This is inefficient and costly. Material can be considered remotely in digital formats, and classification review meetings could be conducted via Skype or similar communication programs. I fail to see why this process can't be implemented to keep industry costs down.

8.

The current cooperative scheme between states and territories can occasionally result in a lack of cooperation due to political reasons. An example of this was the resistance of the South Australian attorney-general to the introduction of an R18+ rating for games. This was unacceptable to the Australian community. In my view, if the cooperative agreement is to continue, then changes should be by *majority* decision and not *unanimous* decision. At all times, classification must reflect community standards, not government-of-the-day standards. A move to a Commonwealth only scheme would reduce this likelihood at state level. However, I am concerned that it might prohibit X18+ material, which I am opposed to. Such material should be accessible to adults with appropriate restriction.

9.

Any move to industry regulation requires government oversight. Trained classifiers could be mandated to be present within these industries by government if they seek to self classify. I also cannot see why classification board members need to be located in Sydney when much online material can be classified remotely. Finally, I believe the guidelines should be reviewed more frequently, at least once every ten years.

