

A N N U A L R E P O R T

# 2000-2001

*CLASSIFICATION BOARD  
& CLASSIFICATION  
REVIEW BOARD*



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LETTER OF TRANSMITTAL



*The Hon. Daryl Williams AM QC MP  
Commonwealth Attorney-General*



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The Hon Daryl Williams AM QC MP  
Attorney-General  
Parliament House  
CANBERRA ACT 2600

Dear Attorney-General

I am pleased to forward this report on the management and administrative affairs of the Classification Board and financial statements for both the Classification Board and the Classification Review Board for the year ended 30 June 2001.

This report has been prepared in accordance with section 67 of the *Classification (Publications, Films and Computer Games) Act 1995*.

A handwritten signature in black ink, appearing to read "Des Clark".

Des Clark  
Director  
28 September 2001

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## INTRODUCTION TO THE REPORT

This report is presented in accordance with the Department of Prime Minister and Cabinet's reporting guidelines for departmental annual reports and includes the reports of the Classification Board (the Board) and the Classification Review Board (the Review Board) as well as the financial statements for each.

The Office of Film and Literature Classification (OFLC) provides administrative support to both boards. This report refers to the OFLC's outcomes and outputs structure and also its five corporate objectives, which are:

- One** to assist adults to make informed decisions about publications, films and computer games which they and those in their care may read, view or play, by providing classification advice which is consistent with community standards;
- Two** to enable the publishing, film and computer games industries to produce and market their products in accordance with public classification standards and pre-set conditions of sale and exhibition;
- Three** to establish the OFLC as a principal source of expert advice and information on classification issues for Government;
- Four** to ensure the optimum operation of the OFLC by pursuing continual improvement in the management of its resources; and
- Five** to develop the commitment and professionalism of staff to enhance the effectiveness of the OFLC.

The OFLC's activities in 2000-2001 are discussed in relation to these corporate objectives in the relevant chapters of this report. Financial statements for the OFLC are in Appendix Eight.

Information about the OFLC can also be found on its website [www.oflc.gov.au](http://www.oflc.gov.au). Guidelines on the classification of films, publications and computer games, the classification database and recent media releases are available through the site.

DIRECTOR'S OVERVIEW

The reporting year has been one of significant achievements, consolidation of the role of the OFLC and preparation for even more significant change in the next few years.

Change will be both imposed on the OFLC by the external environment particularly through the development of new forms of entertainment media, and initiated by the OFLC to meet the challenges of these developments.

Above all, it is important that, in a period of continual change, the OFLC continues to provide relevant, well-targeted classification services for our clients and assists the Australian community to make informed choices about entertainment media.

In last year's annual report I set a number of goals in addition to the formal reporting objectives. These goals included:

- to be responsible for an organisation which is open and accountable;
- to ensure that our classification decisions are clear, timely and able to be readily understood by the Australian community so that members of the community can make informed entertainment choices for themselves and those in their care; and
- to provide to our industry clients a consistent, reliable and cost-effective service.

I am able to report that considerable progress has been made towards the achievement of these goals. We have

demonstrated our willingness to comment on and explain our approach to controversial or high profile issues. We have significantly improved our response times for applications for classification; and we have engaged actively and constructively with our industry clients to provide them with a better service and keep them informed about industry developments.

We will seek to continue to improve on these goals in 2001-2002.

Specific activities contributing to our outcomes in the reporting year included:

- introduction of a Customer Service Charter in September 2000 setting out the OFLC's commitment to providing a high level of service to our clients and to the Australian community;
- launch of the Report of the Community Assessment Panels on 6 October 2000 in Adelaide. The report provided strong evidence that the decisions of the Board have a high level of consistency with general community standards;
- major work towards a new Corporate Plan to provide a strategic direction for the next few years;
- further progress towards the implementation of the new organisational structure including:
  - establishment of the Marketing and Development section with the appointment of the manager in January 2001; and

- creation of the position of Standards Officer to support the Classification Board;
- calling for tenders for a new website and substantial progress towards the development of the website to provide better and more comprehensive information about the classification system to the general public;
- upgrade of the Information Technology (IT) support system including replacement of all desktop computers;
- implementation of the Performance Development and Review scheme following training of staff in performance management arrangements; and
- certification of a new Agency Agreement in May 2001.

### **Impact of New Technology**

The impact of new technology on the classification of films and computer games continued to be felt throughout the year. New forms of media, particularly with interactive content, pointed to the need for change to the classification guidelines and raised issues for the Board and industry alike. The issue is demonstrated by the variety and amount of content now found on digital video discs (DVDs) and the need under the current guidelines to classify a DVD as either a film or a computer game.

### **Guidelines Review**

On 16 November 2000, the Commonwealth, State and Territory Ministers responsible for censorship (Censorship Ministers) agreed that the proposed reviews of the Guidelines for



*Director Des Clark, Senior Classifier Paul Hunt and Marketing and Development Manager Tricia Flanagan discuss the Corporate Plan.*



the Classification of Computer Games and the Guidelines for the Classification of Films be conducted together to take into account issues arising from the convergence of entertainment media into new forms of digital recording. The OFLC demonstrated to Censorship Ministers some of the issues confronting both the Board and the industry in dealing with products such as DVDs which can contain films, computer games and other additional information. Such issues can arise when films and computer games are classified according to different guidelines.

During the reporting year substantial progress was made in drafting a discussion paper for the public consultation phase of the review. The paper includes draft combined guidelines for films and computer games to stimulate debate, as well as the current separate guidelines and other supporting material. It had been circulated to all jurisdictions for clearance by the end of the reporting year.

### Other Reviews

Progress was also made on the Review of Advertising Provisions in classification legislation. Twelve submissions were received and are being analysed and options prepared for consideration in the next reporting period.

Censorship Ministers also decided in March 2001 that the Australian Record Industry Association (ARIA) Code of Practice for Labelling Product with Explicit and Potentially Offensive Lyrics

should be reviewed by the OFLC. The review will be overseen by a Reference Group of Commonwealth, State and Territory officers. Work on the review is underway.

### Legislative Change

During the year the *Classification (Publications, Films and Computer Games) Act 1995* (the Classification Act) was amended twice, once in August 2000 and again in March 2001. The Amendment Acts included technical and procedural changes reflecting several years' practical experience of the operation of the national classification scheme. When the *Classification (Publications, Films and Computer Games) Act Amendment Act (No 1) 2001* (the Amendment Act 2001) comes into effect on 22 March 2002, it will include streamlined features such as provision for the serial classification of some publications and wider exemption from classification requirements for films and computer games which might otherwise be classified G or PG.

Amendments were also made on 18 September 2000 to the X18+ guidelines for sexually explicit videotapes in the Film Classification Guidelines.

### Classification Decisions

The most controversial decision this year was the decision by the Board to classify the film *Hannibal* MA15+, 'High Level Violence'. On review, the Review Board decided to classify *Hannibal* as R18+, 'High Impact Violence'. The decisions

attracted both positive and negative comments from the community.

The Board also gave careful consideration to the impact of the new X18+ guidelines for the classification of sexually explicit videotapes. The adult industry sought review of eleven Board decisions to refuse classification under the new guidelines. The Review Board heard representations from the adult industry and overturned six of the refused classification (RC) decisions. The impact of the new guidelines will be better understood with experience by both industry and the Board.

### **Community Liaison Officers**

The Community Liaison Officers (CLOs) continued to provide a valued service to the States and Territories. During the year Censorship Ministers approved the expansion of the CLO Scheme to three officers and confirmed its primary role was to provide education and information about the operation of the national classification scheme to the entertainment industry and community, as well as identifying breaches of State

and Territory classification enforcement legislation.

### **Conclusion**

Many of the changes which have taken place this reporting year are the precursors of further and probably more extensive change ahead. New technology will continue to place pressure on the classification system especially its ability to continue to provide the Australian community with the information it requires about publications, films and computer games.

The office recognises the emerging challenges facing the classification scheme and looks forward to continuing to provide the Australian community with timely and accurate classification advice.

**Des Clark**  
**Director**

CORPORATE OVERVIEW

The Classification Act, which commenced on 1 January 1996, established the Board as a full-time statutory body within the Attorney-General's portfolio. The OFLC provides administrative support to the Board and is headed by the statutory office of Director.

The Director is required to report to the Attorney-General on the management of the administrative affairs of the Board in accordance with section 67 of the Classification Act.

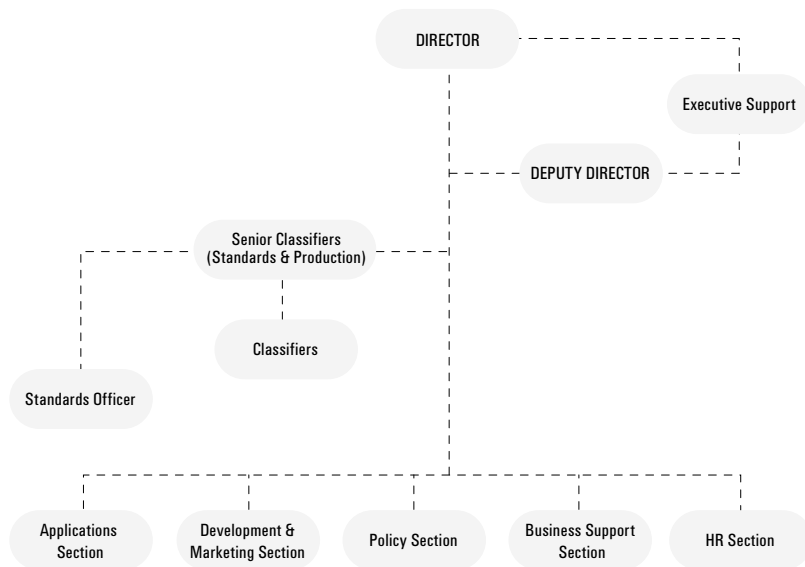
Section 52 of the Classification Act provides that the Director is responsible for ensuring that the business of the Board is conducted in an orderly and efficient way. Subsection 54(2) of the Classification Act states that:

For the purpose of the *Public Service Act 1999*:

- (a) the Director and the APS employees assisting the Director together constitute a Statutory Agency; and
- (b) the Director is the Head of that Statutory Agency.

The Chief Executive of the OFLC for the purposes of the *Financial Management and Accountability Act 1997* (the FMA Act), as specified in items 118, 119 and 135 of the schedule to Regulation 5 of the regulations made under the FMA Act, is the Director. Accordingly, the Director is required to prepare financial statements in accordance with section 48 of the FMA Act.

## ORGANISATION CHART



The OFLC is structured along functional lines. Board members are responsible for the classification of publications, films (including videos and DVDs) and computer games. Classification management responsibilities of the Senior Classifiers cover standards and production. The OFLC includes discrete areas responsible for policy and related activities, applications processing and client liaison, service development and marketing as well as a business support section which provides administrative, financial and IT support to the OFLC and a small Human Resources (HR) section.

## **CORPORATE MANAGEMENT TEAM**

The Corporate Management Team sets strategic direction, oversees organisational performance and considers and provides advice to the Director on matters of corporate and governmental significance. The team comprises Senior Classification Board members and the managers of each section within the OFLC. Members are:

Mr Des Clark, *Director*

Mr Simon Webb, *Deputy Director*

Ms Heather Cole, *Manager, Applications*

Ms Patricia Flanagan, *Manager,  
Development and Marketing*

Mr Paul Hunt, *Senior Classifier  
(Production) Classification Board*

Ms Cynthia Kaye, *Manager, Policy*

Mr Manus McFadyen, *Manager, Human  
Resource Management*

Mr Paul Tenison, *Manager,  
Business Support*

Ms Paulyne Williams, *Senior Classifier  
(Standards) Classification Board*

CLASSIFICATION BOARD PROFILES



**DES CLARK**

*Director*

**APPOINTED** 17 April 2000

**APPOINTMENT EXPIRES** 16 April 2004

Des Clark, 56, was appointed as the Director of the Board and the OFLC on 17 April 2000.

Prior to his appointment Des was working as an independent consultant in strategic communications. He was also Deputy Chairman of the Australian Film Commission and Chairman of the Melbourne International Film Festival. Under his chairmanship the Festival more than doubled its audience and delivered a budget surplus.

Des has extensive experience of community development and consultation having served three terms as a Councillor at the City of Melbourne from 1986 to 1993 and a term as Lord Mayor in 1992-1993. During that time he played a leadership role in the restructure of the organisation and strategic planning for cultural development and inner city living.

He worked on the restructure of local government in Victoria, at the City of Port Phillip and in two other municipalities, where his management experience and community-based skills were successfully utilised. Prior to working in local government, Des worked as a teacher and educational administrator. His professional training is in the visual arts.

He grew up in rural Victoria and has lived most of his adult life in Melbourne. He has travelled extensively. Des has been a member of many community organisations and boards. His interests are cinema, opera, ballet, tennis and racing. He is married to the artist Irene Clark.



**SIMON WEBB***Deputy Director***APPOINTED** 11 October 1999**APPOINTMENT EXPIRES** 31 December 2001

Simon Webb, 43, is the Deputy Director of the Classification Board and the OFLC. He has previously managed the OFLC policy function. He has had wide experience of community life and a successful career in management.

Simon has a professional expertise in facilitating community involvement in policy-making, planning and development. He has managed a number of private and community businesses and has a strong interest in community development, education and the arts. He was previously General Manager of the Arts Council (Australian Capital Territory). Simon has worked in hospitals, new suburban developments, special schools and a variety of community facilities with young people, migrants and people disadvantaged by age, gender, poverty and lack of skills.

Simon has a farming background. He has managed exploration camps in remote parts of Australia and has worked in the construction and tourism sectors and with community groups in Western Australia, New South Wales and the Australian Capital Territory. He has been an actor and producer of children's theatre, and worked with children and their families in urban, rural and remote communities in Western Australia. Widely travelled and with a broad life experience, Simon is the father of two children who brings a range of practical and creative management skills to the Board.



## FULL-TIME MEMBERS

### **PAUL HUNT**

*Senior Classifier*

**APPOINTED** 1 June 2000

**APPOINTMENT EXPIRES** 31 May 2003

Paul Hunt, 34, originally from Tasmania, has had a varied career, including working as a building contractor and an environmental health consultant. He has held positions within local and state government, mainly in the environmental health and development services fields. In these positions he has gained experience in community consultation, as well as considerable experience in balancing community expectations of statutory bodies with the needs of clients.

Immediately prior to joining the Board, Paul spent two years in a management position with the Halls Creek Shire in the Kimberley region of Western Australia. Paul's experience in remote Australia has given him an understanding of sensitive social justice and health issues relevant to rural and remote communities. Paul has an ability to interact with a very wide cross-section of people, and brings to the Board an understanding of issues of primary concern to the community. Paul is married with two children.



### **PAULYNE WILLIAMS**

*Senior Classifier*

**APPOINTED** 19 March 1997

**APPOINTMENT EXPIRES** 31 May 2003

Paulyne Williams, 54, comes from a large country family and has three adult daughters. She has a Bachelor of Arts (majoring in History) from the University of Sydney, and is a Barrister at Law. She worked as a duty solicitor for the NSW Legal Aid Commission in the early 1980s and represented people of all persuasions in the local and higher courts. Her work also involved appearing for prisoners and psychiatric detainees. She worked briefly as assistant to a senior partner in a major family law firm before going into general practice at the Bar. Her interests include music, film, reading, travel and news and current affairs. Paulyne has travelled extensively with her husband in recent years and has come into contact with many people of diverse cultural backgrounds. She has always enjoyed mixing with people and listening to their views. Paulyne was appointed as an acting Senior Classifier on 22 October 1998 and was formally appointed to the position on 2 June 2000.



**SHARON TROTTER**

*Acting Senior Classifier*

**COMMENCED** 3 February 2000

**RESIGNED** 4 October 2000

Sharon Trotter, a Senior Classification Officer with the New Zealand OFLC, was the first participant in an exchange scheme with the Australian OFLC. Sharon commenced her term with the Australian OFLC on 3 February 2000 and resigned on 4 October 2000 to assume a position with the Australian Broadcasting Authority (ABA). She has worked as an information and communications officer with the Ministry of Cultural Affairs (NZ) and as an archivist at the New Zealand Film Archive.



**WENDY BANFIELD**

*Board Member*

**APPOINTED** 11 October 1999

**APPOINTMENT EXPIRES** 10 October 2002

Wendy Banfield, 38, is the mother of two preschool-aged children and had been living in Queensland for a number of years before moving to Sydney to take up her appointment. She was raised in South Australia and has worked as a secretary and law clerk in Australia and during working holidays in the United Kingdom. Wendy has studied in South Australia and Queensland obtaining a Bachelor of Arts (Psychology) and a Bachelor of Laws, becoming the first member of her immediate family to undertake tertiary study. She has been involved in her local community in Queensland through playgroups, children's gym and other sporting activities. While caring for her children, Wendy continued employment on a casual basis as a high school tutor and in a variety of clerical positions. She is interested in current affairs and social justice issues, particularly the welfare of children.



**YIAH CHAN**

*Board Member*

**APPOINTED** 11 October 1999

**APPOINTMENT EXPIRES** 10 October 2002

Born in Hong Kong, Yiah Chan, 32, has lived in Canberra, London and Brisbane and is studying towards a Bachelor of Laws Degree at the Australian National University. Yiah has travelled extensively in North America, Asia, Europe and the Pacific and speaks fluent Cantonese. She has been awarded degrees from universities in Australia and overseas including a Master of Science in Criminal Justice Policy from the London School of Economics. Yiah has interacted with high school students and a wide variety of organisations and community groups as a result of her professional involvement in several major social science research projects on crime and the criminal justice system such as juvenile delinquency, watchhouse overcrowding and the fear of crime. Yiah's interests include film, literature, collecting film posters, tennis and the Internet.



**DAVID GRIFFITHS**

*Board Member*

**APPOINTED** 11 October 1999

**APPOINTMENT EXPIRES** 10 October 2002

Before being appointed to the Board, David Griffiths, 53, was a senior psychiatric nursing administrator. He also has extensive clinical nursing experience in urban and rural communities with acute adult psychiatric patients and the elderly in need of psychiatric care. He has been involved with school and community groups such as Lions, Rotary and Young Farmers providing information on mental health management and accessing service providers. Other work experience varies from managing his own travel agency to park ranger, cable maker and furniture removalist.

David has five children and four grandchildren, has been active in the past in cricket and football and currently enjoys sailing. On 25 June 2001 David commenced three months unpaid leave from the Board to act in the position of Senior Community Liaison Officer.



**JILLIAN OLARENSHAW**

*Board Member*

**APPOINTED** 30 June 1998

**RESIGNED** 27 April 2001

Jillian Olarenshaw, 35, a mother of two young children, brought to the Board an excellent understanding of the needs and developmental stages of children, and how they absorb information from media sources and draw meaning from those messages. She had taken an active role in preschool councils including fund raising and instigating and establishing groups in new areas, and been responsible for treasury duties and the provision of general support for the daily functioning of such centres. Prior to this Jillian worked in the video industry for approximately eight years in the states of Victoria and Tasmania. She has a wealth of industry experience and an understanding of consumer concerns. Jillian has also owned and operated her own business for many years. During this time she consulted and liaised effectively with other small businesses, finding niche markets for products and successfully achieving proposed sales targets. She believes life is about a diversity of experiences as is evidenced by the range of successfully completed courses in such areas as communication, writing, fitness, directing, acting and creative thinking, all of which have assisted in her professional development. Good judgement, sensitivity, common sense and the ability to make objective decisions are some of the many skills that Jillian brought to the Board.



**KATHRYN REIDY**

*Board Member*

**APPOINTED** 11 October 1999

**APPOINTMENT EXPIRES** 10 October 2002

Kathryn Reidy, 39, lived on a rural property in Howard Springs on the outskirts of Darwin in the Northern Territory, and is the mother of an infant daughter. Kathryn is well travelled and has wide experience living among people with varied backgrounds in different communities, including a country town in South Australia, a remote Aboriginal community in the Northern Territory, and the cities of Adelaide, Sydney and London. She has extensive experience working with children, and their parents, as a master teacher and teacher/librarian. Kathryn also has a special interest in children's literature, and was a member of a community writing group. She is a member of the Children's Book Council and, while living in the Northern Territory, acted as a judge for this organisation for the Young Territory Writers' Program. On 18 September 2000 Kathryn commenced a twelve-month period of leave without pay from the Board to act as Classification Trainer.



**ROBERT SANDERSON**

*Board Member*

**APPOINTED** 11 October 1999

**APPOINTMENT EXPIRES** 10 October 2002

Robert Sanderson, 27, is from Sutton, in regional New South Wales. Robert is a qualified accountant but has worked as a shop assistant for Target Australia while studying to obtain degrees in commerce and economics. He is a keen player of computer games and has been involved in a wide variety of social sports, including as a martial arts instructor and soccer referee. These activities and interests have provided him with many opportunities to interact with young children, teenagers and their parents, and gain an appreciation of their differing attitudes and needs. Robert was on a working holiday in Europe immediately prior to his appointment.



**LYNN TOWNSEND**

*Board Member*

**APPOINTED** 11 October 1999

**APPOINTMENT EXPIRES** 10 October 2002

Lynn Townsend, 57, lived in Hobart, Tasmania and is the mother of four adult children. Lynn has an extensive background as a consultant and researcher dealing with women's issues and providing education and professional training to social workers, youth workers and women's service workers. She has also authored a number of reports on complex and difficult social issues such as child abuse, sexual assault and domestic violence, and has been involved in extensive community consultation and education throughout her career.

**RACHEL WILLIAMS***Board Member***APPOINTED** 11 October 1999**APPOINTMENT EXPIRES** 10 October 2002

Rachel Williams, 33, comes from Ipswich in Queensland and has travelled extensively throughout rural Australia. She is undertaking a Master of Arts Degree in English Literature at the University of Queensland, researching the travel journals of the young Florence Nightingale in Egypt. Rachel has a varied working background, most recently assisting to coordinate an equity program for young tertiary students. She has also worked in the regional arts industry and has been involved extensively in community and cultural activities in a voluntary capacity - mostly with young people and children. Rachel has been involved with the University of Queensland's Musical Society, and is a keen supporter of Bicycle Queensland. As a student of literature and feminism, Rachel has always been interested in the history and consequences of censorship, and brings with her a delight in people and a commitment to social justice.



## PART-TIME MEMBERS

### **MARGARET CLANCY**

*Part-time Board Member*

**APPOINTED** 11 October 1999

**APPOINTMENT EXPIRES** 10 October 2002

Margaret Clancy, 51, lives with her spouse in Sydney and was a temporary member of the Board. Margaret has a long and varied working background, including as a teacher of primary school and high school students and in adult literacy for migrant groups, as a journalist and translator, as a script writer for film, television, theatre and radio and as an actor in Australia and overseas. Margaret's community activities have included doorknocking for the Salvation Army on Red Shield days and involvement in establishing and running a Neighbourhood Watch Program.

### **BRONWYN HEALY**

*Part-time Board Member*

**APPOINTED** 11 October 1999

**APPOINTMENT EXPIRES** 10 October 2002

Bronwyn Healy, 44, lives in the western suburbs of Sydney and is the mother of two primary school children. Bronwyn has had extensive involvement in community affairs, both through her work as a health and welfare professional, and as a parent. She has worked with a diverse range of community groups including women and children, people from non-English speaking backgrounds, people with low socioeconomic status, people with disabilities, and the elderly. Bronwyn's community projects and activities have included the Ryde Safe Communities Project, the Ryde Healthy Lifestyle Program, Health Issues for Women Over Sixty, and Keeping Our Kids Safe. She has also been a member of the Management Committee of the Apple Cottage Child Care Centre, a member of the Ryde Hospital and Community Health Services Management Committee, Secretary of the Parent and Teachers Committee at her child's school, and an active participant in various sporting clubs.





**GRAHAM SHIRLEY**

*Part-time Board Member*

**APPOINTED** 11 October 1999

**APPOINTMENT EXPIRES** 10 October 2002

Graham Shirley, 51, is a documentary film-maker, researcher and film historian specialising in Australian cinema. He is co-author of the book, *Australian Cinema: The First 80 Years*, and for three decades has conducted oral histories with numerous veterans of the Australian film and broadcasting industries. Graham was a student in the first intake of the Australian Film, Television and Radio School, and has since made documentaries on subjects as diverse as Australian sport and film history, the history of State aid to education, and special operations during World War II. His research on these and other people's documentaries has brought him into contact with a wide variety of Australians. Graham is the father of three children and has also been a temporary member of the Board.



**KATHRYN SMITH**

*Part-time Board Member*

**APPOINTED** 11 October 1999

**RESIGNED** 5 December 2000

Kathryn Smith, 45, a Sydney mother of three, has lived in Tasmania for most of her life. She has had wide community contact, having incorporated being a mother with part-time work as a social worker, TAFE teacher, and Employee Assistance Counsellor. She has also been involved in volunteer and community activities, including Lifelink, and as a committee member of the Launceston Family Day Care, Launceston Creche Inc, and Launceston Community Centre. Kathryn is currently studying part-time in a postgraduate Diploma of Counselling. Having resigned from the Board on 5 December 2000, Kathryn was appointed as a member of the Review Board for a three-year term commencing on 18 June 2001.

LEGISLATIVE BASE

The national classification scheme is a cooperative scheme between the Commonwealth, States and Territories. The scheme commenced on 1 January 1996. Under the scheme, the Commonwealth is responsible for the classification of films (including videos and DVDs), computer games and certain publications, while the States and Territories are responsible for enforcement.

### **COMMONWEALTH CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) ACT 1995**

The Classification Act forms part of the Commonwealth's contribution to the national classification scheme. The Classification Act establishes the Board and sets out the procedures the Board follows when making classification decisions. The Board replaced the previous Film Censorship Board. The Classification Act also establishes the Review Board which, on application, reviews classification decisions made by the Board.

The Classification Act provides that appointments to the Board and the Review Board are to be made having regard to ensuring their membership is broadly representative of the Australian community.

### **NATIONAL CLASSIFICATION CODE AND CLASSIFICATION GUIDELINES**

When making classification decisions, the Board and the Review Board must apply the National Classification Code (the Code), a schedule to the Classification Act, and the relevant classification guidelines. The Code and classification guidelines are approved by Censorship Ministers.

The Code names and broadly describes the classification categories, including those that are advisory and those that are legally restricted, as well as material that is to be refused classification.

The classification guidelines describe in more detail the nature of the different classification categories, and the scope and limits of material suitable for each category. Separate classification guidelines exist for publications, films and computer games.

Each set of classification guidelines is regularly reviewed to ensure it is in line with community standards. The Guidelines for the Classification of Publications were reviewed in 1999. In the reporting period, the OFLC commenced preparations for a combined review of the Guidelines for the Classification of Films and Videotapes and the Guidelines for the Classification of Computer Games. The combined review will be conducted during the next reporting period.

The Board and the Review Board are also obliged to take into account in their

decision-making the matters set out in section 11 of the Classification Act. Such matters include standards of morality, decency and propriety generally accepted by reasonable adults, artistic merit, the general character of the work and its likely audience.

## **STATES AND TERRITORIES**

Each State and Territory has enacted legislation complementing the Classification Act. The legislation prescribes penalties for not having material classified and enforces classification decisions in that particular jurisdiction.

Some jurisdictions have reserved censorship powers. Western Australia and Tasmania operate their own publications classification schemes. Western Australia, South Australia, Tasmania and the Northern Territory have reserved the power to review decisions made under the Classification Act. Queensland has retained the power to classify publications and computer games (as defined in the Queensland classification legislation) under its legislation if no decision exists under the Classification Act.

## **LEGISLATIVE CHANGES IN THE REPORTING PERIOD**

*Classification (Publications, Films and Computer Games) Amendment Act (No 1) 2000*

The *Classification (Publications, Films and Video Games) Amendment Act (No 1) 2000* received Royal Assent and came into effect on 4 September 2000. The amendments provide that classification decisions must be made within 20 days. They also provide the Director of the OFLC with broader discretion to waive fees, subject to the Classification (Waiver of Fees) Principles 2000. The Principles came into effect on 22 September 2000.

## **Changes Affecting X18+ Rated Films**

Censorship Ministers amended the Code and the Guidelines for the Classification of Films and Videotapes in the reporting period to further limit the range of permissible content in the X18+ classification for films for sale/hire. The amendments came into effect on 18 September 2000.

The amendments expand the range of prohibitions on sexually explicit videos to prohibit, amongst other things, violence, sexual violence, certain fetishes, the portrayal of persons over the age of 18 as minors and sexually assaultive language.

A new Determination of Markings for Films took effect on 6 March 2001. The determination includes a requirement for a child health warning label for X18+ films. The warning states: 'Children may be disturbed by exposure to this film. It is a crime to allow this film to be seen by a person under 18 years'. The new markings apply to all films classified on or after 6 March 2001.

***Classification (Publications, Films and Computer Games) Amendment Act (No 1) 2001***

The Amendment Act 2001 received Royal Assent on 22 March 2001 and will come into effect on 22 March 2002 or on proclamation if States and Territories pass complementary legislation before this date.

The amendments will make a number of procedural and technical changes to the Classification Act to streamline the classification process, including:

- a) clarifying the term 'person aggrieved' for the purpose of applying for review of a restricted classification decision;
- b) expanding the range of films that are exempt from classification to include certain current affairs, hobbyist, sporting, family, live performance, musical presentation and religious films (where the material is suitable for children at the G or PG level);
- c) empowering the Director to waive all or part of the fees payable under the Classification Act for special interest material having a limited distribution that is a short film from a new or emerging film-maker in certain circumstances; and
- d) providing for serial classification of certain publications.

OUTCOMES AND OUTPUTS

Under the Government's accrual budgeting initiative, the OFLC is responsible for the delivery of the following outcome:

*Australians make informed decisions about films, publications and computer games which they, or those in their care, may view, read or play.*

This outcome is supported by two outputs:

*Output 1.1 Operation of the national classification scheme.*

*Output 1.2 Provision of services ancillary to the operation of the national classification scheme including research, the Community Liaison Officer scheme, policy development and ministerial support.*

## **OUTCOMES AND OUTPUTS PERFORMANCE**

The capacity of Australians to make informed decisions about the films, publications and computer games which they, or those in their care, may view, read or play is enhanced by the operation of the national classification scheme and provision of ancillary services.

A summary of performance under each output appears below, and more detail can be found in the following five chapters. Performance in relation to OFLC's output performance indicators can be found in Appendix Four.

### **Output 1.1 – Operation of the National Classification Scheme**

Nearly 6000 entertainment media products were classified in 2000-2001. The target product turnaround time of 20 business days or less was met in almost 99 per cent of cases. Client satisfaction is measured in part by complaints about turnaround, and the OFLC received only three written complaints in this regard during 2000-2001.

Service improvement initiatives implemented included a significant upgrading of the office's IT infrastructure, involving the replacement of all desktop computers and associated software, the replacement of obsolete video viewing equipment and the acquisition of additional DVD viewing facilities. As well, the OFLC's Customer Service Charter was launched by the Attorney-General on 8 September 2000. These changes, among others, are expected to result in improved efficiency and client service in 2001-2002.

The launch of Keys Young's final report on Community Assessment Panel scheme (CAPs) by the Commonwealth and South Australian Attorneys-General on 6 October 2000 confirmed that OFLC classification decisions have a high level of consistency with general community standards.

**Output 1.2 – Provision of Ancillary Services**

With respect to the provision of services ancillary to the operation of the national classification scheme, including policy advice and ministerial support, a total of 284 briefs, submissions, papers and items of ministerial correspondence was prepared. Three meetings of Censorship Ministers, and three meetings of censorship officials, were conducted satisfactorily during the year.

The CLO scheme, now in its fifth year of operation, continued to operate to the satisfaction of Censorship Ministers and officials participating in the national classification scheme. A total of 940 site visits resulted in 2086 identified breaches being drawn to the attention of proprietors, distributors and exhibitors for corrective action.



OUTPUT 1.1 - OPERATION OF THE  
NATIONAL CLASSIFICATION SCHEME



**OBJECTIVE ONE**

To assist adults to make informed decisions about publications, films and computer games, which they and those in their care may read, view or play, by providing classification advice which is consistent with community standards.

## KEY OUTCOMES

- A total of 1874 publications, 382 films for public exhibition, 3113 films for sale/hire, 588 computer games and 133 items of Internet content applications for classification were finalised.
- 525 complaints were received by the OFLC (205 of these were part of a postcard campaign).
- The final report on the CAPs prepared by consultants Keys Young in June 2000 was launched jointly by the Commonwealth and South Australian Attorneys-General in Adelaide on 6 October 2000.
- Following the decision by Censorship Ministers in November 2000 to conduct a combined review of the Guidelines for the Classification of Films and Videotapes and the Guidelines for the Classification of Computer Games, the OFLC prepared material for a discussion paper including draft combined guidelines as first steps in the comprehensive review process.
- A discussion paper was prepared on the Review of Advertising Provisions under the national classification scheme in the latter half of 2000.

## CLASSIFICATION TRENDS AND ISSUES

When making classification decisions the Board applies the criteria set out in the Code and the classification guidelines. The Board is also required to take into account matters such as generally accepted community standards, literary, artistic or educational merit, the general character of the item to be classified, and the persons amongst whom it is likely to be published.

During 2000-2001, there were some minor variations in numbers of decisions across the different media classified by the Board, but no significant variations on the trends of the last few years.

## FILMS AND COMPUTER GAMES

The Guidelines for the Classification of Computer Games were formulated prior to the commencement of a computer games classification scheme in 1994. They were drafted with the explicit directive from Censorship Ministers that they should be applied more strictly than the equivalent film classification guidelines. This reflected concerns at the time that the interactive nature of game play may have a more detrimental effect on children than the passive viewing of films/videos.

It was intended that the Guidelines for the Classification of Computer Games be reviewed in 2000-2001 and that a review of the film guidelines be commenced in 2001 at the conclusion of the review of the computer games guidelines.

However, as work progressed on preparing material for the review of the computer games guidelines alone, it became increasingly apparent that both sets of guidelines should be considered together to allow issues arising from the convergence of entertainment media to be effectively dealt with. A combined review will enable consideration of new guidelines applicable to all entertainment media if the results of the consultation process support this outcome.

For this reason, Censorship Ministers agreed to conduct a combined review of the Guidelines for the Classification of Films and Videotapes and the Guidelines for the Classification of Computer Games. The review is discussed in more detail later in this chapter.

### Technology

Computer games have sometimes been the driving force for technology development in entertainment. This year there have been notable advances in

graphic performance including new gaming consoles such as Playstation 2 and Gameboy Advance. Computer games are now included with feature films and other material in DVDs.

The development of new technologies and convergence of media continues to be an issue in the classification of film. Music compact discs (CDs) are generally not dealt with under classification legislation and are regulated by the ARIA Code of Practice for Labelling Product with Explicit and Potentially Offensive Lyrics (the ARIA Code). However, if the CDs are enhanced with visuals (even if these are only a few minutes long) they fall within the definition of a film in the Classification Act and require classification by the Board.

*From left: Rachel Williams (Classification Board Member), Des Clark (Director, DFLC), Margaret Pomeranz (SBS), Paulyne Williams (Senior Classifier), Yiah Chan (Classification Board Member) and Doug Stewart (SBS) at the forum The Big C's: Censorship or Classification?, Chauvel Cinema, Paddington NSW, 14 May 2001.*



## REVISED X18+ GUIDELINES FOR FILMS

The application of the revised X18+ guidelines, which came into force on 18 September 2000, has been an ongoing issue for the Board and applicants over the last year. The amendments further restricted the type of material that is allowed in the X18+ category. Initially, the meanings of 'violence', 'sexualised violence', 'fetishes such as body piercing', 'sexually assaultive language' and other activities that are now not allowed in X18+ were rigorously debated by the Board in order to set standards to ensure consistency. Some clients were concerned that the application of the revised X18+ guidelines would affect their commercial viability.

## PUBLIC CONSULTATION AND RESEARCH

The OFLC commissions regular research to obtain feedback from the community on classification issues and standards.

### Community Assessment Panels

On 27 December 1996 the Commonwealth Attorney-General announced a proposal to establish the Community Assessment Panel Scheme (CAPs), to provide independent community assessments of films classified by the Board. The proposal and parameters of the scheme were unanimously supported by Censorship Ministers.

A Research Reference Group, comprising two independent research experts (Professor Peter Sheehan, Vice Chancellor of the Australian Catholic University, and Ms Kate Aisbett, the then Research Director of the Australian Film, Television and Radio School), senior Commonwealth officers and a representative from the State/Territory hosting the panel, was established to oversee the scheme.

Following a competitive tender process, Keys Young Pty Ltd was selected to coordinate the scheme, initially for three panels.



*The Attorney-General the Hon. Daryl Williams AM QC MP, Director of the OFLC Mr Des Clark, and the Attorney-General for South Australia the Hon. Trevor Griffin MLC at the launch of the Community Assessment Panels Report, Adelaide, 6 October 2000.*

Between October 1997 and March 1998, three panels were conducted in Sydney, Brisbane and Wagga Wagga. Those panels gave six of the nine the films they

viewed the same classification as the Board.

In October 1998, following the success of the initial panels, Censorship Ministers agreed to extend the scheme and to engage Keys Young to conduct a further three panels. Between July 1999 and April 2000 these were conducted in Perth, Adelaide and Bendigo.

Panels comprised approximately 20 people of various ages and backgrounds who were drawn from a broad cross-section of the Australian community. Films were selected from those which had been classified by the Board but not yet released, and which distributors were willing to make available. The selected films were broadly in line with overall trends in films submitted for classification.

Prior to screenings, the panels were briefed on the meaning and application of the classification guidelines. Immediately after viewing each film, panellists completed a questionnaire seeking their initial responses to the film including their choice of classification. Panellists then discussed the film and, in particular, aspects related to the classification issues. After this discussion panellists recorded their final classification choice for the film. The decisions of the Board were then distributed to panellists and discussed.

On 6 October 2000, Keys Young's final report on the scheme was jointly launched in Adelaide by the Commonwealth and South Australian Attorneys-General. The report revealed that the panels

convened in Perth, Adelaide and Bendigo, each of which viewed three films, agreed with the Board's classifications in seven of the nine films they viewed. There was also a high degree of correlation between the issues identified by the panels and those which had been raised by the Board. The results indicate that the Board is making decisions that are in line with community standards.

To ensure that the Board continues to reflect community standards, Commonwealth, State and Territory Censorship Ministers decided at their July 2000 meeting that similar programs would continue to be run every five years.

### **Review of Advertising Provisions**

In December 1997, Censorship Ministers agreed to a review of the legislative and administrative requirements relating to advertising for films, publications, and computer games under the national classification scheme. Preliminary consultation meetings were conducted with industry on this matter in May 1999.

The public consultation phase of the review was conducted in 2000-2001. Advertisements calling for public submissions to the review were placed in national newspapers in August 2000 with a deadline of 31 October 2000. A total of 12 submissions had been received.

Detailed analysis of submissions and issues for the review, including research into other countries' advertising schemes, will precede a report to Censorship Ministers in the second half

of 2001. The report will contain options and recommendations for improvements to the advertising arrangements.

### **Review of the ARIA Code**

On 22 March 2001, Commonwealth, State and Territory Censorship Ministers agreed to review the operation of the ARIA Code.

The ARIA Code was introduced in October 1996 in response to concerns that audio recordings containing offensive or sexually explicit lyrics were not suitable for children. Audio recordings are not regulated under classification laws that apply to publications, films and computer games except where they also contain visual material and are classified as films.

On its introduction, the ARIA Code was provisionally endorsed by Censorship Ministers on the basis that its effectiveness would be monitored. Censorship Ministers have continued to monitor the ARIA Code's operation and effectiveness on an annual basis. In general terms, ARIA receives a low level of complaints and the ARIA Code appears to be operating satisfactorily. However, as well as complaints about audio lyrics sent directly to the OFLC, there were complaints to Ministers and Members of Parliament during the reporting period leading to concerns about levels of compliance with the ARIA Code. Ministers believe there needs to be more promotion of the ARIA Code's complaints hotline and more

public education about the meaning of labels applied under the ARIA Code.

A reference group of Commonwealth, State and Territory officers has been established to oversee the ARIA Code review which will be conducted by the OFLC in consultation with industry bodies and other relevant parties.

### **Classification Guidelines Review**

Classification guidelines are legislative instruments used by the Board and the Review Board when making classification decisions in respect of publications, films and computer games. Both Boards are legally required to apply the principles of the (National Classification) Code and the criteria set out in the classification guidelines in their decision-making processes. Amendments to the Code and the guidelines can only be made with the approval of all Censorship Ministers.

Censorship Ministers agreed that under the revised national classification scheme there would be a sequential review of the classification guidelines, beginning with a review of the Guidelines for the Classification of Films and Videotapes. A review process that included extensive public consultation, independent scrutiny and expert input was approved by Censorship Ministers and subsequently undertaken by officers. Revised Guidelines for the Classification of Films and Videotapes were formally approved by the Censorship Ministers on 11 July 1996 and took effect from that date.



The review of the film guidelines was followed by the review of the Guidelines for the Classification of Publications (previously termed Printed Matter Classification Guidelines). The review process once again included extensive public consultation, independent scrutiny and expert input. The revised publications guidelines took effect from 1 September 1999.

As previously discussed, the Guidelines for the Classification of Films and the Guidelines for the Classification of Computer Games are to be reviewed together to allow issues arising from the convergence of entertainment media to be effectively dealt with.

The review is required to examine issues for the guidelines arising from the convergence of traditional media, for instance in digital recordings. The review is also concerned with other issues arising from changes in entertainment media and community values which may have occurred since the introduction of the computer games guidelines in 1994 and review of the film guidelines in 1996. A discussion paper has been prepared by the OFLC for the public consultation phase of the review which will commence in the second half of 2001.

## COMPLAINTS

The OFLC received a total of 525 complaints during the year – 57 telephone calls, 150 letters, 113 emails and 205 postcards. (The 205 postcards

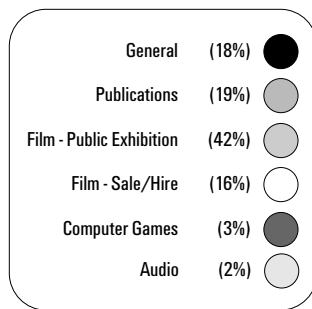
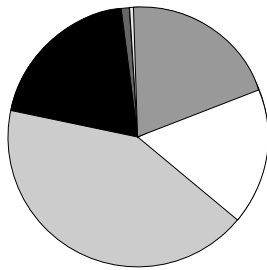
were part of a campaign about the cinema release of the film *Dogma*. Unless indicated otherwise, the figures below do not include the *Dogma* campaign postcards).

Apart from the postcards, the OFLC received 320 complaints. This compares to 563 received last year, which was a significant decrease.

The OFLC endeavours to meet the complaints handling objectives set out in its Customer Service Charter.

In 2000-2001, the OFLC provided written or telephone responses to all complaints where a return address or telephone number was provided.

The OFLC refers complaints and comments by members of the public about classification decisions to the Board. The Board seeks to reflect current community standards in its decision-making and appreciates feedback from the community about how it is performing its role.

**Complaints received % 2000-2001****Complaints received 2000-2001**

| Complaints               | Total | %   | Including <i>Dogma</i> postcard campaign | %   |
|--------------------------|-------|-----|--|-----|
| General                  | 57    | 18  | 57                                       | 11  |
| Publications             | 60    | 19  | 60                                       | 11  |
| Film - Public Exhibition | 135   | 42  | 340                                      | 65  |
| Film - Sale/Hire         | 51    | 16  | 51                                       | 10  |
| Computer Games           | 11    | 3   | 11                                       | 2   |
| Audio                    | 6     | 2   | 6  | 1   |
| Total                    | 320   | 100 | 525                                      | 100 |

**General**

The OFLC received 57 general complaints. Some of these were about matters that fell outside its areas of responsibility, such as television (16), online content (4), theatre and advertising. The OFLC referred these complaints to the appropriate regulatory bodies.

The general complaints included 20 about the OFLC's website.

**Publications**

The OFLC received 60 complaints about publications.

This included 17 complaints from members of the community about unclassified publications. These concerned content in English and foreign language daily newspapers, general magazines, specialist magazines and student newspapers. Most complainants requested that these publications be classified. Where breaches of the national classification scheme were

revealed, the OFLC's CLOs contacted the publishers.

The OFLC received 13 complaints from the publications industry. Three were from magazine publishers about classification breaches committed by other publishers, five were about inconsistent classification decisions and three about turnaround times.

Seven complaints were received about bans on the importation of publications. Importation falls within the responsibility of the Australian Customs Service (ACS).

The OFLC received five complaints, mostly regarding sexual content or nudity, about unsolicited material that had been delivered to letterboxes. Not all of this material fell within the OFLC's areas of responsibility.

Five correspondents believed that certain magazines had been classified too strictly by the Board and protested against restrictive guidelines.

The OFLC received three complaints about the Review Board's decision to classify Robert Mapplethorpe's *Pictures* as Category 1 – Restricted. Two persons did not want the book classified and one person did not want it made available at all.

Three persons were offended by sexual references or adult themes in advertisements contained in unclassified magazines.

The OFLC received two complaints about sexual references in books available in school libraries or shops and two letters requesting that the OFLC classify books.

The OFLC also received complaints about the public display of nudity on publications covers or billboards and about the Unrestricted category for publications.

### **Film – Public Exhibition**

The OFLC received 340 complaints about films exhibited in cinemas. 205 of these were campaign postcards about the cinema release of the film *Dogma* (MA15+).

Of the remaining 135 complaints, 32 were about the film *Hannibal*. Some expressed concern about excessive violence in the film and thought it should not have been classified MA15+. Many were also concerned about children under 15 being allowed into MA15+ films. Others talked about freedom of speech and the Review Board's decision to set aside the MA15+ classification and classify *Hannibal* R18+.

*Scary Movie* (MA15+) drew eight complaints about violence, sex, drug use and naked genitalia. Most believed the film should have been rated R18+.

There were six complaints about sexual references and coarse language in *What Women Want* (PG).

*The Cell* (MA15+) drew six complaints about excessive violence. Most persons thought the film should have been rated R18+.

*Best in Show* (PG) drew three complaints for offensive content, *Quills* (MA15+) had three for sex and violence and *Traffic* (MA15+) had two for violence and coarse language. *Book of Shadows Blair Witch 2* (MA15+) drew two complaints for graphic violence, *Tackle Happy* (M15+) drew two for sex and depictions of genitalia and *Thomas and the Magic Railroad* (G) drew two for violence. There were single letters or telephone calls about other films.

The OFLC received 11 complaints about film advertisements such as trailers or posters, which persons thought were too violent or contained incorrect classification information. Some expressed concern about the advertising of unclassified films under the Advertising Exemption Scheme.

Several correspondents did not refer to specific films but talked about general standards in film classification, too much censorship in films, or children being allowed into MA15+ or R18+ films by exhibitors. Two expressed concern about smoking in films.

There were three written complaints from industry, two about breaches of the national classification scheme and one about the inefficient processing of an application.

### **Film – Sale/ Hire**

The OFLC received 51 complaints about films for sale or hire such as videotapes and DVDs.

Two persons believed that there was insufficient warning about sex or nudity in *Any Given Sunday* (MA15+). *Three Kings* (R18+) drew two complaints about coarse language. *Another Day in Paradise* (R18+) drew two complaints about the lack of consumer advice indicating drug use or sex. There were single complaints about other films.

There were two complaints about too much censorship of videotapes classified RC and several about how DVD versions of films varied from videotape or cinema versions.

The OFLC received several letters from industry about inconsistent decisions, one about classification fees and two about the amended X18+ category for videotapes.

## Computer Games

The OFLC received 11 complaints about computer games. Two persons wanted an R classification for computer games and were advised about the classification guidelines review. There were single complaints about coarse language in the soundtracks in *Tony Hawk Skateboarding* (G8+) and *Tony Hawk 2 – Pro Skater* (G8+). The OFLC also received single complaints about sexual content in *B17 Flying Fortress: The Mighty 8th* (G8+), excessive censorship in *The Sims Livin' Large* (M15+) and gambling in *Pokemon Gold* (G). One person referred to an unsolicited email advertisement for *Chasing the Express* (MA15+).

Three written complaints were received from the computer games industry about changes to computer games classification procedures.

## Audio

The Classification Act does not provide for the classification of audio recordings. However audio recordings which also contain visual material, for example, music videos or CD-ROMs, fall within the definition of 'film' under the Act and must be classified. The Board only classifies printed materials accompanying audio recordings, such as printed lyric sheets or album covers, if those items are submitted for classification.

The OFLC received six written complaints about offensive audio lyrics in music. Some complainants made suggestions for labelling or classification systems for compact discs.

During the year the OFLC also processed 63 letters addressed to the Attorney-General about offensive audio lyrics.

## SPEAKING ENGAGEMENTS

During the reporting period, the OFLC provided speakers for the following engagements:

| <b>Organisation</b>   | <b>Location</b> | <b>Date</b>      | <b>Speaker</b>  |
|---|-----------------|------------------|-----------------|
| Australian Movie Convention   | Gold Coast      | 11 August 2000   | Des Clark       |
| Rotary Club of Sydney Cove  | Sydney          | 18 August 2001   | Des Clark       |
| The Age Melbourne<br>Writers' Festival  | Melbourne       | 1 September 2000 | Des Clark       |
| Rotary Club of Strathfield  | Sydney          | 14 March 2001    | David Griffiths |
| Young Democrats<br>Discussion on Censorship   | Sydney          | 14 March 2001    | Des Clark       |
| ABA Conference -<br><i>Classification - the Challenge<br/>of Media Convergence</i>  | Canberra        | 4 May 2001       | Des Clark       |
| Australasian Visual<br>Distributors' Association -<br>Launch of national public<br>awareness campaign<br><i>Making the Right Choice</i> | Sydney          | 29 May 2001      | Des Clark       |