



Classification Board & Classification Review Board

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

98-99



**Classification Board & Classification Review Board**





ATTORNEY-GENERAL

THE HON DARYL WILLIAMS AM QC MP

21 September 1999

**KATHRYN PATERSON**

I have been greatly saddened by the death of Kathryn Paterson, Director of the Classification Board and head of the Office of Film and Literature Classification.

Mrs Paterson took up her appointment as Director in January this year for a term of four years.

She was recognised for her extensive experience in the classification field in both Australia and New Zealand.

From 1988 to 1991, Mrs Paterson had served as a member of the Australian Film Censorship Board, after having held the earlier positions of Deputy Film Censor and Regional Inspector of Literature Classification.

Prior to her appointment as Director, Mrs Paterson had served with distinction as Chief Censor of Film and Literature and Chief Executive of the Classification Office in New Zealand for almost 5 years.

Mrs Paterson, who was 36 years old, died after a short illness.

Her death is a loss to the Government, the Classification Board and her colleagues at the Office of Film and Literature Classification, and her expertise will be sorely missed.

On behalf of the Government, I extend my sincere condolences to Mrs Paterson's family during this difficult time.

KATHRYN PATERSON  
(1962-1999)

Kathryn Paterson died on 20 September from cancer in her first year of office as Director of the OFLC.

She was a month short of her 37th birthday.

Her appointment as Director of the OFLC in January 1999 capped a brilliant career in the public sector in Australia and in New Zealand. Her untimely death is an enormous loss to the office and to Government service.

Kathryn took on the job as Director with the same zest she had displayed in so many aspects of her life. She was especially qualified to do it.

She had been a regional inspector in literature classification in 1988 before being appointed to the Film Censorship Board for a three-year term.

She had also worked with the Australian Broadcasting Tribunal on a variety of broadcasting issues and was a member of the task forces that did preliminary work on formulating the Broadcasting Services Act and the establishment of the Australian Broadcasting Authority.

Finally, she had been Chief Censor of Film and Literature in New Zealand, the first Chief Executive of the newly established Classification Office. This office drew together film, video and literature classification, functions which had been previously performed by different organisations.

She established the office from scratch and, with the assistance of her staff, created an institution which received high praise from all who dealt with it.

With a year to run in her second three-year term, she was appointed Director of the Office of Film and Literature Classification in Australia.

In a difficult first year, she confronted the classification issues with foresight, wisdom and a genuine feel for community attitudes and feelings.

Kathryn, better than most, was able to understand a broad spectrum of community views. In Australia, she had been a former vice president of the Umina Surf Lifesaving Club, a member of CANYA, a support group for young adults with life threatening illnesses and a member of Special Olympics, a sporting organisation for people with intellectual disabilities.

In New Zealand she was a member of Zonta, a worldwide service organisation of executives in business and the professions working to advance the status of women and also a member of Commonwealth

Trust, a community group sponsoring student debates and essay competitions on international issues.

She was also acutely aware of the fragility of life. In her late teenage years, she had wrestled with and finally overcome an attack of cancer. With the battle firmly behind her, she undertook graduate and post graduate degrees in psychology and then took on a law degree.

Back in Australia at the end of 1998, she rejoiced in making a home with her husband Ian on the Central Coast where she had spent so much time in her youth.

She brought skill, precision and dedication to her work and did not shirk the difficult issues. Away from work or at the end of the day, she could laugh, relax, sing a song and enjoy the camaraderie of colleagues and friends.

The depth of her loss was aptly summed up by the Attorney-General, Daryl Williams, who said in a tribute to her:

“Her death is a loss to the Government, the Classification Board and her colleagues at the Office of Film and Literature Classification and her expertise will be sorely missed.”

She was much loved and will be missed by all those who knew her.

**J O H N   D I C K I E**

**Director, Classification Board and OFLC (1988-98)**



**Classification Board & Classification Review Board**

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

98-99



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OFFICE of FILM *and*  
LITERATURE  
CLASSIFICATION





## LETTER OF TRANSMISSION



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 Classification Review Board for the year ended 30 June 1999.

This report has been prepared under sub-sections 9B(2) and 25(6) of the *Public Service Act 1922* and in accordance with requirements referred to in sub-section 25(7) of the *Public Service Act 1922*. This report also has been prepared in accordance with sub-section 67(1) of the *Classification (Publications, Films and Computer Games) Act 1995*.

I draw your attention to subsection 25(8) of the *Public Service Act 1922* which requires you to cause a copy of the report to be laid before each House of the Parliament on or before 31 October 1999.

Yours sincerely



Simon Webb  
A/g Director

20 September 1999

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## INTRODUCTION TO THE REPORT

This report is presented in accordance with the reporting guidelines for departmental annual reports and includes the reports of the Classification Board and the Classification Review Board as well as the financial statements for each.

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The Office of Film and Literature Classification (OFLC) has five primary corporate objectives. These are as follows:

## 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 during the year are discussed in relation to these corporate objectives in the section of the report entitled 'Performance Reporting'. Financial statements for the OFLC are in Appendix V of the report.



## THE YEAR IN REVIEW

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The 1998–99 reporting period saw a number of changes and developments at the OFLC. A summary of the major events, in date order, follows.

#### JULY/OCTOBER 1998

##### **CLO SCHEME GAINS NATIONAL COVERAGE**

New South Wales and Queensland joined the Community Liaison Officer (CLO) scheme in 1998, giving the scheme national coverage. (see page 47)

#### NOVEMBER 1998

##### **NEW DIRECTOR APPOINTED**

Ms Kathryn Paterson was appointed to the position of Director of the Classification Board by the Governor General. (see page 12)

#### NOVEMBER 1998

##### **AGENCY AGREEMENT CERTIFIED**

The OFLC's workplace agreement, titled *OFLC Agency Agreement 1998–2000*, was certified in the Australian Industrial Relations Commission on 24 November. (see page 63)

#### JANUARY 1999

##### **ARRIVAL OF NEW DIRECTOR**

Ms Paterson began her four year term as Director of the OFLC and the Classification Board on 11 January. (see page 12)

#### JANUARY 1999

##### **PUBLIC LAUNCH OF THE 1998 CAPS REPORT**

On 20 January the Commonwealth Attorney-General publicly launched the report on the first three Community Assessment Panels (CAPS) and announced that Censorship Ministers had agreed to extend the scheme so that a further three panels could be conducted in 1999. (see page 33)

#### FEBRUARY 1999

##### **SECOND CLO COMMENCED DUTIES**

Ms Melissa Heggie commenced duty as the second CLO on 8 February. (see page 47)

#### APRIL 1999

##### **CLASSIFICATION GUIDELINES AMENDED**

Commonwealth, State and Territory Censorship Ministers approved the amendment of the 'RC' (Refused Classification) criteria in the classification guidelines for publications, films (including videos) and computer games to include material that promotes or provides instruction in paedophile activity. (see page 10)

**MAY 1999****INDUSTRY CONSULTATION MEETINGS HELD**

During the year, formal and informal consultations were conducted with industry. The OFLC hosted consultation meetings in Sydney on 26/7 May to which all OFLC clients were invited to seek industry input on aspects of classification legislation, policy, procedures and practices. (see page 42)

**MAY/JUNE 1999****NEW OFLC PREMISES**

The OFLC relocated to new premises at 23–33 Mary Street, Surry Hills. The relocation was undertaken in order to improve office layout and facilities and to reduce property operating costs as a proportion of budget. (see page 58)

**1998–99****IT REVIEW**

Approval was given for the acquisition of a new web-based operating system and database, to replace the existing FLICS classification database. It is expected that the new system will become fully operational early in the 1999–2000 financial year. (see page 58)

**1998–99****Y2K COMPLIANCE**

A review of year 2000 compliance was conducted across all OFLC information technology systems. Arrangements were finalised to ensure that full compliance is achieved and the risk of service disruption is minimised. (see page 58)

**1998–99****REVIEW OF PUBLICATIONS CLASSIFICATIONS GUIDELINES**

During the reporting period the publications classification guidelines were under review. (see page 43)

**1999****COMPUTER GAMES RESEARCH PROJECT COMPLETED**

During the reporting period, Stage 3 of the three phase 'Computer Games and Australians Today' research project (begun in 1995) was completed. (see page 34)



## CORPORATE OVERVIEW

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The Commonwealth *Classification (Publications, Films and Computer Games) Act 1995* (the Classification Act), which commenced on 1 January 1996, established the Classification Board (the Board) as a full time statutory body within the Attorney-General's portfolio. The Office of Film and Literature Classification (OFLC) provides administrative support to the Board and is headed by the statutory office of Director.

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

The OFLC is partially funded through the Community Affairs Program, sub-program 3.3, of the Attorney-General's portfolio.

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 provides the Director with

...all of the powers of a Secretary under the *Public Service Act 1922* as they relate to the branch of the Australian Public Service comprising the Office of Film and Literature Classification.

The *Public Service Act 1922* states at subsection 7(1):

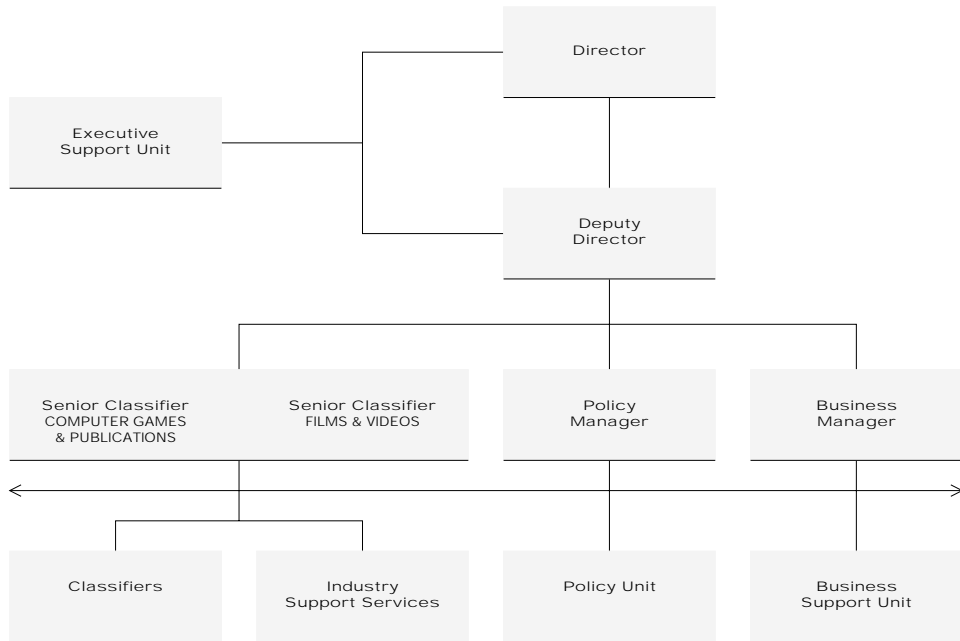
... 'Department' means —...

(b) a branch or part of the Service in relation to which a person has, under this Act or another Act, the powers of, or exercisable by, a Secretary as if that branch or part of the Service were a separate Department.

Accordingly, the OFLC is required to report as a Department to the Attorney-General.

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 computer games. Classification management responsibilities are currently divided into two areas: films and videos; and publications and computer games. The OFLC includes discrete areas responsible for policy and related activities, and for client liaison (both industry and government clients) as well as a business support unit which provides administrative and IT support to the OFLC. Within the OFLC there is also a small executive support unit that reports directly to the Director and Deputy Director.



## LEGISLATIVE BASE

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The Classification Act is part of the Commonwealth's contribution to a cooperative classification scheme (the national classification scheme) which was agreed upon by the Commonwealth and the States and Territories and commenced on 1 January 1996.

The Classification Act established the Board, replacing the former Film Censorship Board. Members of the Board are appointed by the Governor-General under section 48 of the Classification Act for an initial period of, usually, 3 years and may be eligible for reappointment for a second term. No member may be appointed in their first term for more than 5 years and all members are subject to an overall statutory limitation on Board membership of 7 years. The Classification Act provides that, in appointing members, regard is to be had to the desirability of ensuring that membership of the Board is broadly representative of the Australian community.

Under section 66 of the Classification Act, the Minister may appoint a person to act as a member of the Board during a vacancy in the office, and under section 50, temporary members may be appointed to ensure the efficient dispatch of the Board's business.

Under the national classification scheme the Board is responsible for the classification of publications, films (including cinema films, videos, CDs and DVDs) and computer games. When making classification decisions the Board must apply the criteria which are set out in the National Classification Code (a schedule to the Classification Act) and classification guidelines which are approved by Commonwealth, State and Territory Censorship Ministers.

The National Classification Code (the Code) names and broadly describes the classification categories, including those that are advisory and those that are legally restricted. The Code also describes material that is to be classified 'RC' (Refused Classification).

Classification decisions are required to give effect to the following principles which are set out in the Code:

- (a) adults should be able to read, hear and see what they want;
- (b) minors should be protected from material likely to harm or disturb them;
- (c) everyone should be protected from exposure to unsolicited material that they find offensive; and
- (d) the need to take account of community concerns about:
  - (i) depictions that condone or incite violence, particularly sexual violence; and
  - (ii) the portrayal of persons in a demeaning manner.

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 the classification of publications, films, and computer games. The 'RC' (Refused Classification) criteria in all three sets of guidelines were amended with the approval of Censorship Ministers on 15 April 1999 to include material that promotes or provides instruction in paedophile activity.

The matters which are to be taken into account when making a decision on the classification of a publication, a film or a computer game are set out in section 11 of the Classification Act and include:

- (a) the standards of morality, decency and propriety generally accepted by reasonable adults;
- (b) the literary, artistic or educational merit (if any) of the publication, film or computer game;
- (c) the general character of the publication, film or computer game, including whether it is of medical, legal or scientific character; and
- (d) the persons or class of persons to or amongst whom it is published or is intended or likely to be published.

When making classification decisions, the Board also determines appropriate consumer advice in order to assist consumers and parents to make more informed entertainment choices for themselves or for those in their care. Consumer advice and the classification markings which have been determined under the Classification Act must be displayed on covers, packaging, cassettes and related advertising material.

Under the national classification scheme, the enforcement of classification decisions is the responsibility of the States and Territories. Accordingly, each jurisdiction has enacted enforcement legislation to complement the Classification Act.

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 Commonwealth Classification Act.

There have been no changes to the Classification Act during the reporting period. The *Classification (Publications, Films and Computer Games) Amendment Bill 1998* and the *Classification (Publications, Films and Computer Games) Charges Bill 1998* (with Explanatory Memoranda) were tabled in the Parliament in the reporting period but have yet to be debated in the Senate, following tabling in that chamber on 19 February 1999.

There have been no changes to the Classification (Publications, Films and Computer Games) Regulations in the reporting period.





## CLASSIFICATION BOARD PROFILES

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DATE OF BIRTH

*17 October 1962*

APPOINTED

*11 January 1999*

### Director

KATHRYN PATERSON

Kathryn Paterson was appointed as the new Director of the Classification Board (the Board) in November 1998, replacing the outgoing Director, John Dickie. She began her four year term as Director on 11 January 1999.

Kathryn has considerable experience working in media regulation in Australia and New Zealand. She came to the Board from the position of Chief Censor of New Zealand. Previously, she has worked for the Australian Broadcasting Authority and served as a member of the Australian Film Censorship Board from 1988 to 1991. She also previously held the positions of Deputy Film Censor and Regional Inspector of Literature Classification.

Kathryn has psychology and legal qualifications. She grew up on the NSW central coast, where she developed a love of horses and the natural environment. Kathryn maintains close family relationships and has a strong sense of justice, especially in the workplace. She is a keen gardener, and enjoys team sports and music.

Kathryn is involved in her local community and has a broad life experience. Her extensive management skills and sensitivity to community attitudes will ensure the Board's capacity to remain attuned to community expectations and standards.

## Classification Board Profiles



## DATE OF BIRTH

*13 June 1958*

## APPOINTED

*1 August 1994*

## APPOINTMENT EXPIRED

*31 July 1997***Deputy Director (Acting)****SIMON WEBB**

Simon Webb, a former member of the Board, is the OFLC's Policy Manager and is currently acting in the position of Deputy Director under section 66(3) of the Classification Act. He has experience representing rural and metropolitan community interests, having managed the ACT Arts Council and worked for a number of years with the Arts Council of Australia. He has managed projects developed in conjunction with the National Farmers Federation and a variety of government agencies. Simon has professional expertise in facilitating community involvement in policy making, planning and development. He 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 ability. Simon has run exploration camps in remote parts of Australia and worked in the construction, tourism and farming sectors. He has worked as an actor and producer of children's theatre, and with children and their families in urban, rural and remote communities in Western Australia. Widely traveled and with a broad life experience, Simon is a father of two young children who brings a range of practical and creative skills to the Board.



DATE OF BIRTH

*23 July 1946*

APPOINTED SENIOR CLASSIFIER

*19 March 1997*

APPOINTMENT EXPIRED

*31 October 1998*

### Senior Classifier (Films and Videos)

SARAH MORTON

As Senior Classifier for Films and Videos, Sarah Morton was responsible for the day-to-day supervision of the Board. Sarah has worked in the government and community sectors, and in the media industry. She combines artistic insight and incisive analysis with a detailed understanding of community and cultural values. Sarah has lived and worked in many parts of Australia and the world in a variety of positions which include Customer Complaints Officer in a leading Department store, as a brailist at the National Library for the Blind (UK), and as an artist, journalist, quiz writer, film critic and book reviewer.

Sarah is a former member of the Immigration Review Panel, and as Senior Records Officer at the Head Office of the National Party of Victoria for a number of years, established lasting links with members of Victoria's rural community. She engages a very wide network of contacts in diverse communities and is tireless in advocating tolerance, compassion and a 'fair go'.

## Classification Board Profiles



DATE OF BIRTH

*5 July 1958*

APPOINTED

*1 August 1993*

RESIGNED

*23 April 1999***Senior Classifier (Computer Games and Publications) (Acting)****JENNY RAE**

A person with high level teaching skills and experience of working with migrants and people from non-English speaking backgrounds, Jenny Rae is the mother of two young children. She is an excellent communicator who has taught adults and adolescents, specialising in teaching English as a second language. Jenny has worked in the theatre industry. Her theatre experience includes working with Neil Armfield and others at the Belvoir Street and Nimrod Theatres.

She has strong representational skills as a result of working as an Overseas Student Officer at Macquarie University. Being possessed of a sharp sense of humour and an abiding social concern, Jenny is a strong community advocate with a deep understanding of issues related to cultural diversity.



DATE OF BIRTH

*20 April 1947*

APPOINTED

*18 March 1997*

APPOINTMENT EXPIRES

*18 March 2000***Senior Classifier (Acting)****PAULYNE WILLIAMS**

Paulyne 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 1980's and represented people of all persuasions in the Local and higher Courts. Her work also involved appearing for prisoners and psychiatric detainees. She also 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, travel and news and current affairs. Through her travels with her husband in recent years, she has come into contact with people of diverse cultural backgrounds. Paulyne has always enjoyed mixing with people and listening to their views.

## Classification Board Profiles



DATE OF BIRTH

*9 May 1958*

APPOINTED

*22 December 1995*

APPOINTMENT EXPIRED

*21 December 1998***Member****ROBERT EDSALL**

The sixth of eight children, Robert grew up in an orchard district in rural Victoria. He has held a number of senior positions in the Public Service and was most recently Communications Manager with the Department of Community and Health Services in Tasmania. He has worked with the community on issues including fostering, sexual health, domestic violence and mental health. Robert has worked as a radio presenter with 7RPH (Radio for the Print Handicapped), and was a member of the Salamanca Writers Festival Committee. He wrote and edited a monthly magazine about Asia for secondary school students, which was distributed in class sets to schools nationally. Robert has traveled extensively.

## Classification Board Profiles



DATE OF BIRTH

*4 September 1963*

APPOINTED

*19 March 1997*

APPOINTMENT EXPIRES

*18 March 2000***Member****VINCENT GREEN-GIBSON**

Vince's work experience includes eight years with the NSW Police Force and shorter stints as a laboratory assistant with a pathology practice and a Casino Inspector with the NSW Department of Gaming and Racing. He has a Bachelor of Science degree and a Bachelor of Law degree. Vince has an excellent understanding of community and youth issues which he has developed throughout his career, studies and his participation in a range of sporting activities. He had a high level of contact with different sections of the community while in the police force, particularly through his involvement in programs such as youth groups, cautioning schemes, school lectures and Neighbourhood Watch. His broad network of contacts has given him a balance and understanding of the differences that exist within society and the tolerance to accept everyone for who they are.



## Classification Board Profiles



DATE OF BIRTH

*1 April 1966*

APPOINTED

*30 June 1998*

APPOINTMENT EXPIRES

*29 June 2001***Member****JILLIAN OLARENSHAW**

As a mother of two young children, Jillian brings 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 has taken an active role in pre-school councils including fund raising and instigating and establishing groups in new areas, and has 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 8 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 brings to the Board.



DATE OF BIRTH

*9 December 1962*

APPOINTED

*19 March 1997*

APPOINTMENT EXPIRES

*18 March 2000***Member****RICHARD THOROWGOOD**

Having practiced for four years as a Family Therapist for adolescents, younger children and their families, Richard has worked with young people from a wide range of backgrounds and life experiences. He has also worked as a Community Worker with people with a mental illness. In a role as health educator and advocate for people with a mental illness he has been involved in community education and support programs for individuals and groups, relating to family, adolescent and adult mental health issues. He holds qualifications as a General and Psychiatric Nurse and has recently completed a degree in Social Science and Policy. Richard has worked as a researcher on a wide range of epidemiological and social research projects, bringing him into contact with people from a wide range of backgrounds. Prior to his appointment to the Board he worked as a policy analyst and researcher at the Public Sector Research Centre, based at the University of New South Wales (UNSW). He has also worked as a university tutor through the UNSW Aboriginal Education Scheme. Richard has one young child.



## PERFORMANCE REPORTING



The OFLC's new premises in Surry Hills

## 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 1732 publications, 340 films for public exhibition, 2536 films (including videos, DVDs etc) for sale/hire, and 487 computer games were classified.
- > The Community Assessment Panel scheme's first report was launched by the Commonwealth Attorney-General and the scheme was extended to include Panels in Perth, Adelaide and regional Victoria.
- > Stage 3 of the 'Computer Games and Australians Today' research project was completed.
- > The publications classification guidelines (*Printed Matter Classification Guidelines*) were under review.
- > Formal responses were provided in relation to 198 complaints to the OFLC.
- > The OFLC provided speakers to a number of organisations to talk on classification issues.

## CLASSIFICATION TRENDS AND ISSUES

### PUBLICATIONS CLASSIFICATION

Publications are classified by the Board on behalf of New South Wales, Victoria, South Australia, Queensland and the Territories. Western Australia and Tasmania operate their own schemes. Publications can be classified as:

- Unrestricted – no restrictions on sale or display;
- Category 1 — Restricted – only to be sold to persons 18 years of age and over and only to be displayed in a sealed wrapper (not to be sold in Queensland)
- Category 2 — Restricted – only to be sold to persons 18 years of age and over and only to be displayed on restricted premises (not to be sold in Queensland); or
- RC (Refused Classification) – not to be sold.

The classification scheme for publications is partially compulsory; only those publications likely to be restricted to adults ('submittable publications') must be classified before they can legally be advertised or distributed in Australia.

The classification of publications has been a responsibility of the Classification Board, since January 1996 with the commencement of the Classification Act.

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

The Board considers the impact of elements such as violence, sex and nudity in arriving at classification decisions. The Board considers the amount of detail in each element, the treatment of those elements (in terms of tone, emphasis and frequency for example), the cumulative impact of those elements, their placement within the publication and in the context of the character of the publication itself.

During 1998-99 a total of 1732 commercial publications were submitted for classification. In each case, the Board was required to determine whether or not the publication warranted restriction to adults, and if so, in which category, or if the publication warranted 'RC' classification.

In 1998-99 classification of the 'Unrestricted' category, the provision of pre-classification advice and consistency in decision making have again been issues of note for some members of the publications industry and the OFLC. Distributors who comply with their legal obligations and submit publications for classification prior to sale express dissatisfaction with the lack of compliance on the part of other distributors. Some delays in turn-around time in the classification process experienced by those who do comply also remains an issue for some distributors.

#### PRE-CLASSIFICATION ADVICE

Pre-classification advice has mainly been sought by applicants in relation to the 'Unrestricted' category (see below). Pre-classification advice has been provided without prejudice to the Board's final classification decision. The aim of pre-classification advice has been to signal to publishers/distributors material in a publication which may be debated on a classification border by the Board. Depending on the outcome of that debate, the material cited may or may not be considered suitable by a majority of the Board for a particular category. Because pre-classification advice has signalled which material may be debated, but cannot anticipate the outcome of that debate, a number of distributors and publishers continue to find the service unsatisfactory. (see also page 45)

#### CONSISTENCY

Consistency in decision making is an issue for some distributors and publishers. The Board classifies publications on the basis of the impact of both individual elements, and of the impact of the publication as a whole. Thus, a single image of nudity which borders on

warranting restriction (in terms, for example, of explicit detail) may be accommodated in the 'Unrestricted' category, but the same image combined with other strong images may be considered to warrant restriction in terms of cumulative impact. Decisions are made on a majority vote basis. This can cause confusion for some distributors/publishers who receive different classification decisions for publications containing the same or similar elements. The Board recognises the desirability for consumers as well as for clients of consistent decision making, and is proactive in its approach, monitoring the consistency of its decisions, especially in areas which have been identified through complaints as being areas of most concern (such as advertising of sexual products and services).

As the operational procedure of the Board may not always accord with the commercial practices of publishers and distributors, the OFLC encourages communication between its staff and clients in order that Board standards and practice can be understood and applied to commercial advantage (e.g. achieving the desired classification category).

#### THE 'UNRESTRICTED' CATEGORY

Most submittable publications are considered to warrant restriction to adults. However, some publications which are likely to warrant restriction are considered by the Board to have an impact below that of the restricted classification categories. Such publications are classified 'Unrestricted'. During 1998-99 a total of 356 publications were classified 'Unrestricted'. This represents 20.67% of all publications classified, a slight increase in numbers on the previous year's figures.

#### 'CATEGORY 1 — RESTRICTED'

During 1998-99 a total of 1071 publications were classified 'Category 1 — Restricted'. This represents 62.20% of all publications classified and is the largest classification category.

A major issue for publishers and distributors of 'Category 1 — Restricted' publications is the suitability of covers for public display. The classification guidelines require that the covers of publications classified 'Unrestricted' and 'Category 1 — Restricted' be suitable for public display. There are specific criteria for the assessment of covers, which are more stringent than the criteria which apply to contents. (This accords with the principles of the National Classification Code, one of which states that everyone should be protected from exposure to unsolicited material they find offensive).

#### 'CATEGORY 2 — RESTRICTED'

During 1998-99 a total of 293 publications were classified 'Category 2 — Restricted'. This represents 17.01% of all publications classified. This year this category mainly included magazines featuring explicit sexual activity. This is a decrease in numbers from the previous year's figures, which included quite a large number of 'novellas' classified 'Category 2 — Restricted'.

### 'RC' (REFUSED CLASSIFICATION)

During 1998–99, 12 publications were classified 'RC', representing 0.70% of classification decisions. Most of these decisions were made on the basis of either depictions and descriptions of minors, or of child pornography. This is a decrease in numbers from the previous year's figures, which included quite a large number of 'novellas' classified 'RC'.

### FILM (INCLUDING VIDEO) CLASSIFICATION

#### 'G' FILMS

During 1998–99 a total of 30 (8.82%) films for public exhibition and 587 (23.15%) films for sale/hire were classified 'G'. Many of these 'G' films were aimed predominately at children, such as *Madeline*, a remake based on the book by Ludwig Bemelmans; *The Adventures of Elmo in Grouchland*, starring characters from the Sesame Street series; and the animated features *A Bug's Life*, *Mulan* and *The Rugrats Movie*. G-rated films that attracted adult audiences included the period pieces *The Winslow Boy* and *Il Testimone Dello Sposo (The Best Man)*, and IMAX productions such as *T-Rex: Back to the Cretaceous*, *Mysteries of Egypt* and *Everest*.

#### 'PG' FILMS)

A total of 57 (16.76 %) films for public exhibition and 369 (14.55 %) films for sale/hire were classified 'PG'. They included *Antz*, an animated feature narrated by Woody Allen; *The Parent Trap*, a remake of a Debbie Reynolds classic; *Message in a Bottle*, a romance starring Kevin Costner; *You've Got Mail*, starring Meg Ryan and Tom Hanks, another remake of a classic, namely *The Shop Around The Corner*; *Three Seasons*, a Vietnamese film; *Waking Ned Devine*, a quirky Irish comedy; and *Star Wars Episode 1: The Phantom Menace*, which took viewers back to the beginning of the well-known *Star Wars* saga. *William Shakespeare's A Midsummer Night's Dream* was also classified 'PG'.

#### 'M' FILMS

A total of 167 (49.12 %) films for public exhibition and 467 (18.41%) films for sale/hire were classified 'M' during 1998–99. M films included the romantic comedy *Notting Hill*; *Siam Sunset*, directed by Australian John Polson; and Oscar nominated dramas *The Thin Red Line*, *La Vita e Bella (Life Is Beautiful)* and *Central Do Brasil (Central Station)*; *Armageddon*, a Bruce Willis blockbuster; *Gods and Monsters* starring academy nominated best actor, Ian McKellen; *Cookie's Fortune*, a Robert Altman film starring Patricia Neal; *Hilary and Jackie*, featuring Australian actress, Rachel Griffiths; *Punitive Damage*, a very topical film about the Dill Massacre; John Sayles' *Limbo*; thrillers *Entrapment* and *Arlington Road*; Australia's *The Craic*; *The Matrix*; *Dags*; *Erskineville Kings*; John Boorman's *The General*; Gus Van Sant's remake of Hitchcock's *Psycho*; *The Out-Of-Towners* starring Goldie Hawn



and Steve Martin; *Pleasantville*, an American satire; *The Mask of Zorro* starring Antonio Banderas; and the Chaplinesque comedy, *The Imposters*.

#### 'MA' FILMS

In the last year 71 (20.88 %) films for public exhibition and 191 (7.53 %) films for sale/hire received an 'MA' classification. 'MA' films included *Elizabeth*, starring Australia's Oscar-nominated actress, Cate Blanchett; *American History X*, a film about American neo-Nazis; *Love is The Devil — Study For A Portrait Of Francis Bacon*, featuring Derek Jacobi as the flamboyant artist; Ken Loach's *My Name is Joe*; Lars Von Trier's epic, *The Kingdom II*; *Lock, Stock and Two Smoking Barrels*, a comedy about double-crossing villains; *Cruel Intentions*, a modern version of *Dangerous Liaisons*; *Two Hands* starring Brian Brown as a local villain; *What Becomes Of The Broken Hearted?*, a powerful sequel to the New Zealand hit, *Once Were Warriors*; Clint Eastwood's drama *True Crime*; Bill Bennett's film *In A Savage Land*; *Gadjo Dilo*, a French/Romanian collaboration about gypsies; and the teen horror sequel, *I Still Know What You Did Last Summer*.

#### 'R' FILMS

During 1998-99 a total of 15 (4.41%) films for public exhibition and 83 (3.27 %) films for sale/hire were given a Restricted 18+ classification. 'R' films included *Head On*, an Australian movie about homosexuality in Melbourne's Greek community; *Lolita*, starring Jeremy Irons, and based on the Nabokov novel; *Passion*, a study of acclaimed Australian composer Percy Grainger, with Richard Roxburgh in the lead; *The Acid House*, a grim study of working class Scotland; *Funny Games*, a German thriller; *Praise*, an Australian film; and *Dogma 2: 'The Idiots'*; Lars Von Trier's controversial film about bored adults pretending to be 'idiots'.

#### 'RC' FILMS

No films for public exhibition were classified 'RC' during the reporting period, but 26 (1.03%) films for sale/hire were given an 'RC' classification. Reasons for refusal included offensive depictions of sexual and sexualised violence, and child pornography.

#### DECISIONS DEBATED ON PARTICULAR CLASSIFICATION BORDERS

Classification decisions are made on a majority vote basis. Classification procedures are, in accordance with the Classification Act, determined by the Director. When a film is submitted for classification it is assessed by a panel of Board members. If this panel's decision is not unanimous, or is unanimous but the panel believes that other members of the Board may have differing views or could provide further input, the film is referred to further panels or to the full Board. Such films are then discussed in detail at full Board meetings. When the final decision is not unanimous, the majority decision determines the film's classification and consumer advice. Feedback from the public on classification decisions often indicates that the community is similarly divided in its views on the classification of a particular film.

Films which have been seen by several panels and/or debated on different classification borders during the reporting period include:

#### 'G' films

*The Prince Of Egypt*, an animated film from U.I.P., was debated on the 'G'/'PG' border. The majority of the Board considered the film warranted a 'G' classification for its treatment of the Old Testament story about Moses. The Board noted that the stylised Biblical setting lowered the impact of some of the depictions and also that the film treated elements essential to the storyline of Moses and the flight of the Hebrews from Egypt in a careful and discreet manner. The majority of the Board was of the view that "very discreetly implied violence has a very low sense of threat or menace, is infrequent and is not gratuitous". In the Board's minority view, some of the depictions of violence could be confusing or upsetting to children without adult guidance and therefore the film warranted the 'PG' classification.

#### 'PG' films

*Smoke Signals*, a drama from Roadshow, was debated on the 'PG'/'M' border, and by majority decision received a 'PG' classification for adult themes and medium level coarse language. The film is about two native American boys who leave their reservation to find out some family secrets. The film combines humour with drama and has a positive resolution. The majority of the Board noted that the adult themes are related to one of the boys having a drunken and sometimes abusive father. However, the Board noted that the "theme of violence is not unduly focussed on, with the story moving on to emphasize the impact on Victor of having an absent father". The treatment of these themes was considered discreet. Coarse language also contributed to the film's classification. In the majority view, the material had "a mild impact which could be confusing or upsetting to children without adult guidance", but the film would not be harmful or disturbing to children and could be accommodated in the 'PG' category. In the minority view, the treatment of the adult themes was stronger than "mild" and had a cumulative impact which would warrant 'M' classification.

#### 'M' films

*The Other Sister*, a family drama from Buena Vista starring Juliette Lewis, was debated on the 'PG'/'M' border, and received an 'M' classification for adult themes. It tells the story of how two mildly disabled young people, Carla and Daniel, meet, fall in love, get married and finally gain their parents' acceptance. In the majority view, the treatment of adult themes of disability and the exploration of emerging sexuality were considered discreet and the impact was not considered to be high. Depictions include flashbacks to Carla's childhood when she was taunted by other children and a scene where Carla becomes upset at a country club when Daniel, in a drunken state, announces over the microphone that they "did it". In the majority view these references go beyond the "discreet" and "mild

in impact” requirements of the PG guidelines. In the minority view, the film warranted ‘PG’ for sexual references and adult themes.

#### ‘MA’ films

The 20th Century Fox comedy, *There’s Something About Mary*, starring Cameron Diaz and Ben Stiller was debated on the ‘M’/‘MA’ border, and received an ‘MA’ classification for sexual references and medium level coarse language. Ted loses touch with Mary, his high school sweetheart, and hires a detective to find her years later. They both end up competing for her affections. The film is famous for the ‘zipper’ scene in which Ted’s first date with Mary comes to a painful end. The majority of the Board were of the view that a scene of implied masturbation and its (humorously intended) aftermath were strong, visually and conceptually, and went beyond the “discreetly implied” requirements of the ‘M’ guidelines. In the minority view the scenes were sufficiently discreet and lacking in impact to be accommodated at the ‘M’ level.

Takeshi Kitano’s *Hana-Bi (Fireworks)*, distributed by Dendy Cinema, was debated on the ‘MA’/‘R’ border, and received an ‘MA’ classification for violence. It tells the story of Nishi, a quiet policeman who is tormented by visions of the violence encountered in his job. After some friends are killed and one becomes paraplegic, he becomes depressed, robs a bank to give his dying wife a holiday and ends up killing some loan sharks. In the majority view, generally, the depictions of violence did not have a high impact. Some scenes of violence which were considered to have high impact were not considered to be prolonged, frequent, gratuitous or exploitative. In the minority view, the film contained strong depictions of realistic violence which require an adult perspective and thus warranted the ‘R’ classification.

#### ‘R’ films

*Fear And Loathing In Las Vegas*, a drug induced road journey across Nevada starring Johnny Depp and based on the cult novel by Hunter S.Thompson, was also debated on the ‘MA’/‘R’ border and received an ‘R’ classification for drug use and adult themes. Though the film is intended as a comedy, the darker side effects of the drug taking was also shown, including “vomiting, bad trips, paranoia and violent behaviour”. The majority felt that the film required an adult perspective and noted that “drug use is shown but is not gratuitously detailed... is not promoted or encouraged and [the film] does not provide detailed instruction in drug misuse”. In the minority view, the film warranted an ‘MA’ classification for drug use, adult themes and sexual references, which required a mature perspective.

## COMPUTER GAMES CLASSIFICATION

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 Ministers responsible for Censorship that they should be applied more strictly than the equivalent film classification guidelines. This directive was motivated by the notion that the interactive nature of game play may have a more detrimental effect on children than the passive viewing of films/videos.

### CLASSIFICATION DECISIONS

During 1998-99 a total of 487 computer games were classified by the Board, approximately 20% lower than the number of games classified last financial year (591). Once again, the majority of games classified (444) fell into the advisory ('G', 'G8' and 'M'), rather than the restricted ('MA') or refused ('RC'), categories

Games classified 'G' and 'G8' made up 75% of the total games classified. This percentage is very similar to the proportion of games classified in the 'General' categories in previous years (75% last year and 71% in 1996-97).

### 'G' DECISIONS

Games classified 'G' (207) were dominated by sport and action titles as well as those based on traditional and well known contemporary cartoon characters including Bugs Bunny, Pinky and the Brain, Rug Rats and Aladdin, all specifically targeted at younger children. Sports titles alone made up approximately one third of all games classified 'G' during the reporting period including soccer, rugby, tennis, basketball, golf and cricket.

It is also important to note that a game with a 'G' classification does not necessarily identify it as a children's game. Two such well known titles classified this year, different versions of which have been popular for a number of years, are *Sim City 3000* and *Civilization 2*. Both games are able to be played by children to a degree; however, their concept, complexity and game objectives make them more appropriate for and popular with mature players. Other popular game types usually receiving a 'G' classification but also best suited to adults include some of the flight simulators, games often requiring complex use of the PC keyboard and multi function screen displays akin to actually flying and aircraft. One such game classified 'G' during this year was *Flight Simulation — Great Britain Part 3* a game solely dedicated to learning to fly and navigate from one British city to another.

### 'G8' DECISIONS

Games classified 'G8' (158) were dominated by those with an action theme containing stylized or unrealistic violence with a mild impact. Three popular titles receiving a 'G8' classification this year and all now in their third generation were *Heroes Of Might And Magic 3*, *Descent 3* and *Mechwarrior 3*. The latter two are based on a futuristic theme and play environment while *Heroes Of Might And Magic* has a medieval visual look with a mixture of medieval and mythological characters.

There is also an increasing use of more complex play environments using three dimensional environments and strategic play than once existed in many 'G8' games. In such games the emphasis is on the practical realities of sustaining the hero character through the game by finding food, clues, and taking note of the energy levels etc, all of which dictate how successfully the player accomplishes the game's objectives. One such game based on a popular children's movie was *Small Soldiers — Squad Commander*.

### 'M' DECISIONS

Games which are classified 'M' (not recommended for players under 15 years of age) generally feature low or medium level animated violence. Bloodless, stylised hand-to-hand combat games, such as *King Of Fighters 98*, are generally classified 'M'. The playing of such games requires a player to develop quick reactions and mastery of the game control pads or computer keyboard to successfully complete the designated tasks. 'M' rated games (79) represented approximately 16% of the total games classified this year.

Some of this year's 'M' classified games had a strong strategy component even where more complex game play ultimately culminated in a somewhat traditional low intensity violent confrontation in order to proceed further or achieve game success. Not all games receiving 'M' contained violence however. The Board considers all elements warranting classification in every game, with some containing more than one classifiable element. A game called *Nightlong: Union City Conspiracy* received an 'M' rating for coarse language. *Fallout 2* was one game requiring the combined consumer advice of 'Medium Level Animated Violence and Low Level Course Language'. Some games with a mature conceptual content may warrant a consumer advice of 'Adult Themes' as in the case of the game *Headrush*, an American tongue in cheek trivia quiz game in which the dialogue contained innuendo of a conceptually mature nature.

### 'MA15+' DECISIONS

Only 8.5% (41) of all games classified were given an 'MA15+' during 1998-99. This year the 'MA15+' category featured a number of sequels to popular titles previously classified in this category including *Mortal Kombat 4* and *Lands Of Lore 3*.

Two games classified 'MA15+' in the reporting period by the Board were both 'sequels' to games which had previously attracted some controversy, *Carmageddon II — Carpoolcalypse Now* and *Grand Theft Auto — Mission Pack #1*.

*Carmageddon II — Carpocalypse Now* is an animated car racing game. It is a sequel to *Carmageddon*, which was released in Australia in 1997 with an 'MA15+' classification. As with the original game, the object is to increase your driver ranking and proceed through a number of racing formats and levels. The player, as a driver of one of a number of cars, races around or near to a predetermined race track, passes checkpoints, and aims to beat other competitors or complete the race within a limited time. As the player progresses around the race track bonus points are awarded for gameplay, including hitting competitors' cars or other targets such as 'barrels' (special effect triggers) and 'pedestrians' including people, animals and mutants.

The Board noted that while some people may view with concern the conceptual impact of visual depictions in the game, such depictions are animated, very unrealistic and highly stylised. The Board was of the view that the impact of such elements is mitigated by the intensity of the competitive skill-based gameplay and the need to master the game controls.

The Board recognised that the game contains strong concepts supported by gory but unrealistic animated visuals which may be of concern to some people and which are not suitable for younger children. Accordingly, the Board legally restricted the game to a mature audience 15 years and over, with consumer advice of 'High Level Animated Violence'.

*Grand Theft Auto — Mission Pack #1* is a third person perspective 'top-down' animated game in which the object is to score points by completing missions for a crime boss, including stealing cars. It is an add-onto the original game. The Board considered that, as with the original game, the add-on has a mature tone and themes which are not suitable for children under fifteen. Accordingly, the Board legally restricted the game to a mature audience 15 years and over, with consumer advice of 'Medium Level Animated Violence, Adult Themes'.

## 'RC' DECISIONS

The computer game *Surf Pro Executive* was classified 'RC (Refused Classification)' by the Board in July 1998. The game uses low quality graphic animation and revolves around the player maneuvering a surf-board over the face of waves with points awarded for tricks and successful riding. The game includes a depiction of simulated intercourse.

Despite the low graphic quality and lack of detail in the depiction the Board considered this scene warranted 'RC' in accordance with the computer games classification guidelines which do not permit "simulated or explicit depictions of sexual acts between consenting adults."

A second game *TLC* was also classified 'RC' on the basis of depictions of simulated sexual activity.

## PUBLIC CONSULTATION AND RESEARCH

In its 1991 Report into Censorship Procedure, the Australian Law Reform Commission recommended that the Board should have a research capacity to assist in the maintenance of its awareness of community standards. Accordingly, 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 a Community Assessment Panel scheme to ensure greater community involvement in decisions by the Board. The proposal and the scheme's parameters were unanimously supported by State and Territory Censorship Ministers.

A Research Reference Group, comprising two renowned 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.

The Research Reference Group selected the research company Keys Young to conduct the panels. Between October 1997 and March 1998, three Community Assessment Panels were conducted in Sydney, Brisbane and Wagga Wagga.

There was a high degree of correlation between the issues identified by the panels and those which had been raised by the Board. Keys Young found that the Panels gave films the same classification as the Board in six of the nine cases. In two cases the Panel gave a film a lower classification than the Board: *Mrs Dalloway*, classified 'M' by the Board, was voted 'PG' by a majority of the Panel because they did not find the film's suicide theme to have a significant impact, and *Anastasia*, classified 'PG' by the Board, was voted 'G' by the Panel with a bare majority of one. In the third case, the Panel rated a film higher than the Board: *Dangerous Beauty*, classified 'M' by the Board, was voted 'MA' by the Panel. Keys Young reported that this appeared to be due to a misunderstanding of the terminology used in the guidelines relating to depictions of sex.

These results clearly indicate that the Classification Board is making decisions that are in line with community standards.

On 20 January 1999, the Commonwealth Attorney-General publicly launched the report on the first three Community Assessment Panels and announced that Censorship Ministers had agreed to extend the scheme so that a further three panels could be conducted in 1999.

The OFLC has negotiated a new contract with Keys Young for the extension of the scheme. The locations of Perth, Adelaide and regional Victoria have been nominated for this purpose.

#### COMPUTER GAMES AND AUSTRALIANS TODAY

At the 3 February 1995 meeting of the Standing Committee of Attorneys-General (SCAG), Censorship Ministers considered a research project proposal 'Computer Games and Australians Today'.

The research objectives were to:

- > determine the nature and extent of aggressive content in popular computer and arcade games in Australia today;
- > find out more about aspects of particular games which make them popular and the role of aggressive content within this context;
- > investigate whether aggressive content is perceived as such by young players and the extent to which playing the game mitigates the impact of such aggressive content;
- > examine usage patterns in the computer and arcade games children and young people play in terms of age and gender differences;
- > explore the nature and level of concern regarding aggressive content in the Australian community; and
- > establish whether aggressive content in computer and arcade games is perceived to have more impact than in films and television.

Ministers approved a three stage approach:

Stage 1 of the project, which was completed in 1995, examined the extent, nature and relative popularity of aggressive content in top-selling computer games in Australia by gathering and analysing data on top-grossing arcade and home usage games and the industry.

Stage 2 of the project was completed in 1996, and consisted of focus groups and intercept interviews in video arcades where respondents were observed by trained psychologists.

The third stage of the project was completed during the reporting period. Stage 3 tested and quantified the findings of stage 2. A Research Reference Group, comprising



Professor Kevin Durkin, Professor of Psychology, University of Western Australia, and Ms Kate Aisbett, then head of research at the Australian Film, Television and Radio School, the Director of the OFLC and the Senior Classifier for Computer Games was established to oversee this stage of the project.

It is expected that a monograph report on all stages of the project will be publicly released in late 1999.

## CLASSIFICATION GUIDELINES REVIEW

Classification guidelines are legislative instruments used by the Board when making classification decisions in respect of publications, films and computer games. The Board is legally required to apply the principles of the Code and the criteria set out in the classification guidelines in its decision making process, and is also required to reflect generally accepted community standards. Amendments to the Code and the guidelines can only be made with the approval of all Commonwealth, State and Territory Ministers responsible for censorship.

With the commencement of the Classification Act and new national classification scheme on 1 January 1996, Commonwealth, State and Territory Ministers responsible for censorship approved 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.

The revised Guidelines for the Classification of Films and Videotapes were formally approved by the Censorship Ministers at the 11 July 1996 meeting of SCAG and took effect from that date. They represent a Federal-State-Territory consensus in this area and reflect as far as possible current attitudes in the Australian community.

On 15 April 1999, following a meeting of SCAG, Ministers responsible for censorship approved an amendment to all current classification guidelines for publications, films and computer games to include reference to offensive paedophile material in the 'RC' (Refused Classification) category.

The review of the film and video guidelines was followed by that of the publications (Printed Matter) classification guidelines. The review process once again included extensive public consultation, independent scrutiny and expert input.

After receiving Ministerial approval, the revised publications classification guidelines will be formally published in the *Commonwealth of Australia Gazette (Government Notices)*, and tabled in the Commonwealth, State and Territory Parliaments. Copies of the new guidelines will be printed and widely distributed, including copies to all those who made submissions to the review.

The review of the computer games guidelines will follow.

## TELEPHONE MESSAGE SERVICES

The Classification Board has a contractual arrangement with the Telephone Information Services Standards Council (TISSC). It advises TISSC on complaints relating to alleged breaches by service providers of the TISSC Code of Practice in connection with the content and advertising of recorded services.

The Board provides advice on complaints referred by the Telephone Information Services Arbitrator.

During 1998–99 no complaints were referred to the Board in respect of the TISSC Code of Practice.

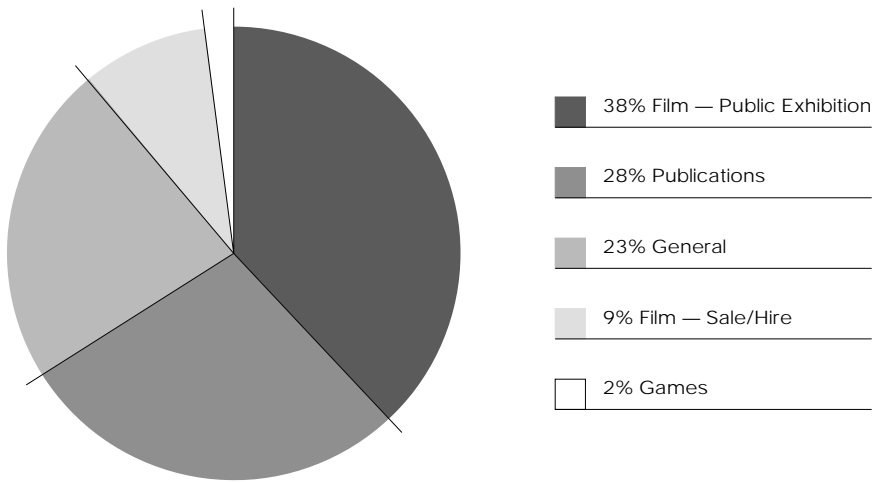
## COMPLAINTS

The total number of complaints received by the OFLC in 1998–99 was 198 (49 telephone and 149 written), compared to 206 (67 telephone and 139 written) the previous year.

Several complaints were made concerning issues which fell outside the auspices of the OFLC, such as television content (19 complaints) and advertising (3 complaints), and these were referred on to the relevant regulatory bodies. Other general complaints reflected a concern within the community about classifiable elements such as violence, nudity and sex in entertainment media. There were 5 complaints about classification standards.

COMPLAINTS RECEIVED 1998-99

COMPLAINTS	NO	%
General	45	23%
Publications	56	28%
Film — Public Exhibition	75	38%
Film — Sale/Hire	18	9%
Computer Games	4	2%
Total	198	100%



## PUBLICATIONS

32 written and 24 telephone complaints were received by the OFLC about publications. Of these complaints, 28 were with regard to publications which had not been submitted for classification, in particular *The Little Book of Gay Love* (9 complaints), and *Sain* magazine (4 complaints), a free publication available from a particular chain of music stores. CD covers and lyrics, and stickers containing offensive language which were sold at shopping centres were the subject of 4 complaints.

There were 9 complaints received from people concerned that publications classified 'Unrestricted' were on display in distribution outlets or were available to minors. Of these, 2 complaints were made by newsagents who felt uncomfortable about displaying the magazines publicly or selling them to minors.

Nudity in 'Unrestricted' publications was the subject of 2 complaints.

There were 14 complaints from industry, including 5 relating to classification turnaround times and 7 to rival publications.

Restrictions placed on the use of sexually suggestive wording on magazine covers was the subject of one industry complaint, in light of widespread advertising for the cinema release *Austin Powers — The Spy Who Shagged Me*.

The view that censorship of magazines for adults is unnecessary was expressed in 2 complaints.

## FILM — PUBLIC EXHIBITION

The OFLC received 17 phone and 58 written complaints about films exhibited in cinemas. Of these, 37 were in relation to the 'R' classification of the film *Lolita*.

Films classified in the 'M' and 'MA' categories which were the subject of complaints included *Saving Private Ryan* (4 complaints) for its graphic depictions of war, *Very Bad Things* and *Bride of Chucky* (2 complaints each) for violence and *Welcome to Woop Woop* (3 complaints) for coarse language. Single complaints were received about other films in the 'M' and 'MA' categories and were in general related to classifiable elements such as violence (for example, *The Corruptor* and *American History X*) and coarse language (such as *Stepmom*, *Rush Hour* and *Bulworth*).

No single film in the 'G' and 'PG' categories received more than one complaint. Some complainants felt that certain films classified 'G' or 'PG', including *A Bug's Life* ('G') and *Kundun* ('PG'), and *Antz* ('PG'), contained scenes which were unsuitable for young children and ought therefore to have had higher classifications.

There were 3 complaints made about theatrical trailers, including one regarding the nudity in the trailer for *Eyes Wide Shut*. Another concerned the screening of the *8mm* trailer before 'MA' films. There was one complaint about the screening of a trailer for an unclassified film. In each case complainants were advised of the trailer exemption scheme. (The trailer exemption scheme provides for a certain number of trailers for cinema films per annum to be exempted from classification requirements prior to the completion/release of the classified film, as long as certain conditions are met. A trailer passed subject to 'M' conditions, for example, may not be screened with films classified 'G' and 'PG'). Complaints about trailers were referred to the OFLC Community Liaison Officer (CLO) where appropriate.

Several complaints related to the presence of children at screenings of 'M' and 'MA' films and to the enforcement of the restrictions to which films classified 'MA' were subject. Complaints were referred to the CLO or to the relevant State or Territory authorities where appropriate.

#### FILM — SALE/HIRE (VIDEOTAPES, DVDS ETC)

A total of 18 complaints (12 written, 6 by telephone) were received by the OFLC about films released for sale/hire. Of these, 5 were in regard to the sale or hire of unclassified films or films classified 'RC'. Complaints were referred to the CLO or relevant enforcement agencies.

There were 10 complaints relating to specific films, although there was not more than one complaint about any particular film. Several complainants raised concerns about scenes or themes in films classified 'G' (such as *Ed* and *Space Jam*) and 'PG' (such as *Saturday Night Fever*) which they believed warranted a higher classification. There was some concern expressed about consumer advice which complainants felt did not offer them a sufficient guide to the themes or classifiable elements contained in specified films (such as *Volcano*, *Starship Troopers* and *Night Flier*).

#### COMPUTER GAMES

Compared with the previous year, the number of complaints made to the OFLC about computer games was significantly lower in 1998-99. Only 4 complaints were received, 2 from industry about classification turnaround times, 1 about the lack of a higher classification which could accommodate games unsuitable for children or minors, and 1 about violence in computer games generally, with specific reference to the game *Bloody Roar*.

## S P E A K I N G E N G A G E M E N T S

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

ORGANISATION	LOCATION	DATE
NSW Child Protection Enforcement Agency	Sydney	25 November 1998
Australian Customs Service	Sydney	26-27 November 1998
The Rotary Club of Umina	Umina	31 March 1999
Friends of the Library	Hurstville	22 April 1999
The Rotary Club of Woy Woy	Woy Woy	22 June 1999

## OBJECTIVE 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.

## KEY OUTCOMES

- > Formal meetings with industry sectors and industry associations were held on 26 and 27 May 1999 in Sydney to address matters of classification legislation, policy, procedure and practice.
- > The publications classification guidelines were under review.
- > The OFLC processed 180 applications for pre-classification advice for publications.
- > The training and authorisation of 19 people to recommend classifications for computer games in the advisory categories in accordance with the Classification Act was undertaken.
- > The Community Liaison Officer scheme was expanded to cover all States and Territories.
- > A second Community Liaison Officer was appointed in February 1999.
- > The OFLC granted classification exemptions for a number of film festivals and events.
- > The OFLC granted a number of advertising exemptions for eligible films for public exhibition.
- > The OFLC's website was maintained and updated, with further up-grading planned.
- > A Service Charter aimed at addressing the needs of OFLC clients was drafted.

## CLIENT AND INDUSTRY LIAISON

### INDUSTRY CONSULTATION MEETINGS

During the reporting period, the OFLC continued its commitment to maintain a close liaison with industry groups and clients and to extend the client focus in its operations.

A concerted effort has been made to consult widely with industry on the policy issues that have arisen and policy and procedural changes that have occurred in the censorship area, as well as keeping industry up to date on community attitudes and expectations in relation to classification issues.

During the year, formal and informal consultations have been conducted with industry and all senior staff have maintained an open-door approach to dealing with clients.

Informal discussions, one-on-one meetings and operational contacts with industry representatives and clients occur on a frequent or daily basis. A wide range of issues have been canvassed and discussed in such meetings.



Formal meetings with industry sectors and industry associations have addressed matters of classification legislation, policy, procedure and practice. Specifically, a series of consultation meetings was held on 26 and 27 May 1999 in Sydney to seek industry views on a number of matters. These included the proposed changes to the classification legislation, the review of advertising arrangements under the classification scheme and, as part of the extensive and on-going consultation on the revised classification guidelines for publications, a final draft of the document.

These meetings provided the OFLC with invaluable industry feedback which has, where possible and practicable, been incorporated into OFLC policies and practices.

## PUBLICATIONS GUIDELINES REVIEW

In 1995 Commonwealth, State and Territory Ministers with censorship responsibilities decided on a sequential review of the publications, film, and computer games classification guidelines to ensure the guidelines meet the principles and standards of the new National Classification Code which was implemented with the Classification Act in January 1996. The film classification guidelines review was completed in 1996. The publications classification guidelines review began in 1997.

The purpose of the publications guidelines review is:

- > to incorporate changes set out in the Code which include the need to take into account community concerns about depictions of violence (and sexual violence in particular) and portrayals of people which are demeaning;
- > to accurately reflect current community standards in the guidelines through widespread consultation with the community, through research findings and through expert analysis; and
- > to make the language of the guidelines more accessible to the general community.

A consultative review process was approved by Ministers which included extensive public consultation and allowed for independent scrutiny and expert input. Initial draft revisions to the publications guidelines were drawn up and circulated as part of an information package to all members of Commonwealth, State and Territory parliaments, to members of the publications and related industries, to community groups and organisations, and to complainants to the OFLC. The review was advertised in the national press in April 1998 and a total of 147 submissions was received from:

Individuals	108
Community/Interest Groups	19
Industry	11
Petitions	6
Parliamentarians/Government Bodies	3

Professor Peter Sheehan, a noted psychologist and Vice Chancellor of the Australian Catholic University, analysed the submissions and made formal recommendations for the revised publications guidelines. Associate Professor Judith Bowey, a language expert from the University of Queensland, then reviewed the initial draft revised guidelines for clarity, accessibility and readability.

The initial draft revised guidelines were amended according to Professor Sheehan's and Dr Bowey's recommendations. Both Dr Bowey and Professor Sheehan endorsed the draft revised guidelines.

Copies of the initial draft revised guidelines had been sent to all OFLC publications clients and relevant industry bodies. Industry views on the amended draft were also sought at an industry consultation meeting on 27 May 1999.

This further round of industry consultation occurred because, based on the recommendations arising from the public submissions, the draft revised guidelines contained significant differences from the current (1992) guidelines, including:

- > setting out detailed criteria relating to violence, sex, nudity, coarse language, adult themes and drug use for each of the classification categories and for public display;
- > introducing stricter criteria in the 'Unrestricted' category and for public display; and
- > proposing to introduce consumer advice on the covers of submittable publications which are not recommended as suitable for children under 15 but which are not of sufficient strength to warrant restriction to adults only.

The process for the approval of the draft revised guidelines is as follows:

- > consideration by Commonwealth, State and Territory Censorship Ministers;
- > following approval by Ministers, publication of the guidelines in the Commonwealth Gazette; and
- > tabling of the guidelines in Commonwealth, State and Territory parliaments.

Publications clients, industry bodies and the individuals and community groups who made submissions to the review will be sent a copy of the new publications guidelines.

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## PRE-CLASSIFICATION ADVICE

Prior to the commencement of the Classification Act in January 1996, and the later directive by the Commonwealth Government for the OFLC to move to a full cost recovery basis, pre-classification advice was given free of charge to publishers by the departmental officer responsible for classification. As it was the same officer giving advice and making the classification decision, it followed that if a publication was modified in line with the advice given, the classification decision was for the most part a foregone conclusion.

With the commencement of the Classification Act, the classification of publications became a responsibility of the Board. Decisions by the Board are made on the basis of a majority vote. This has the advantage for consumers of the broader application of generally accepted standards in the decision making process.

Because of this change in classification procedure, the role of pre-classification advice has also changed. The role of pre-classification advice today is to point out to publishers which material is likely to be the subject of debate amongst Board members as to the appropriate classification category. As advice cannot predict with certainty the outcome of such a debate, it is perceived by some publishers as being at odds with their business practice which relies heavily on certainty prior to printing. During the reporting period the OFLC processed 180 applications for pre-classification advice.

Some publishers choose to modify their material in accordance with advice given in order to go comfortably to print prior to formal classification. Publishers who choose not to modify material and await the outcome of any Board discussion may end up with a publication with slightly stronger material in a given category than their competitors, but equally may end up with a different classification outcome than they desired.

Publishers who seek pre-classification advice and modify material accordingly are understandably surprised when they see the same or similar material, unmodified, in their competitors' magazines. Without a clear understanding of the role of pre-classification advice, the issue is often understood to be one of inconsistency in classification decisions, rather than of commercial choice.

Some publishers have also experienced practical difficulties related to the provision of publications in their entirety (in order that advice can take account of the full context of a publication). The OFLC has negotiated with publishers who have expressed concern over practical issues relating to pre-classification advice. Different solutions have been tried in response to the practical requirements of particular publishers.

Although the Board is required to make classification decisions in accordance with generally accepted standards and cannot compromise its decisions to suit commercial expectations, it is obviously desirable that an atmosphere of open communication is established in order that the needs of clients can be met as effectively as possible. To this end the OFLC encourages meetings between senior staff and industry representatives, and looks forward to continuing and expanding the communication process with publishers in the future.

#### TRAINING FOR APPROVED ASSESSORS FOR COMPUTER GAMES

In accordance with the Classification Act, a person who has been trained by the OFLC and authorised by the Director can submit an application for the classification of a computer game accompanied by a recommended classification and consumer advice, if the game is likely to be classified 'G', 'G8' or 'M'.

The OFLC encourages clients to take advantage of this option, as it generally ensures a speedier passage for the processing of the application. The classification fee is lower than for an application which is not accompanied by a recommended classification. As this is a statutory obligation of the OFLC there is no fee charged for the training, which generally takes a few hours.

The training covers the legislative responsibilities and requirements of the computer games classification scheme, administrative requirements in terms of fees, application and recommendation forms, and the criteria of the National Classification Code and classification guidelines. Clients are generally shown examples of computer games in each category and the classifiable elements and impact levels of the games are discussed in the context of generally accepted standards.

In the reporting year 19 people were trained by the OFLC and authorised by the Director to recommend classifications for games in the advisory categories.

The scheme ensures liaison and communication with clients, which the OFLC welcomes as being to the advantage of both industry and consumers, for the maintenance of consistent classification standards.

## INDUSTRY CONVENTIONS

In August 1998, the Director and Deputy Director of the OFLC maintained a stall at the Queensland Motion Pictures Exhibitors Association's National Convention and provided information to exhibitors about the classification scheme.

The OFLC's Community Liaison Officers (CLOs) also operated a stall at the Sexpo exhibitions in Melbourne during November 1998 and Sydney in April 1999. The OFLC attended the Sexpo exhibitions to provide information to the distributors, exhibitors and retailers of adult publications, films and videos about their legal obligations and to assist members of the public with questions about the national classification scheme.

## COMMUNITY LIAISON OFFICER (CLO) SCHEME

The CLO scheme is a joint Commonwealth, State and Territory initiative which now has national coverage. New South Wales joined the scheme in July 1998, and Queensland in October 1998.

During the reporting period a second CLO was recruited to ensure appropriate CLO activity levels in all jurisdictions. Ms Melissa Heggie was appointed in February 1999. Ms Heggie is based in Sydney and assists the Senior CLO, Mr Andrew Garden, who is based in Melbourne.

The aim of the CLO scheme is to assist retailers and distributors of publications, films and computer games to comply with their legal obligations under the national classification scheme. The CLOs visit premises and traders in participating jurisdictions and provides detailed information about classification laws and requirements. Such information includes advice about apparent breaches, restrictions applying to the sale or display of certain materials, labeling requirements and other related matters.

The CLOs also fulfil an educative role in support of enforcement authorities in participating jurisdictions. In some instances where serious breaches have been identified referrals have been made to relevant police.

The CLOs have made presentations to industry conferences and have briefed large national corporations about the legal requirements of the classification scheme.

Since the commencement of the scheme, the CLOs have identified and recorded over 5,800 individual breaches of classification legislation relating to publications, films and computer games. The CLOs report that most breaches are resolved by CLO intervention. Over 80% of breaches are rectified following a single visit by a CLO.

Contact details for the CLO scheme are as follows:

Mr Andrew Garden  
 Community Liaison Officer  
 Office of Film and Literature Classification  
 Suite 14,  
 456 St Kilda Road  
 MELBOURNE VIC 3004

Mobile 0419 621 389  
 Telephone 03 9820 2973  
 Facsimile 03 9820 1815



or

Ms Melissa Heggie  
 Community Liaison Officer  
 Office of Film and Literature Classification  
 Levels 5 and 6  
 23-33 Mary St  
 SURRY HILLS NSW 2010

Mobile 0408 860 565  
 Telephone 02 9289 7100  
 Facsimile 03 9289 7101



## F I L M F E S T I V A L S A N D E V E N T S

Under the national classification scheme, State and Territory legislation provides that film festivals may become 'approved organisations'. This entitles them to apply to the appropriate authority to have their unclassified films exempted from the classification requirements of the relevant State/Territory laws provided they meet certain criteria set out in approved guidelines. The appropriate authority for film festivals in Victoria, New South Wales, Western Australia, the Australian Capital Territory and the Northern Territory is the Director of the Classification Board. In South Australia exemption applications should be directed to the Attorney-General, the Hon K. Trevor Griffin MLC through Ms Rita Fameli at the South Australian Attorney-General's Department. Those seeking 'approved organisation' status or exemption in Tasmania or Queensland must apply to authorities in those States. The contact officer for applications in Tasmania is Mr Peter Maloney, Director of Legislation, Policy and Information Resources at the Tasmanian Department of Justice. In Queensland, applications should be directed to Mr David Cannavan, Film Classification Officer at the Queensland Department of Justice.

Details of film festivals and other organisations granted exemptions during the reporting period will be found on page 111.

## ADVERTISING EXEMPTION SCHEME

Part 3, Division 2 of the Classification Act contains provisions relating to the advertising of films which have not been classified. It states that persons may apply to the Classification Board for a certificate of exemption for advertising purposes in relation to a film for public exhibition.

Certificates of exemption may only be granted in relation to an "eligible film" as defined by section 31 of the Classification Act, that is, any unclassified film for public exhibition which complies with conditions as determined by the Commonwealth Attorney-General by notice in the *Commonwealth of Australia Gazette (Government Notices)*. During the reporting period the number of exemptions permitted to be granted in any calendar year was 70 (see page 115 for a list of exemptions granted).

## OF LC WEBSITE

The OFLC's world wide website is located at <http://www.oflc.gov.au>.

The website provides a useful tool to the OFLC in meeting its obligations to its industry clients by assisting them to produce and market their products in accordance with public classification standards and pre-set conditions of sale and exhibition.

The website assists this process in a number of ways.

Firstly, the website assists industry clients by providing them with access to information on their obligations. The site contains copies of the publications, films and videotapes, and computer games guidelines; links to the legislation; and general information about the classification system and the OFLC.

Secondly, and perhaps more importantly, the website provides consumers, industry clients and any other interested parties with access to a database of classification decisions, which, in the case of films, includes details of decisions going back to 1971.

The provision of information on decisions to clients via a remote access database goes back to 1991 when the OFLC launched its database on the Telstra Discovery network on the understanding that this service would be available in libraries throughout Australia.

The use of these database systems superseded the traditional method of publishing classification decisions via the *Commonwealth of Australia Gazette (Government Notices)*. Gazettal, which was employed until 1991, was slow and expensive and fell short of meeting the needs of clients for timely, easily accessible information about classification decisions.

The website has proved to be a valuable resource for industry, and is extensively used. The OFLC is committed to the continued improvement of the site, and is investigating the feasibility of adding a range of new facilities and features, as well as increased access speed.

## S E R V I C E C H A R T E R

The OFLC delivers a range of services to a variety of stakeholders.

The OFLC's service charter is aimed at addressing the needs of its two main client groups:

- > the people it deals with directly in the publishing, film and computer games industries; and
- > the consumers of its products in the wider Australian community.

The OFLC service delivery arrangements need to balance appropriately the needs and expectations of both these client groups. The OFLC's Customer Service Charter will be a public statement of our commitment to providing a high quality service to all clients.

Substantial progress with the document has already been made. It draws upon the findings of a past customer survey and more recent independent consultations with industry clients. The OFLC expects to release the Charter in late 1999.



## OBJECTIVE THREE

To establish the OFLC as a principal source of expert advice and information on classification issues for Government.

## KEY OUTCOMES

The provision of:

- > secretariat and policy support for meetings of the Standing Committee of Attorneys-General (SCAG) and meetings of the Australian Censorship Officials;
- > classification and advice for Police and Customs referrals, and training seminars for Customs Officers in Sydney;
- > high level advice to Government on a range of censorship matters; and
- > prepared responses to Ministerial correspondence.

## MINISTERIAL COUNCIL MEETINGS

SCAG comprises the Attorneys-General of the Commonwealth, the States, the Northern Territory and the Australian Capital Territory. For censorship matters the membership is the same as the SCAG except for the following States where the representative is a Minister other than the Attorney-General: in Western Australia it is the Minister for the Environment, Labour Relations; in Queensland the Minister for Fair Trading; and in the ACT the Minister for Justice & Community Safety. During 1998–99 Ministers met on two occasions on censorship matters: in Adelaide on 29–30 October 1998 and Darwin on 15–16 April 1999.

Issues considered at such meetings include the operation and administration of the national classification scheme, classification legislation, enforcement of legislative requirements, classification guidelines and community attitudes. Secretariat support is provided by the OFLC.

A list of censorship matters considered by the Committee during 1998–99 is set out below:

- > on-line services and content regulation;
- > Australasian Police Ministers' Council;
- > offensive audio recordings (through the ARIA report);
- > Community Assessment Panel scheme;
- > Community Liaison Officer scheme;
- > exemption from classification requirements of Australian short films;
- > regulation of material broadcast on free-to-air television;
- > regulation of material publicly exhibited on international and domestic airlines;
- > publications guidelines review;

- > guidelines amendment on pro-paedophile material;
- > legislative amendments;
- > definition of 'crime';
- > 'X'-rated videos;
- > 'Computer Games and Australians Today' report; and
- > advertising of knives.

## CENSORSHIP OFFICIALS' MEETINGS

During the reporting period, the OFLC hosted three meetings of Censorship Officials from each State and Territory. The meetings are held prior to SCAG Censorship Ministers' meeting to consider SCAG agenda items.

## POLICE AND CUSTOMS

Following the initial successful training courses for officers from the Australian Customs Service in 1996-97, the OFLC expanded this initiative in the current reporting period. Five training seminars were held in Sydney for Customs officers in relation to publications, films and computer games. These seminars were attended by Customs officers from around Australia and formed the focus of a concerted effort to streamline the referral process with respect to material seized by the Australian Customs Service. The training focused on the application of Regulation 4A of the Customs (Prohibited Imports) Regulations, with particular emphasis on provisions relating to child pornography.

The OFLC sent a representative to speak about classification issues to the NSW Child Protection Enforcement Agency in November 1998.

OFLC officers and the CLOs maintained close liaison with Customs officers and Police in the States and Territories.

During the reporting period 513 individual films and computer games (including videotapes, laser discs and computer discs) were referred by Police and Customs services for assessment by the OFLC. This represents a decrease of 290 (36%) on the 1997-98 total of 803. At the same time Police and Customs referrals of publications in the reporting period was 343, a 67% decrease on the 1997-98 figure of approximately 1024. The decrease in referrals may be linked to the success of the OFLC/Customs seminars. A detailed breakdown of these statistics is contained in Appendix I to this report.

## I N T E R N A T I O N A L L I A I S O N

In December 1997, the OFLC and the Institute of Criminology co-hosted a conference entitled 'Violence, Crime and the Entertainment Media'. At the conference, strong links were forged with classification colleagues from a number of countries, including the Netherlands, England, Ireland, Hong Kong, New Zealand, Sweden and the USA.

During 1998-99, contact was maintained with overseas colleagues who provide valuable information on international classification standards.

The CEO, Ms Nana Makaula, and a Senior Officer, Mr Iyavar Chetty, of the South African Film and Publication Board visited the OFLC in early June 1999. The specific purpose of their visit was to gain more knowledge of the Australian national classification scheme for computer games. Senior OFLC staff and Board members met with the South African Board members, and gave an overview of the national scheme, as well as supplying detailed information regarding Australian legislation and classification standards. The South African Board members expressed a great deal of interest in the operation of the national scheme, including the complementary enforcement legislation and the role of the Community Liaison Officers (CLOs).

## S U B M I S S I O N S T O G O V E R N M E N T C O M M I T T E E S / I N Q U I R I E S

The OFLC has an extensive working knowledge of policy issues relating to classification of entertainment media, and research findings and community attitudes relevant to such issues. One of its major functions is to provide advice to Government in relation to these issues and this is performed in several ways.

In addition to providing briefing material and secretarial support to meetings of Censorship Ministers and their officials, the OFLC has contributed to a number of Government committees and inquiries on different subjects within the broader issue of media regulation and control.

During the reporting year, for example, the OFLC made a submission to the Victorian Government's Inquiry into the Effects of Television and Multimedia on Children and Families in Victoria conducted by the Family and Community Development Committee of the Victorian Parliament.

## MINISTERIALS

The OFLC processed 1,310 complaints directed to government ministers and referred to the office by the Attorney-General's department. The majority of these Ministerial complaints (945) were in relation to the classification and subsequent release of the film *Lolita*. The availability of 'X'-rated videos was the subject of a further 276 Ministerial complaints, and there were 37 complaints about the proposal to change the classification designation of adult videos from 'X' to 'NVE'.

## OBJECTIVE FOUR

To ensure the optimum operation of the OFLC by pursuing continual improvement in the management of its resources.

## KEY OUTCOMES

- > The operational structures and processes of the OFLC were under review.
- > The OFLC's information technology systems and facilities were under review.
- > The OFLC relocated to suitable city-fringe premises.
- > Internal and external audits of the OFLC were undertaken.

## COMMERCIALISATION REVIEW

KPMG management consultants were contracted to conduct a review of the OFLC in December 1997. The object of the review was to assist the OFLC to realign its operations and corporate culture to reflect a transition from its traditional role of regulator and censor to its emerging role as a standards body and service provider.

The review arose out of the requirement that the OFLC operate on a cost recovery basis and the related need to ensure that the OFLC provides efficient and effective classification services which meet the requirements of business and the community.

The comprehensive review, which has been conducted in consultation with staff, is nearing completion. It is expected that an organisational reform plan will be implemented early in the next financial year. A report will be publicly available on completion of the project.

During the reporting period work has proceeded on the commission to provide operational efficiencies and service improvements in three key areas:

- (1) reforming operational structures and processes;
- (2) refurbishing the OFLC information technology systems and facilities; and
- (3) relocating the OFLC to suitable city-fringe premises.

## IMPROVING OUR SERVICES PROJECT

During the reporting period KPMG facilitated staff involvement in a process of structural and operational reform in accordance with the OFLC's workplace agreement titled *OFLC Agency Agreement 1998-2000*. This process is nearing completion and it is expected that resultant changes will be formally agreed and implemented in the 1999-2000 financial year.

The object of the reform process is to ensure that the OFLC operational structures and processes are streamlined and appropriate. The OFLC must be able to properly fulfil its statutory and service functions in accordance with the expectations of key stakeholders, while addressing changes in entertainment media technology and related community and industry requirements.

## I N F O R M A T I O N T E C H N O L O G Y

KPMG conducted a review of the OFLC existing information technology systems and prepared detailed specifications for system refurbishment requirements, taking into account public, industry and operational requirements.

A tender process was conducted in accordance with Government IT acquisition policies and approval was given for the acquisition of a new operating system and database to replace the existing FLICS classification database. It is expected that the new system will become fully operational early in the 1999–2000 financial year.

A review of year 2000 compliance was conducted across all OFLC information technology systems. Arrangements were finalised in consultation with the Portfolio Year 2000 Compliance project manager to ensure that full compliance is achieved and the risk of service disruption is minimised.

## R E L O C A T I O N O F P R E M I S E S

KPMG recommended that the OFLC relocate from category A accommodation in central Sydney into category B accommodation on the city fringe in order to improve office layout and facilities and to reduce property operating costs as a proportion of budget.

Accordingly, the OFLC secured new premises over levels 5 and 6 in Federation House at 23–33 Mary St, Surry Hills.

The design and fitout of the new premises was substantially completed by the end of May 1999. The OFLC commenced operations in the new premises on 4 June 1999.



Interior of OFLC premises, 23–33 Mary Street, Surry Hills



## RESOURCE MANAGEMENT

### CONSULTANCIES

Where resources or expertise are not available in-house, the OFLC engages external consultants. Selection of consultants is in accordance with Commonwealth policy.

During the reporting year, a total of 5 major consultants and one minor consultant (\$480) were under engagement by the OFLC. Consultants were paid in aggregate \$118,272.

No new consultancies greater than \$2,000 were let during the year. Payment details for the major consultancies are provided below:

NAME OF CONSULTANT	AMOUNT PAID \$	PURPOSE OF CONSULTANCY	REASONS FOR EMPLOYMENT OF CONSULTANT
KPMG	81,600	Service and IT review	Need for independent study
Keys Young	5,000	Computer games research	Censorship Ministers approved independent research project
LAETA Pty Ltd	2,100	Computer games research	Censorship Ministers approved independent research project
Durkin Consultancy	2,092	Computer games research	Censorship Ministers approved independent research project
AMR Quantum Harris	27,000	Computer games research	Censorship Ministers approved independent research project

### PURCHASING

The OFLC's procurement policies and principles are in accordance with the Commonwealth Procurement Guidelines.

### INFORMATION TECHNOLOGY

The OFLC has traditionally had its information technology (IT) systems provided by the Attorney-General's Department, an arrangement which concluded at the end of the previous reporting period. As a result of this separation, and in order to realise workplace efficiency gains and achieve Year 2000 compliance, the OFLC has implemented a replacement program.

During the year, the OFLC acquired the MicrOpay HR system to replace HR systems and services previously provided through the Attorney-General's Department's NOMAD system. MicrOpay provides a cost effecting solution to the OFLC's HR needs.

Replacement of the FLICS database system is the largest project of the replacement program. FLICS has provided the office with a classification database facility for a number of years, but is not year 2000 compliant.

The replacement system will be year 2000 compliant, and will also provide substantial efficiency gains by incorporating 'workflow technology' functionality. The workflow aspects of the new database will electronically control flow of classification applications and general correspondence through the office, and will alert users to imminent deadlines and the progress of high priority applications. It will also allow for electronic storage of relevant documents and files as well as more efficient access to client related information including the status of applications and prepayment account balances.

The system will link up with the OFLC's financial accounting system, SUN, and is expected to improve the details and accessibility of the OFLC's website.

Following the OFLC's relocation to Surry Hills, replacement of the local area network, e-mail, voice communication and firewall facilities previously provided by the Attorney-General's Department, was completed.

## A U D I T A N D E V A L U A T I O N

### A U D I T - I N T E R N A L / E X T E R N A L

The activities of the OFLC are subject to examination by both the Australian National Audit Office (ANAO) and the OFLC's Audit Committee.

The role of the OFLC's Audit Committee is to ensure that delivery of the office's program outputs is efficient and effective. This committee replaces the internal audit services previously provided by the Audit and Evaluation Section of the Attorney-General's Department. This Section completed its last examination of financial and HR controls in June 1998, and its report was completed in the reporting year. No significant anomalies were found.

The financial statements contained in Appendix V to this report have been audited by ANAO.

## EVALUATION

The OFLC is initiating a program for the forthcoming year to gather performance information against the planned level of achievement of outputs. In addition to the quantitative information already being collected, additional data will be collected on activities such as the handling of complaints and requests for information, and advice issued. This will facilitate quantitative and qualitative evaluation of output achievement and the results will be published in the annual report for the year.

## DECISIONS OF COURTS, TRIBUNALS ETC

### HIGH COURT — *RABELAIS*

In June 1997, Justice Merkel of the Federal Court dismissed an application by the former editors of the student publication *Rabelais* to set aside the decision by the Classification Review Board which confirmed the 'RC' (Refused Classification) decision assigned to the July 1995 edition of the publication by the Chief Censor.

On appeal, the Full Bench of the Federal Court upheld Justice Merkel's decision (March 1998).

In December 1998 the former editors of *Rabelais* unsuccessfully sought leave of the High Court to review the March 1998 decision of the Full Court (see Annual Report of the activities of the Classification Review Board, page 68).

### AAT

There have been no matters dealt with by the Administrative Appeals Tribunal in connection with the OFLC or the Classification Board in the reporting period.

## OBJECTIVE FIVE

To develop the commitment and professionalism of staff to enhance the effectiveness of the OFLC.

## KEY OUTCOMES

- > The *OFLC Agency Agreement 1998-2000* was certified.
- > The OFLC provided ongoing training and study assistance for staff and began working on a formal training and development plan.
- > The OFLC's *Workplace Diversity Program 1999-2001* was under development.
- > The accreditation of an OH&S representative for the OFLC was undertaken.
- > The OFLC remained committed to key Industrial Democracy principles

## WORKPLACE AGREEMENT

In November 1998 the OFLC's workplace agreement, titled *OFLC Agency Agreement 1998-2000*, was certified in the Australian Industrial Relations Commission. This agreement was made with the Community and Public Sector Union (CPSU) and in full consultation with all Australian Public Service (APS) staff. It establishes many of the key terms and conditions relating to the employment of APS staff within the OFLC and establishes the commitment of all parties to continuous improvement and change.

## TRAINING AND DEVELOPMENT

There has been ongoing training, both formal and informal in the use of PC applications.

Work has begun on the introduction of a formal training and development plan for all staff.

Staff have been, and will continue to be, assisted in work-related study with both financial and leave assistance through the study assistance program.

## SOCIAL JUSTICE AND EQUITY

A just, equitable and safe working environment prevails which has aided the development of a committed and professional OFLC staff.

A *Workplace Diversity Program 1999-2001* is being developed which will incorporate EEO (Equal Employment Opportunity). That program, developed in consultation with staff, will aim to create an inclusive environment that values and utilises the contributions of employees of different backgrounds, experiences and perspectives.

That program will be integrated into all department activities, management practices, policies and procedures to improve productivity and generate new ideas and ways of doing things.

Until that Workplace Diversity program is fully implemented the Attorney-General's Department's EEO Program continues to apply. The principles and objectives of that program continue to be an integral part of the day-to-day management in the OFLC.

The Business Manager has been designated by the Director as the officer responsible for EEO. The role of the Business Manager in this regard is to provide advice to the Director on EEO issues, as well as to oversee the implementation and operation of a Business Administration System within the OFLC.

All working parties and committees convened within the OFLC incorporate EEO objectives into their considerations.

Classification Board and Classification Review Board members are carefully selected to ensure they reflect community interests. There is an even gender balance and a wide age range.

## O C C U P A T I O N A L H E A L T H A N D S A F E T Y ( O H & S )

The OFLC, recognising the importance and value of taking all reasonable steps to ensure the safety and well-being of its staff, is developing an OH&S policy and agreement as part of its workplace agreement.

Pending the establishment of its own policy the OFLC continues to recognise the OH&S Policy of the Attorney-General's Department.

The OFLC now has its own qualified and accredited OH&S representative. Staff safety and welfare is monitored and any safety concerns are addressed through designated work group meetings and the consultative committee.

The Business Manager has been designated by the Director as the officer responsible for OH&S.

During the reporting period there was one 'travelling' accident, which could not have been anticipated or prevented. No OH&S issues were raised by the incident and procedures will not need to be revised as a result. There were no work-related illnesses reported.

## INDUSTRIAL DEMOCRACY

The Industrial Democracy Policy and Plan in place in the Attorney-General's Department remains effective for the OFLC.

Its key principals were observed in the making of the workplace agreement.

A key outcome of the establishment of the OFLC's workplace agreement has been the formalisation of arrangements for ongoing staff consultation on and participation in decision-making. A Consultative Committee has been established which comprise representatives of all operational areas.

The Business Manager has been nominated as the officer responsible for Industrial Democracy.



# CLASSIFICATION REVIEW BOARD

---



Classification Review Board



23-33 Mary Street, SURRY HILLS NSW  
Locked Bag 3, HAYMARKET NSW 2000  
Tel.: 02 9289 7100 Facsimile: 02 9289 7101  
Internet: [www.oflc.gov.au](http://www.oflc.gov.au)

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

Dear Attorney-General

In accordance with Sub-section 85(1) of the *Classification (Publications, Films and Computer Games) Act 1995*, I am pleased to submit the report on the management of the administrative affairs of the Classification Review Board for the period 1 July 1998 to 30 June 1999.

Barbara Biggins  
Convenor

6 August 1999

## YEAR IN REVIEW

The membership of the Classification Review Board (the Review Board) remained at a consistent level of six persons for the whole of the operational year. The Deputy Convenor's (Dr Brent Waters) term, which expired on 2 November 1998, has been extended until October 1999 pending the appointment of new members.

The Review Board conducted reviews on six titles (films/videos and books/magazines) during the year. Additionally, the Review Board considered applications from members of the community to be considered as "persons aggrieved" in the issue of the film *Lolita*.

Of the four film and/or video titles reviewed, two applications were upheld and two dismissed. Both individual book and single magazine applications were dismissed. All these applications were submitted by the distributors/publishers of the items.

### *L O L I T A*

Much public controversy was generated over the 'R18+' classification assigned by the Classification Board to the film *Lolita*. A joint application for review of the decision was received from a consortium of community groups from Western Australia.

The task before the Review Board was firstly to determine whether the groups and individuals concerned qualified as 'persons aggrieved' within the meaning of subsection 42(1) of the *Classification (Publications, Film and Computer Games) Act 1995*, viz. that they were persons entitled to lodge an application for review of the decision to classify the film 'R18+'. In the event, the Review Board, having taken legal advice, found that the applicants were not 'persons aggrieved' within the meaning of the Act and therefore the Board did not proceed to review the classification assigned. The full text of this decision is at page 147.

### *R A B E L A I S*

In December 1998, the former student editors involved in the *Rabelais* university newspaper decision of the Review Board (see Annual Report 1997-1998 page 64, and Annual Report 1996-1997 page 122) unsuccessfully sought leave of the High Court to review the March 1998 decision of the full Federal Court. In this decision, the Federal Court upheld the finding of Justice Merkel that the Review Board had not, in reaching its decision in the *Rabelais* case, erred in law or procedurally. Charges against the students were subsequently dropped in March 1999 by the Victorian Director of Public Prosecutions.

## PUBLIC PROFILE

At the invitation of the Institute for Science & Technology Policy based at Murdoch University, Ms Robin Harvey represented the Review Board at a seminar on regulation of screen violence in Perth in October 1998.

The Review Board does not publicly debate its decisions and does not generally respond to media criticism. However, on four occasions during the year it was found necessary to correct errors of fact relating to the Review Board's operations and decisions. Letters were sent to *Metro* magazine, and to the newspapers *The Australian* and *The Sydney Morning Herald*. A total of four such letters was published.

## LIAISON WITH THE CLASSIFICATION BOARD

The Review Board had meetings with the Classification Board during the reporting period to discuss classification issues.

## SECRETARY

The Review Board has been most appreciative of the continuing practical support and advice provided by its Secretary Joel Greenberg.

**B A R B A R A B I G G I N S O A M**  
Convenor



## DATE OF BIRTH

*11 July 1937*

## APPOINTED CONVENOR

*27 June 1994*

## APPOINTMENT EXPIRES

*22 July 2000***Convenor****BARBARA BIGGINS OAM**

A recipient of the Medal of the Order of Australia, and a Churchill Fellow, Barbara Biggins has had a long and distinguished record of community service. A graduate of the University of Adelaide and of the University of South Australia, Barbara has made a lifetime study of the impact of the media on children. She was a member of the Australian Broadcasting Tribunal's Children's Program Committee, which advised on the classification of, and standards for, children's programs, from 1982 to 1991. During the 1980s, Barbara convened the South Australian and National Advisory Councils of the Australian Broadcasting Corporation. She has recently been a consultant to the Australian Law Reform Commission on Children and the Legal Process. She is currently President of the Australian Council for Children's Films and Television, and Director of Young Media Australia.

In addition to her role as a parent, grandparent and community advocate, Barbara has been part-time Senior Librarian with Child and Youth Health, South Australia's statewide community preventive health service, since 1981. She is a member of the Australian Film Institute, the Communications and Media Law Association, and the South Australian Association for Media Education. Barbara is the editor of *small screen*, Australia's only news review of developments in children's media.

## Classification Review Board



DATE OF BIRTH

*6 February 1948*

APPOINTED

*13 April 1994*

APPOINTMENT EXPIRED

*2 November 1998***Deputy Convenor (Acting)****DR BRENT WATERS MD**

A practising child psychiatrist with qualifications from the University of Ottawa and Monash University, Dr Brent Waters has a distinguished medical and academic career and is a respected expert in his field. He is a Fellow of the Royal Australia and New Zealand College of Psychiatrists. Dr Waters has extensive experience within the hospital sector having been Director of Psychiatric Services at St Vincent's Hospital, Sydney, and Head of the Psychiatry Department at Sydney Children's Hospital. He has specialist expertise working with children and adolescents and for seven years held the position of Professor of Child and Adolescent Psychiatry at the University of New South Wales. Dr Waters' appointment as Deputy Convenor of the Review Board has been extended until October 1999.



DATE OF BIRTH

*21 September 1937*

APPOINTED

*18 December 1997*

APPOINTMENT EXPIRES

*18 December 2000***Member****GLEND A BANKS**

A director of a corporate communications consultancy. Ms Banks has an extensive mainstream media background as an issues based journalist, editor and broadcaster. She is the author of six books on social issues and a thesis on telehealth, and a co-author of an interactive computer accessed learning model for publication to CD-ROM. Ms Banks is a Fellow of the Australian Institute of Company Directors and has served on a number of boards and committees. Memberships include the Australian Society of Authors and the National Press Club. She is currently undertaking research for a PhD in Education at the University of Melbourne.

## Classification Review Board



DATE OF BIRTH

*22 July 1958*

APPOINTED

*18 December 1997*

APPOINTMENT EXPIRES

*18 December 2000***Member****ROBIN HARVEY**

Ms Harvey, a psychologist, has worked extensively with young children displaying emotional and behavioural problems. She has also lectured in the areas of child development, behavioural management and the development of effective communication skills. Recently she has been involved in the development of the Western Australian curriculum and learning guides for the Diploma of Social Science (Child Care) and the National Child Care Curriculum primarily in the area of behaviour management. Her published work is widely used by a range of child care and training bodies. Ms Harvey is currently working as a part-time consultant for the Resource Unit for Children with Special Needs and for the Western Australian Department of Training. She is also completing her PhD in the Psychology Department of the University of Western Australia.



DATE OF BIRTH

*27 February 1940*

APPOINTED

*18 December 1997*

APPOINTMENT EXPIRES

*18 December 2000***Member****ROSS TZANNES**

A senior partner in the Sydney law firm, Pryor Tzannes and Wallis, Mr Tzannes has a long and impressive record of over twenty years' involvement in community affairs. He has served on many boards and councils, notably in the area of ethnic affairs, the environment and the arts. He is currently Senior Deputy Chairperson of the Federation of Ethnic Communities Councils of Australia, a commissioner with the Ethnic Affairs Commission of New South Wales and a board member of the Australian Conservation Foundation and the Australian Multicultural Foundation. He has been Vice Chair of the Film, Radio and Television Board of the Australia Council, past president of the Sydney Film Festival and board member of the Museum of Contemporary Art in Sydney.



## Classification Review Board



DATE OF BIRTH

*24 April 1931*

APPOINTED

*18 December 1997*

APPOINTMENT EXPIRES

*18 December 2000***Member****JOAN YARDLEY**

Ms Yardley is Chairman of Clemenger/Concept Brisbane, a division of Clemenger BBDO, an international brand, marketing and advertising corporation.

A respected member of the Brisbane business community, Joan co-founded the Brisbane agency which eventually became Mojo Brisbane. She has served on the Board of Queensland Rail and the University of Queensland Senate, and currently sits on the Brisbane Water Advisory Board and the Queensland Institute of Medical Research Trust.

Having been involved as a corollary to her career with monitoring of attitudinal research, Joan brings to the Review Board an ongoing familiarity with changing community standards and an acute sensitivity to their subtleties.

## LEGISLATIVE BASE

The Classification Review Board is established under the Classification Act, which commenced operation on 1 January 1996.

The Classification Act provides that offices on the Review Board occupied by members of the former Film and Literature Board of Review are to be held for the remainder of the terms of the former offices; that service by a person as a member of the former Review Board is taken to be service as a member of the Classification Review Board; and that a classification, approval or determination made by the former Review Board has effect as if it had been made by the Review Board under the Classification Act.

The Classification Act also provides that the Review Board is to consist of a Convenor, a Deputy Convenor and at least three, but not more than eight, other members. At the close of the reporting period, the Review Board consisted of a Convenor (female), a Deputy Convenor (male) and four other members, three females and one male, all of whom serve part-time.

In advising the Governor-General in appointing members to the Review Board, the Federal Attorney-General must first consult with Ministers participating in the national classification scheme. The Governor-General must have regard to the desirability of ensuring that membership of the Review Board is broadly representative of the Australian community.

## PROCEDURES

Applications for review may be made by the Minister; the applicant for classification; the publisher of the film, publication or computer game; or a person aggrieved by the decision.

A 'person aggrieved' has been judicially defined to mean someone who can demonstrate a direct interest in the subject-matter of the appeal extending beyond that of a member of the general public.

Applications for review must be in writing, accompanied by the prescribed fee, and lodged within 30 days of the applicant receiving notice of the decision, or within such further period as the Review Board allows.

Review Board decisions are taken by majority vote in accordance with the National Classification Code and classification guidelines endorsed by Censorship Ministers, and taking into account matters set out in section 11 of the Classification Act.

Classification Review Board

If the members of the Review Board dealing with a matter are equally divided in opinion, and the Convenor is one of the decision-makers, the Convenor has a casting vote as well as a deliberative vote. In any other case, the Review Board may be reconstituted as the Convenor directs, to consider the matter again.

While three members may constitute a quorum, current policy is to try to convene all members whenever possible.

Applicants are advised of reasons for the Review Board’s decisions in writing.

DECISIONS OF THE CLASSIFICATION REVIEW BOARD

TITLE	MEDIA TYPE	AGAINST	UPHELD	DISMISSED
<i>Hurrah</i>	Film (PE)	R18+	1	
<i>Indoor Marijuana Horticulture</i>	Publication	RC		1
<i>Saving Private Ryan</i>	Film (PE)	R18+	1	
<i>Saving Private Ryan</i>	Film (S/H)	R18+	1	
<i>Analyze This</i>	Film (PE)	MA15+		1
<i>Analyze This</i>	Film (S/H)	MA15+		1
<i>Searchlight #67</i>	Publication	Category 2 — Restricted		1
<i>Passion</i>	Film (PE)	R18+		1
<i>Passion</i>	Film (S/H)	R18+		1
Total	9		3	6

Reports of the Classification Review Board can be found at Appendix II.



## APPENDIX ONE

CLASSIFICATION GUIDELINES AND STATISTICS

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## PRINTED MATTER CLASSIFICATION GUIDELINES<sup>1</sup>

The guidelines conform to the principles set out in the Commonwealth Classification Act. They are applied to publications classified for the Australian Capital Territory, New South Wales, Victoria, South Australia, Queensland and the Northern Territory. Queensland does not, however, recognise the Restricted categories. They are treated as Refused Classification. Other States operate their own schemes.

The guidelines reflect the overwhelmingly sexual nature of publications submitted for classification. They therefore predominantly deal with such matters as the degree of nudity and explicitness of sexual activity. They also deal with such other matters as violence, (and particularly sexual violence) and language.

In making a classification decision, the classifier will consider the general character of the item, its likely audience, the conditions of sale applicable to a particular classification and any literary, artistic or educational merit it may possess.

### POSTERS AND MAGAZINE COVERS

An adult should be able to frequent public places without unsolicited and unwanted exposure to offensive material. Parents, also, should be able to assume that their children will not be exposed to unsuitable material. Consequently, covers and posters classified as Unrestricted or Category 1 Restricted:

- (i) will be suitable for display in a public place; and
- (ii) should not be unsuitable for perusal by persons up to 18 years of age.

### UNRESTRICTED PUBLICATIONS

The Unrestricted classification encompasses a wide range of material that may be suitable for children, or adolescents, or adults but does not offend adults to the extent it should be restricted. While Unrestricted publications include material which is suitable for all ages, they may also include material for mature readers which, while not of sufficient strength to warrant restriction to those 18 and over, will nevertheless not be recommended for younger children.

<sup>1</sup> Abridged version of the *Printed Matter Classification Guidelines* as amended by Commonwealth, State and Territory Censorship Ministers on 15 April 1999.

## LEVELS OF RESTRICTION

Publications considered to be offensive to some adults and unsuitable for those under 18 years of age are assigned a restricted classification. Adults choosing to purchase publications from this category should be aware that they may contain material that is not suitable for minors or those easily offended.

Depending on the degree of explicitness of a depiction or text, the publication may be classified as Category 1 (may only be sold to persons 18 years of age and over, and displayed in a sealed wrapper) or as Category 2 (may only be sold to persons 18 years of age and over, and be displayed for the purpose of sale only in restricted premises). This latter category will also be used to classify magazines which have covers considered to be unsuitable for public display.

## REFUSED CLASSIFICATION

Material which exploits children, promotes crime or violence, or would be considered so offensive to a reasonable adult person that it should not be permitted is Refused Classification.

## THE GUIDELINES

### UNRESTRICTED

*No restriction as to sale or display.*

#### Covers and advertising posters

- > Photographs must be suitable for display in public. They may depict discreet nudity if it is not overtly sexually suggestive or if it does not imply sexual activity. Depictions of genitals, pubic hair, fetishes or implications of fetishes are not permitted.
- > Language on covers should not be assaultative or sexually suggestive. Some lower level coarse language is acceptable, but sexually suggestive combinations of words or colloquialisms for sexual acts or genitals are not permitted.

*(Covers or posters which do not comply with these guidelines are considered unsuitable for public display and would result in a Category 2 restricted classification.)*

#### Contents

- > Photographs of discreet male and female nudity are acceptable but not if sexual excitement is apparent.
- > Depictions of sexual activity between consenting adults are acceptable only where they are discreetly implied or simulated.

- > Illustrations, paintings, statues etc. which are considered bona fide erotic artworks and depict explicit sexual activity or nudity may be acceptable in Unrestricted when set in an historical or cultural context.
- > Written descriptions of sexual activity between adults are acceptable in mainstream works of literature and in publications not overwhelmingly dedicated to sexual matters.

### RESTRICTED — CATEGORY 1

*Sale restricted to persons 18 years and over, to be displayed in a sealed wrapper (not to be sold in Queensland).*

#### Covers

As for Unrestricted.

#### Contents

- > Photographs may include explicit genital detail or obvious sexual excitement. They may also include implied, simulated or obscured sexual activity between adults and touching of genitals.
- > Depictions of mild fetishes such as rubberwear and stylised domination are acceptable.
- > Illustrations and paintings which are considered not to be bona fide erotic artworks, and depict explicit sexual activity or nudity will warrant a restricted category classification.
- > Photographs of realistic and explicit violence, or its aftermath, may be accommodated in a publication that exploits violence, except in a sexual context, or if extremely cruel or violent.
- > Exploitative novellas may contain explicit descriptions of sexual activity between consenting adults but excluding bestiality, or incest, or sexual activity involving children, or relished or detailed descriptions of gratuitous acts of cruelty, or detailed or unjustifiable descriptions of sexual violence against non-consenting persons.
- > Publications which contain exploitative, realistic and gratuitous descriptions of violence will warrant a Category 1 restricted classification. They will not include relished or detailed descriptions of gratuitous acts of cruelty, or detailed or unjustifiable descriptions of sexual violence against non-consenting persons.

## RESTRICTED — CATEGORY 2

*Sale restricted to persons 18 years and over, only to be displayed in premises restricted to persons 18 years and over (not to be sold in Queensland).*

### Covers

As the publications are not displayed in a public place there is no restriction on what may be displayed.

### Contents

- > Photographs of sexual activity between consenting adults which include explicit genital detail.
- > Depictions of stronger fetishes are permitted but not if non-consent or apparent physical harm are evident.
- > Exploitative novellas may contain explicit descriptions of sexual activity of most kinds but excluding sexual activity involving children, or relished or detailed descriptions of gratuitous acts of cruelty, or detailed or unjustifiable descriptions of sexual violence against non-consenting persons.

## REFUSED CLASSIFICATION

*Publications refused classification may not be sold or displayed.*

- > Photographs of sexual activity involving children or of exploitative child nudity.
- > Publications which promote, incite or instruct in matters of crime or violence.
- > Publications which promote, or provide instruction in paedophile activity.
- > Photographs of sexual activity between humans and animals.
- > Photographs which depict extremely cruel or dangerous practices, especially those which show apparent harm to the participants.
- > Photographs which show sexual violence against the consent of a participant. This will also apply when the non-consent is established from text which relates to a photo sequence.
- > Books which promote, incite or encourage the use of prohibited drugs. Included will be books that instruct in the manufacture or cultivation of prohibited drugs.
- > Exploitative novellas which include gratuitous descriptions of sexual activity involving children. This guideline will not apply to works of genuine literary merit.
- > Exploitative novellas which contain relished or detailed descriptions of gratuitous acts of cruelty, or detailed or unjustifiable descriptions of sexual violence against non-consenting persons. This guideline will not apply to works of genuine literary merit.

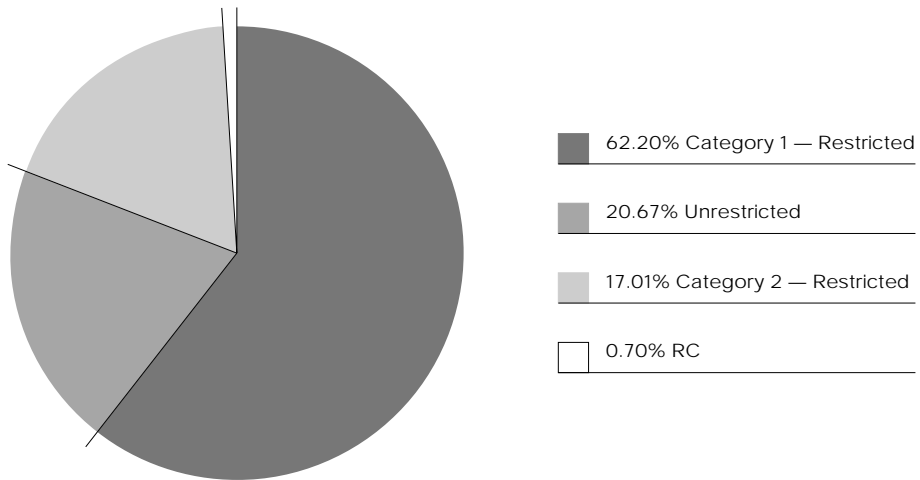


## COMMERCIAL APPLICATIONS — BY CLASSIFICATION

### PUBLICATIONS BY CLASSIFICATION

CLASSIFICATION	1997-98		1998-99	
	NO	%	NO	%
Unrestricted	369	16.18	356	20.67
Category 1 — Restricted	1303	57.12	1071	62.20
Category 2 — Restricted	495	21.70	293	17.01
RC	114	5.00	12	0.70
Total	2281	100.00	1732	100.00

### PUBLICATIONS BY CLASSIFICATION 1998-99



COMMERCIAL APPLICATIONS —  
BY REASONS FOR REFUSAL

PUBLICATIONS — REASONS FOR REFUSAL

REASON	1997-98*	1998-99
Child pornography	-	5
Minors	-	6
Sexual violence	-	1
Total	-	12

\* This information was not collected for the *Classification Board and Classification Review Board Annual Report 1997-98*.

## COMMERCIAL APPLICATIONS — BY COUNTRY OF ORIGIN

### PUBLICATIONS BY COUNTRY OF ORIGIN

COUNTRY	1997/98 %	1998/99 %
Africa	0.04	0.0
Australia	31.55	39.45
Canada	0.44	1.02
China	0.04	0.05
Denmark	1.45	1.17
Europe	0.0	0.05
France	0.20	0.0
Germany	2.21	2.03
Hong Kong	0.16	0.0
Italy	0.08	0.0
Japan	0.08	0.25
Netherlands	1.41	1.37
New Zealand	0.20	0.15
Poland	0.0	0.05
Singapore	0.0	0.10
South Africa	0.93	0.25
South Africa/UK	0.16	0.0
Spain	1.01	0.66
Sweden	0.44	0.0
Switzerland	0.08	0.10
Taiwan	0.0	0.05
Thailand	0.0	0.05
UK	20.08	24.96
Unknown	0.32	1.83
USA	39.07	26.39
Various	0.04	0.0
Total	100.00	100.00

## GUIDELINES FOR THE CLASSIFICATION OF FILMS AND VIDEOTAPES<sup>2</sup>

### INTRODUCTION

Films and videotapes, whether they are locally made or come from overseas, have to be classified before they can be sold, hired or shown publicly in Australia.

Classification is done by the Classification Board which is located at the Sydney-based Office of Film and Literature Classification.

When making its classification decisions, the Board is required to reflect contemporary community standards and must apply criteria which are set out in the National Classification Code.

The National Classification Code is determined under the Classification Act. The Code contains the general principles which form the basis of the Classification Guidelines (the Guidelines).

The National Classification Code states:

Classification decisions are to give effect, as far as possible, to the following principles:

- (a) adults should be able to read, hear and see what they want;
- (b) minors should be protected from material likely to harm or disturb them;
- (c) everyone should be protected from exposure to unsolicited material that they find offensive;
- (d) the need to take account of community concerns about:
  - (i) depictions that condone or incite violence, particularly sexual violence; and
  - (ii) the portrayal of persons in a demeaning manner.

Particular attention is paid, when classification decisions are made, to the protection of minors from material that is disturbing or harmful.

The concept of demeaning spelt out in the National Classification Code applies in making decisions across all of the classification categories. It refers to depictions, directly or indirectly sexual in nature which debase or appear to debase the person or the character depicted.

<sup>2</sup> These guidelines were approved by Commonwealth, State and Territory Censorship Ministers in accordance with Section 12(3) of the Commonwealth *Classification (Publications, Films and Computer Games) Act 1995* on 15 April 1999.

The National Classification Code names and broadly describes the six classification categories. G, PG and M are advisory categories. MA and R are legally restricted categories. X is a special category which is also legally restricted. The National Classification Code also describes material that is refused classification.

The Guidelines describe in more detail the nature of the different classification categories, and the scope and limits of material suitable for each category. Both the National Classification Code and the Guidelines are agreed to by Commonwealth, State and Territory Ministers with censorship responsibilities.

By law, the Board must apply both the National Classification Code and the Guidelines when making classification decisions. The Board must also take into account other matters contained in the Classification Act, set out in section 11.

The relevant part of section 11 states:

The matters to be taken into account in making a decision on the classification of a film include:

- (a) the standards of morality, decency and propriety generally accepted by reasonable adults; and
- (b) the literary, artistic or educational merit (if any) of the film; and
- (c) the general character of the film, including whether it is of a medical, legal or scientific character; and
- (d) the persons or class of persons to or amongst whom it is published or is intended or likely to be published.

## BRIEF HISTORY

Film classification guidelines were first written in 1980. These were intended simply as a working document for members of the Film Censorship Board (now known as the Classification Board). In 1984 and again in 1988 revised guidelines were drawn up by the Board and agreed to by State and Federal Ministers responsible for censorship. Since that time the Guidelines have been made publicly available in order to help consumers better understand the classification system. They have been distributed in schools, for example, as part of an educational campaign about the classification scheme.

In 1993 the Guidelines were up-dated to include the new MA category. This category was introduced in response to community concern about the impact of some of the stronger material classified M. That is, material which was recommended for mature audiences, but to which children had unrestricted access.

While the Guidelines are intended primarily for use by the Board in making its decisions, they are also designed to inform consumers about the basis for those decisions.

## CONSULTATION PROCESS

The Guidelines are revised from time to time in consultation with members of the public, community groups and organisations, including contributors to research. The views of complainants, industry groups and other interested parties are sought. The revised guidelines are scrutinised by a language expert; community input and responses are reviewed by an independent person with expertise in the area of censorship and classification. Once approved by Commonwealth, State and Territory Ministers, the Guidelines must be formally gazetted and tabled in the respective Parliaments.

## GUIDELINES CONTENTS AND USE

The Guidelines aim to be as objective as possible, while retaining the flexibility needed to accommodate notions of merit and community standards (section 11, the Classification Act).

The Guidelines contain descriptions of each of the classification categories. The categories indicate the most suitable audience for the film, in terms of age and legal restriction.

Each classification category contains a list of the criteria used by the Board when making classification decisions. These criteria relate to the classifiable elements of violence, sex, coarse language, adult themes, drug use and nudity.

In considering each element, the Board makes classification decisions based on the impact of individual elements and their cumulative effect. The content and treatment of elements contribute to the impact. The Board takes into account factors such as tone, duration, frequency and the amount of visual or verbal detail. The relationship of classifiable elements to the narrative also contributes to the impact of a film, and therefore its classification.

In describing classification criteria, the Guidelines sometimes use language which can be interpreted in a number of ways. To clarify the way words are used in the Guidelines, a glossary of terms is included.

## CONSUMER ADVICE

In making classification decisions, the Board also decides what consumer advice should be provided. The law requires that consumer advice is shown with the classification symbol on posters, advertisements and video jackets.

Consumer advice is designed to alert consumers to the elements that have contributed to the classification. It should help people to make informed choices about the films and videos they choose for themselves or for their children.

Consumer advice is generally not provided for material classified G. As this category is suitable for viewing by all ages, it can be expected not to contain anything which might require consumer advice.

## THE GUIDELINES



### GENERAL (SUITABLE FOR ALL AGES)

This is a category which is considered suitable for all viewers.

The G classification symbol does not necessarily indicate that the film is one that children will enjoy. Some G films contain themes or story-lines that are of no interest to children.

Parents should feel confident that children can watch material in this classification without supervision. Material classified G will not be harmful or disturbing to children. Whether or not the film is intended for children, the treatment of themes and other classifiable elements will be careful and discreet.

*Violence:* Violence may be very discreetly implied, but should:

- have a light tone, or
- have a very low sense of threat or menace, and
- be infrequent, and
- not be gratuitous.

*Sex:* Sexual activity should:

- only be suggested in very discreet visual or verbal references, and
- be infrequent, and
- not be gratuitous.

*Coarse Language:* Coarse language should:

- be very mild and infrequent, and
- not be gratuitous.



### PARENTAL GUIDANCE (PARENTAL GUIDANCE RECOMMENDED FOR PERSONS UNDER 15 YEARS)

The PG classification signals to parents that material in this category contains depictions or references which could be confusing or upsetting, to children without adult guidance. Material classified PG will not be harmful or disturbing to children.

Parents may choose to preview the material for their children; some may choose to watch the material with their children. Others might find it sufficient to be accessible during or after the viewing to discuss the content.

- Violence:* Violence may be discreetly implied or stylised, and should also be:
- mild in impact, and
  - not shown in detail.
- Sex:* Sexual activity may be suggested, but should:
- be discreet, and
  - be infrequent, and
  - not be gratuitous.
- Verbal references to sexual activity should be discreet.
- Coarse Language:* Coarse language should be mild and infrequent.
- Adult Themes:* Supernatural or mild horror themes may be included.
- The treatment of adult themes should be discreet and mild in impact.
- More disturbing themes are not generally dealt with at PG level.
- Drug Use:* Discreet verbal references and mild, incidental visuals of drug use may be included, but these should not promote or encourage drug use.
- Nudity:* Nudity outside of a sexual context should not be detailed or gratuitous.



**MATURE**

(RECOMMENDED FOR MATURE AUDIENCES 15 YEARS AND OVER)

The Mature category is advisory and not legally restricted. However, material in this category cannot be recommended for those under 15 years.

Films classified M contain material that is considered to be potentially harmful or disturbing to those under 15 years. Depictions and references to classifiable elements may contain detail. However, the impact will not be so strong as to require restriction.

- Violence:* Generally, depictions of violence should:
- not contain a lot of detail and
  - not be prolonged.
- In realistic treatments, depictions of violence that contain detail should:
- be infrequent and
  - not have a high impact and/or
  - not be gratuitous.



In stylised treatments, depictions of violence may contain more detail and be more frequent if this does not increase the impact.

Verbal and indirect visual references to sexual violence may only be included if they are:

- discreet and infrequent, and
- strongly justified by the narrative or a documentary context.

*Sex:* Sexual activity may be discreetly implied.

Nudity in a sexual context should not contain a lot of detail, or be prolonged.

Verbal references to sexual activity may be more detailed than depictions if this does not increase the impact.

*Coarse Language:* Coarse language may be used.

Generally, coarse language that is stronger, detailed or very aggressive should:

- be infrequent and
- not be gratuitous

*Adult Themes:* Most themes can be dealt with, but the treatment should be discreet, and the impact should not be high.

*Drug Use:* Drug use may be discreetly shown.

Drug use should not be promoted or encouraged.

*Nudity:* Nudity outside of a sexual context may be shown but depictions that contain any detail should not be gratuitous.



**MATURE ACCOMPANIED (RESTRICTIONS APPLY TO PERSONS UNDER THE AGE OF 15\*)**

- \* The MA category is legally restricted. Children under fifteen will not be allowed to see MA films in the cinema or hire them on video unless in the company of a parent or adult guardian.

Material classified MA deals with issues or contains depictions which require a mature perspective. This is because the impact of individual elements or a combination of elements is considered likely to be harmful or disturbing to viewers under 15 years of age.

*Violence:* Generally, depictions of violence should not have a high impact. Depictions with a high impact should be infrequent, and should not be prolonged or gratuitous.

Realistic treatments may contain detailed depictions, but these should not be prolonged.

Depictions of violence in stylised treatments may be more detailed and more frequent than depictions of violence in close to real life situations or in realistic treatments if this does not increase the impact.

Visual suggestions of sexual violence are permitted only if they are not frequent, prolonged, gratuitous or exploitative.

*Sex:* Sexual activity may be implied.

Depictions of nudity in a sexual context which contain detail should not be exploitative.

Verbal references may be more detailed than depictions, if this does not increase the impact.

*Coarse Language:* Coarse language may be used.

Coarse language that is very strong, aggressive or detailed should not be gratuitous.

*Adult Themes:* The treatment of themes with a high degree of intensity should be discreet.

*Drug Use:* Drug use may be shown, but should not be promoted or encouraged.

More detailed depictions should not have a high degree of impact.

**RESTRICTED (RESTRICTED TO ADULTS 18 YEARS AND OVER)**

The R category is legally restricted to adults. Material which is given a restricted classification is unsuitable for those under 18 years of age. Material classified R deals with issues or contains depictions which require an adult perspective.

The classification is not intended as a comment on the quality of the material. Some material may be offensive to some sections of the adult community. Material which promotes or incites or instructs in matters of crime and/or violence is not permitted.

- Violence:* Depictions of violence which are excessive will not be permitted.  
Strong depictions of realistic violence may be shown but depictions with a high degree of impact should not be gratuitous or exploitative.  
Sexual violence may only be implied and should not be detailed.  
Depictions must not be frequent, gratuitous or exploitative.  
Gratuitous, exploitative or offensive depictions of cruelty or real violence will not be permitted.
- Sex:* Sexual activity may be realistically simulated; the general rule is 'simulation, yes - the real thing, no.'  
Nudity in a sexual context should not include obvious genital contact.  
Verbal references may be more detailed than depictions.
- Coarse Language:* There are virtually no restrictions on coarse language at R level.
- Adult Themes:* The treatment of any themes with a very high degree of intensity should not be exploitative.
- Drug Use:* Drug use may be shown but not gratuitously detailed.  
Drug use should not be promoted or encouraged.  
Detailed instruction in drug misuse is not permitted.

**X** CONTAINS SEXUALLY EXPLICIT MATERIAL (RESTRICTED TO ADULTS 18 YEARS AND OVER\*)

\* Available only on video: available only in the Australian Capital Territory and the Northern Territory

This classification is a special and legally restricted category which only contains sexually explicit material. That is material which contains real depictions of actual sexual intercourse and other sexual activity between consenting adults, including mild fetishes.

No depiction of sexual violence, sexualised violence or coercion, offensive fetishes, or depictions which purposefully debase or abuse for the enjoyment of viewers is permitted in this classification.

**RC** REFUSED CLASSIFICATION

As pointed out in the introduction, films and videos must be classified. A film or video which does not have the authorised classification symbols or the consumer advice is either an unclassified film or video, or it has been refused classification.

Films or videos which contain elements beyond those set out in the above classification categories are refused classification.

Films or videos which fall within the criteria for refused classification cannot be legally brought into Australia.

The National Classification Code sets out the criteria for refusing to classify a film or video. The criteria fall into three categories. These include films that:

- > depict, express or otherwise deal with matters of sex, drug misuse or addiction, crime, cruelty, violence or revolting or abhorrent phenomena in such a way that they offend against the standards of morality, decency and propriety generally accepted by reasonable adults to the extent that they should be classified RC.
- > depict in a way that is likely to cause offence to a reasonable adult a person who is or who looks like a child under 16 (whether or not engaged in sexual activity), or;
- > promote, incite or instruct in matters of crime or violence.

Films and videos will be refused classification if they appear to purposefully debase or abuse for the enjoyment of viewers, and which lack moral, artistic or other values, to the extent that they offend against generally accepted standards of morality, decency and propriety.

Films and videos will be refused classification:

(a) if they promote or provide instruction in paedophile activity;

or if they contain:

(b) depictions of child sexual abuse or any other exploitative or offensive depictions involving a person who is or who looks like a child under 16;

(c) detailed instruction in:

(i) matters of crime or violence,

(ii) the use of proscribed drugs;

(d) depictions of practices such as bestiality;

or if they contain gratuitous, exploitative or offensive depictions of:

(e) violence with a very high degree of impact or which are excessively frequent, prolonged or detailed;

(f) cruelty or real violence which are very detailed or which have a high impact;

(g) sexual violence;

(h) sexual activity accompanied by fetishes or practices which are offensive or abhorrent;

(i) incest fantasies or other fantasies which are offensive or abhorrent.

## GLOSSARY OF TERMS

<b>Abuse:</b>	Maltreat or assault, especially sexually.
<b>Adult Themes:</b>	Issues dealing with aspects of adult life that are potentially harmful to minors, or disturbing. Adult themes may include verbal references to and depictions associated with issues such as suicide, crime, corruption, marital problems, emotional trauma, drug and alcohol dependency, death and serious illness, racism, religious issues.
<b>Advisory:</b>	<b>(applies to G, PG and M)</b> These classifications do not legally restrict anyone from seeing or hiring the film. They recommend the most suitable audience for the film, in terms of age and level of parental supervision.
<b>Coarse language:</b>	At <b>G</b> level, this might include 'bloody' or 'bugger'. At <b>PG</b> level, it might include 'shit'. At <b>M</b> level, it includes 'fuck'.
<b>Coercion:</b>	The use of threat to force agreement to sexual activity.

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<b>Demean:</b>	A depiction, directly or indirectly sexual in nature, which debases or appears to debase the person or the character depicted.
<b>Depiction:</b>	Representation, portrayal on screen.
<b>Detail:</b>	The amount of verbal or visual information in the representation of a subject. Detail can include close-up visuals, repeated, prolonged or slow-motion visuals, and accentuation through lighting.
<b>Discreet:</b>	With little or no detail and generally brief.
<b>Disturb/disturbing:</b>	Cause emotional trauma.
<b>Drugs:</b>	Detailed instruction in the use of proscribed drugs is refused classification. Proscribed drugs are those specified in Schedule 4 (referred to in Regulation 4A (1A) (e)) of the Customs (Prohibited Imports) Regulations.
<b>Elements:</b>	Classifiable elements include violence, sex, coarse language, adult themes, drug use, nudity — the Classification Board assesses the impact of these when making classification decisions.
<b>Excessive:</b>	Treatment which exceeds reasonable limits, especially in terms of detail, duration or frequency.
<b>Exploitative:</b>	Appearing to purposefully debase or abuse for the enjoyment of viewers, and lacking moral, artistic or other values.
<b>Fetish:</b>	An object, an action, or a non-sexual part of the body which gives sexual gratification. Fetishes range from mild to offensive. An example of a <b>mild fetish</b> is rubber wear. <b>Offensive fetishes</b> include abhorrent phenomena such as coprophilia.
<b>Gratuitous:</b>	Material which is unwarranted or uncalled for, and included without the justification of a defensible story-line or artistic merit.
<b>Harm/harmful:</b>	Cause developmental damage.
<b>Impact:</b>	The strength of the effect on the viewer.

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<b>Implied:</b>	Depiction/s of a subject in which an act or thing is inferred or indicated without actually being seen.
<b>Intensity:</b>	Strength of treatment or subject matter.
<b>Material:</b>	The content of films or videos.
<b>Nudity:</b>	Nudity can consist of frontal or rear above and below waist visuals, full frontal or full rear visuals for both sexes, or breast nudity for females. The amount of detail is determined not only by the content of the nudity shown, but by other factors including closeness and duration of visuals, repetition, and clarity.
<b>Offensive:</b>	Material which causes outrage or extreme disgust to most people.
<b>Real:</b>	Actual
<b>Realistic:</b>	(see <b>Treatment</b> )
<b>Reasonable Adult:</b>	Possessing common sense and an open mind, and able to balance personal opinion with generally accepted community standards.
<b>Sexual Activity:</b>	Matters pertaining to sexual arousal but not limited only to portrayals of sexual intercourse.
<b>Sexual Violence:</b>	The act of sexual assault or aggression, in which the victim does not consent.
<b>Sexualised Violence:</b>	Where sex and violence are connected in the story, although sexual violence may not necessarily occur.
<b>Sexually Explicit Material:</b>	Real sex on screen.
<b>Simulation:</b>	Simulated sexual activity is not real, but looks realistic.
<b>Suggested:</b>	Mild, discreet treatment of a subject in which an act or thing is hinted at.
<b>Suggestion:</b>	Mild, discreet treatment of a subject in which an act or thing is hinted at, generally through discreet focus on part of, rather than the whole picture.
<b>Stylised:</b>	(see <b>Treatment</b> )

<b>Tone:</b>	The quality or feeling of material, such as its sadness, humour, menace, lightness, or seriousness.
<b>Treatment:</b>	<p>The artistic handling of a scene or a film, especially with regard to style.</p> <p>In a <b>realistic treatment</b>, the material appears real to the viewer. It may be close to real life, and feel authentic.</p> <p>In a <b>stylised treatment</b>, the viewer is conscious of the unreality; examples include musicals, horror films, animation and fantasy.</p>
<b>Unsuitable:</b>	Material that is not appropriate to viewers under 18 years, because of its ability to <b>harm</b> (cause developmental damage) or <b>disturb</b> (cause emotional trauma).
<b>Violence:</b>	Includes not only acts of violence, but also the threat or result of violence.
<b>Visual Reference:</b>	An image related to, but not of, classifiable elements such as violence, sex, and drug use.



CONSUMER ADVICE LINES

G

Some scenes may be unsuitable for very young children.

PG

- Violence:**
  - Low level violence
  - Medium level violence
- Sex:**
  - Low level sex scenes
  - Medium level sex scenes
- Language:**
  - Low level coarse language
  - Medium level coarse language
- Other:**
  - Drug references
  - Adolescent themes/issues
  - Adult themes
  - Nudity
  - Sexual references
  - War footage
  - Supernatural theme
  - Comic horror
  - Martial arts instruction
  - Safety awareness
  - Motor accident footage

M15+

- Violence:**
  - Low level violence
  - Medium level violence
- Sex:**
  - Low level sex scenes
  - Medium level sex scenes
- Language:**
  - Low level coarse language
  - Medium level coarse language

**Other:**

- Nudity
- Drug references
- Drug use
- Adolescent themes/issues
- Adult themes
- Sexual references
- Supernatural theme
- Horror theme
- War footage
- Martial arts instruction

MA15+

**Violence:**

- Medium level violence
- High level violence

**Sex:**

- Medium level sex scenes
- High level sex scenes

**Language:**

- Medium level coarse language
- High level coarse language

**Other:**

- Drug use
- Nudity
- Sexual references
- Adult themes
- Horror theme
- Martial arts instruction
- Contains graphic images of injuries

## R

<b>Violence:</b>	Medium level violence
<b>Sex:</b>	Medium level sex scenes High level sex scenes
<b>Language:</b>	Medium level coarse language High level coarse language
<b>Other:</b>	Drug use Nudity Sexual references Sex education Health education Drug education Adult themes Horror theme Martial arts instruction Mainly concerned with sex (special genre only)

## X

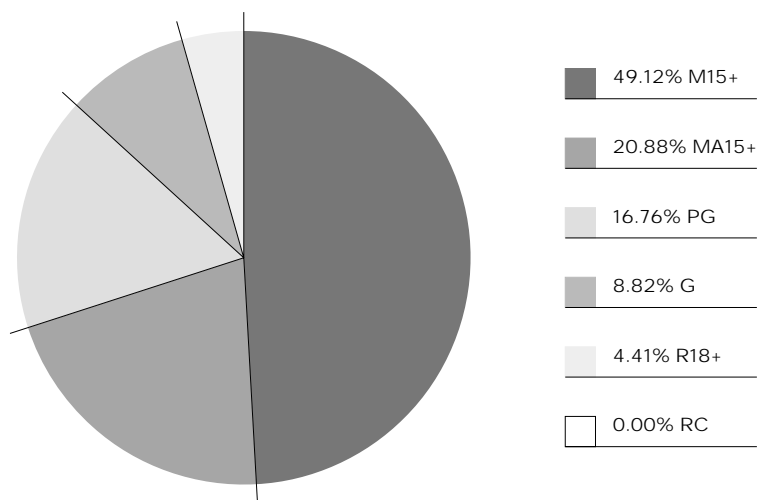
Contains sexually explicit material

## COMMERCIAL APPLICATIONS — BY CLASSIFICATION

### FILMS FOR PUBLIC EXHIBITION (CINEMA FEATURES)

CLASSIFICATION	1997-98		1998-99	
	NO	%	NO	%
G	32	9.28	30	8.82
PG	55	15.94	57	16.76
M15+	174	50.43	167	49.12
MA15+	60	17.39	71	20.88
R18+	23	6.67	15	4.41
RC	1	0.29	0	0.00
Total	345	100.00	340	100.00

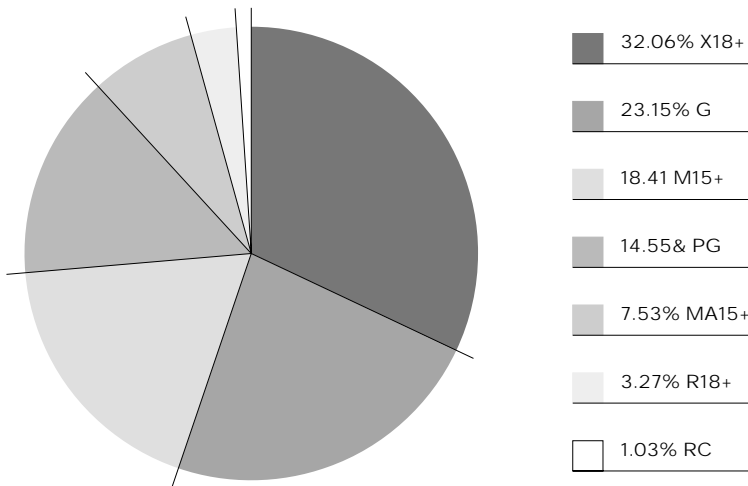
### FILMS FOR PUBLIC EXHIBITION (CINEMA FEATURES) 1998-99



FILMS FOR SALE/HIRE BY CLASSIFICATION  
(VIDEOTAPES, DVDS ETC.)

CLASSIFICATION	1997-98		1998-99	
	NO	%	NO	%
G	682	22.09	587	23.15
PG	321	10.40	369	14.55
M15+	441	14.29	467	18.41
MA15+	169	5.47	191	7.53
R18+	213	6.90	83	3.27
X18+	1215	39.36	813	32.06
RC	46	1.49	26	1.03
Total	3087	100.00	2536	100.00

FILMS FOR SALE/HIRE BY CLASSIFICATION  
(VIDEOTAPES, DVDS ETC.) 1998-99



## COMMERCIAL APPLICATIONS — BY CODE REASONS FOR CLASSIFICATION

### FILMS FOR PUBLIC EXHIBITION (CINEMA FEATURES)%

	SEX		VIOLENCE		LANGUAGE		OTHER	TOTAL
	i*	f*	i*	f*	i*	f*		
PG	5.31	0.00	16.76	0.84	27.09	5.03	44.97	100.00
M15+	10.07	0.00	22.15	4.70	6.71	11.41	44.97	100.00
MA15+	0.76	0.00	14.39	0.76	21.21	0.00	62.88	100.00
R18+	17.24	6.90	20.69	0.00	0.00	3.45	51.72	100.00

### FILMS FOR SALE/HIRE (VIDEOTAPES, DVDS ETC.)%

	SEX		VIOLENCE		LANGUAGE		OTHER	TOTAL
	i*	f*	i*	f*	i*	f*		
G	0.00	0.00	0.00	0.00	50.00	0.00	50.00	100.00
PG	0.58	0.00	24.21	4.76	11.67	0.00	58.79	100.00
M15+	5.09	0.10	19.35	1.93	23.22	4.68	45.62	100.00
MA15+	10.58	0.26	24.34	4.23	6.61	12.96	41.01	100.00
R18+	18.02	14.41	14.41	1.80	0.90	1.80	48.65	100.00
X18+	0.00	0.00	0.00	0.00	0.00	0.00	100.00*	100.00

i\*: infrequent

f\*: frequent

\*: see description of the 'X' classification at page 94.

## COMMERCIAL APPLICATIONS — BY REASONS FOR REFUSAL

### FILMS FOR PUBLIC EXHIBITION (CINEMA FEATURES) — REASONS FOR REFUSAL

REASON	1997-98	1998-99
	NO	NO
Explicit sex, sexual violence	1	-
<b>Total</b>	<b>1</b>	<b>-</b>

### FILMS FOR SALE/HIRE (VIDEOPTAPES, DVDS ETC.) — REASONS FOR REFUSAL

REASON	1997-98	1998-99
	NO	NO
Bestiality	-	1
Child Pornography	-	2
Coercion	2	1
Coercion + violence	1	-
Demeaning portrayal	-	1
Excessive violence	2	-
Excessive violence + offensive fetish	1	-
Gratuitous sexual violence	3	-
Gratuitous sexual violence + excessive violence	1	-
Incest fantasy	4	-
Instructs in matters of violence	-	1
Minors	5	1
Non consent	10	1
Non consent + offensive fantasy	1	-
Offensive fetish	3	1
Offensive practice	-	1
Sexual violence	4	7
Sexual violence + coercion	1	-
Sexual violence + non-consent	1	-

Films for Sale/Hire (videotapes, DVDs etc.) — Reasons for Refusal continued

REASON	1997-98		1998-99	
	NO	%	NO	%
Sexual violence + offensive fetish	-		1	
Sexualised violence	4		6	
Sexualised violence + incest fantasy	1		-	
Sexualised violence + non-consent	1		-	
Sexualised violence + offensive fetish	1		-	
Violence	-		2	
Total	46	26		

COMMERCIAL APPLICATIONS —  
BY COUNTRY OF ORIGIN

FILMS FOR PUBLIC EXHIBITION  
(CINEMA FEATURES) BY COUNTRY OF ORIGIN

COUNTRY	1997-98		1998-99	
	NO	%	NO	%
Argentina/Spain	-	0.0	1	0.29
Australia	39	11.3	36	10.59
Australia/Korea	1	0.29	-	0.0
Australia/UK	1	0.29	-	0.0
Australia/Sri Lanka	-	0.0	1	0.29
Austria	-	0.0	2	0.59
Brazil	-	0.0	1	0.29
Canada	6	1.74	3	0.88
Canada/Italy	-	0.0	1	0.29
Canada/UK	-	0.0	1	0.29
China	1	0.29	1	0.29
China (Hong Kong)	-	0.0	6	1.76
Denmark	-	0.0	1	0.29



## Appendix One — Classification Guidelines and Statistics

## Films for Public Exhibition (cinema features) by Country of Origin continued

COUNTRY	1997-98		1998-99	
	NO	%	NO	%
Eire	2	0.58	-	0.0
Finland	1	0.29	-	0.0
France	8	2.32	5	1.47
France/Belgium/Scotland	1	0.29	-	0.0
France/Germany/Italy	1	0.29	-	0.0
France/Greece/Italy	1	0.29	-	0.0
France/Romania	-	0.0	1	0.29
Germany	-	0.0	1	0.29
Germany/Denmark/Sweden	1	0.29	-	0.0
Hong Kong	22	6.38	6	1.76
Hong Kong/UK	1	0.29	-	0.0
India	23	6.67	27	7.94
Iran	-	0.0	1	0.29
Ireland	-	0.0	1	0.29
Isle of Man	-	0.0	1	0.29
Italy	3	0.87	3	0.88
Italy/UK	-	0.0	1	0.29
Japan	8	2.32	7	2.06
Mexico/USA	1	0.29	-	0.0
New Zealand	1	0.29	3	0.88
Norway	2	0.58	-	0.0
Russia/France	-	0.0	1	0.29
Singapore	-	0.0	1	0.29
Spain	2	0.58	-	0.0
Sri Lanka	1	0.29	-	0.0
Sweden	2	0.58	-	0.0
UK	28	8.12	31	9.12
UK/Canada	-	0.0	1	0.29
UK/France	-	0.0	1	0.29
UK/Ireland	1	0.29	-	0.0
UK/USA	-	0.0	1	0.29

Films for Public Exhibition (cinema features) by Country of Origin continued

COUNTRY	1997-98		1998-99	
	NO	%	NO	%
USA	185	53.62	188	55.29
USA/Canada	-	0.0	1	0.29
USA/India	1	0.29	-	0.0
USA/UK	-	0.0	1	0.29
Vietnam	-	0.0	1	0.29
Yugoslavia	1	0.29	2	0.59
Total	345	100.00	340	100.00

FILMS FOR SALE/HIRE (VIDEOTAPES, DVDS ETC.)  
BY COUNTRY OF ORIGIN

COUNTRY	1997-98		1998-99	
	NO	%	NO	%
Argentina	-	0.0	1	0.04
Argentina/Spain	-	0.0	1	0.04
Australia	328	10.63	343	13.53
Australia/China	1	0.03	1	0.04
Australia/Germany	1	0.03	-	0.0
Australia/New Zealand	1	0.03	-	0.0
Australia/UK	2	0.06	-	0.0
Australia/USA	2	0.06	-	0.0
Austria	-	0.0	2	0.08
Belgium	1	0.03	-	0.0
Brazil	10	0.30	26	1.03
Canada	30	0.97	21	0.83
Canada/Czechoslovakia	-	0.0	1	0.04
Canada/France	2	0.06	1	0.04
Canada/France/Germany	1	0.03	1	0.04
Canada/Italy	-	0.0	1	0.04

Appendix One — Classification Guidelines and Statistics

Films for Sale/Hire (videotapes, DVDs etc.) by Country of Origin continued

COUNTRY	1997-98		1998-99	
	NO	%	NO	%
Canada/UK	-	0.0	4	0.16
Canada/UK/Hungary	-	0.0	1	0.04
Canada/USA	-	0.0	1	0.04
China	2	0.06	1	0.04
China (Hong Kong)	-	0.0	2	0.08
Czech Republic	-	0.0	1	0.04
Czechoslovakia	1	0.03	2	0.08
Czechoslovakia/France	1	0.03	-	0.0
Denmark	1	0.03	1	0.04
Eire	5	0.16	-	0.0
Europe	2	0.06	-	0.0
Finland	1	0.03	-	0.0
France	61	1.98	31	1.22
France/Belgium/Scotland	1	0.03	-	0.0
France/Germany	-	0.0	1	0.04
France/Germany/Italy	1	0.03	-	0.0
France/Greece/Italy	1	0.03	-	0.0
France/Italy	1	0.03	-	0.0
France/Romania	-	0.0	1	0.04
France/UK	1	0.03	-	0.0
Germany	72	2.33	72	2.84
Germany/Denmark/Sweden	1	0.03	-	0.0
Germany/Spain	1	0.03	-	0.0
Greece	-	0.0	1	0.04
Hong Kong	2	0.06	1	0.04
Hong Kong/UK	1	0.03	-	0.0
Hungary	2	0.06	-	0.0
Hungary/USA	1	0.03	-	0.0
Iceland/USA	-	0.0	-	0.0
India	5	0.16	-	0.0
Iran	-	0.0	1	0.04

Films for Sale/Hire (videotapes, DVDs etc.) by Country of Origin continued

COUNTRY	1997-98		1998-99	
	NO	%	NO	%
Ireland	-	0.0	1	0.04
Isle of Man	-	0.0	1	0.04
Italy	21	0.68	8	0.32
Italy/Spain	1	0.03	-	0.0
Italy/UK	1	0.03	1	0.04
Italy/USA	-	0.0	1	0.04
Japan	6	0.19	9	0.35
Japan/Netherlands/Sweden	-	0.0	1	0.04
Japan/USA	3	0.10	7	0.28
Korea	6	0.19	-	0.0
Mexico	1	0.03	-	0.0
Mexico/USA	1	0.03	1	0.04
Netherlands	-	0.0	8	0.32
New Zealand	10	0.32	8	0.32
New Zealand/USA	-	0.0	1	0.04
Norway	3	0.10	1	0.04
Norway/UK	-	0.0	1	0.04
Portugal/UK	2	0.06	-	0.0
Russia	2	0.06	6	0.24
Russia/France	-	0.0	-	0.04
Singapore	-	0.0	1	0.04
Spain	12	0.39	4	0.16
Sweden	65	2.11	33	1.30
Switzerland	2	0.06	1	0.04
The Netherlands	3	0.10	-	0.0
The Philippines	3	0.10	-	0.0
UK	297	9.62	248	9.78
UK/Australia	-	0.0	1	0.04
UK/France	-	0.0	1	0.04
UK/Ireland	1	0.03	1	0.04
UK/USA	3	0.10	1	0.04

## Films for Sale/Hire (videotapes, DVDs etc.) by Country of Origin continued

COUNTRY	1997-98		1998-99	
	NO	%	NO	%
USA	2009	65.08	1581	62.34
USA/Australia	2	0.06	-	0.0
USA/Canada	-	0.0	2	0.08
USA/Czech	1	0.03	-	0.0
USA/Germany	-	0.0	1	0.04
USA/India	1	0.03	-	0.0
USA/UK	-	0.0	2	0.08
USSR	3	0.10	-	0.0
Various	-	0.0	4	0.16
Vietnam	-	0.0	1	0.04
Not Shown	84	2.72	78	3.08
Total	3087	100.00	2536	100.00

## FILM FESTIVALS AND EVENTS

ORGANISATION	EVENT	EVENT DATES
City Of Melbourne/ Arts Victoria	Cremasters	July 1998
Fremantle Metropolis Super 8 Film Festival	1999 Fremantle Metropolis Super 8 Film Festival	November 1998
Alliance Francaise De Sydney	Cannes International Film Festival 50th Anniversary Collection	July 1998
Bathurst Film Festival	1998 Bathurst Film Festival	July-August 1998
Hong Kong Economic & Trade Office	1998 Hong Kong Film Festival	August 98
Australian Film Institute	New Wave Cinema: Films From New York 1978-1987	July-August 1998
Museum of Contemporary Art	Personal Effects: The Collective Unconscious	July- September 1998
Long Lives On Screen	Long Lives On Screen Film Festival	October 1998

## Film Festivals and Events continued

ORGANISATION	EVENT	EVENT DATES
Australian Film Institute	Columbia Noirs	August 1998
Theatre Manly	Short Black Film Festival	October 1998
Sri Lankan Technical Training Institute Old Boys' Association Of Australia	Bawa Karma	August 1998
Metro Television	'Changing Images' Multicultural Film & Video Festival	September 1998–January 1999
Australian Archives	'Treasures' Exhibition: Dr Who Excerpts	September 1998–June 1999
Turkish Film Foundation	Festival of Turkish Films	October 1998
Australian Film Institute	Chris Marker: Voyage of an Eccentric Artist	September–October 1998
Mexican Consulate (Syd)	1998 Mexican Film Festival	September 1998
Museum of Contemporary Art	Biennale of Sydney	September–November 1998
Auburn Community Development Network Inc.	1st Auburn International Film & Video Festival For Children & Young Adults	September 1998
Melbourne International Film Festival	1998 Travelling Film Festival	October 1998
University of Canberra	3rd Australian International Film Festival	September 1998
Queer Screen Limited	Queerdoc FILM FESTIVAL	October 1998
Fannycruise Productions	1998 WA Lesbian & Gay Film Festival	October 1998
Newtown Neighbourhood Centre Co-Operative Ltd	Localeyes Film Festival	October 1998
Flickerfest	Flickerfest North Ireland Films	October–November 1998
Australian Film Institute	'Kisskiss Boomboom'	October 1998–March 1999
Sydney Film Festival	Festival 1998 Travelling Film	November 1998
Queensland Animators Group Inc.	2nd Brisbane Animation Festival On Tour	October–November 1998
Museum of Contemporary Art	'MCA Collection — The Eighties'	November–December 1998

## Film Festivals and Events continued

ORGANISATION	EVENT	EVENT DATES
Museum of Contemporary Art	Super 8 Film Exhibition	November–December 1998
Australian Film Television & Radio School	1998 AFTRS Students Screening Tour	November 1998
Chinese Consulate-General (Sydney)	1998 Chinese Film Festival	December 1998
Museum of Contemporary Art	Seppelt Contemporary Art Awards Exhibition	November 1998–February 99
Australian Film Institute	Char Adhyay (Four Chapters)	November 1998
Australian Film Institute	Ludwig (Director's Cut)	December 1998
Newsunlimited	Environmental Film Evening	November 1998
Human Rights Commission	Human Rights Watch New York Film Evening	December 1998
Australian Film Institute	Spudwrench: Kahnawake Man	December 1998
Human Rights & Equal Opportunity Commission	Film Evening	December 1998
News Unlimited	Film Evening	November 1998
Sinhala Cultural & Community Service Foundation	Juliette Bhoomikawa	November 1998
Flickerfest	8th Annual Short Film Festival	January–February 1999
2XX Community Radio	McLibel: Two Worlds Collide	January 1999
REvelation Independent Film Festival	2ND REvelation Independent Film Festival	March 1999
Canberra Festival	'Movies By Moonlight'	March 1999
Neil Brothers (Aust) Film Prod.	Khayalaath	January 1999
Crowsnest Mainstreet Ltd	Crowsfest 1999	March 1999
Tropfest	Tropfest '99	March 1999
Cultural Film Foundation of Australia Ltd	REAL: Life On Film FESTIVAL	April–May 1999
Bathurst Film Festival	The Best of Bathurst '98	March 1999
Bathurst Film Festival	1999 Bathurst Film Festival	April–May 1999

Film Festivals and Events continued

ORGANISATION	EVENT	EVENT DATES
Melbourne Queer Film & Video Festival	1999 Melbourne Queer Film & Video Festival	March 1999
Openchannel	OPENchannel Members Screening	February 1999
Australian Film Institute	Tartan Shorts: Touring Scottish Shorts	March–April 1999
Alliance Francaise	French Film Festival '99	March 1999
Spanish Embassy	li Spanish Film Festival	April–May 1999
Melbourne International Comedy Festival 1999	Café Provincial Comedy Film Festival	March 1999
Spur	Anthima Rathriya	March 1999
Antipodes Festival	7th Greek Film Festival 1999	March–April 1999
Australian Film Television & Radio School	1999 Students' Screenings Tour	April–May 1999
Popcorn Taxi	Inaugural Season	April 1999
Jewish Lesbian Group of Victoria	A Feast Of Jewish Lesbian Films	May 1999
Goethe-Institute	Hartmut Bitomsky Screening	April 1999
Bathurst Film Festival	1999 Bathurst Film Festival	April–May 1999
Australian Film Institute	1999 'Australian Shorts'	May 1999
Australian Film Institute	More French Treasures	May–June 1999
Wild Spaces Environmental Film Festival	1999 Wild Spaces Environmental Film Festival	May 1999
Art Gallery of Western Australia	The Warhol Look: Glamour, Style, Fashion	May–July 1999
Goethe-Institute	East Germany Today	May–June 1999
Australian Film Institute	French Treasures II	May–June 1999
St Kilda Film Festival	1999 St Kilda Film Festival	May 1999
Matt Ellis	Picture This	May 1999
Museum of Contemporary Art	Cindy Sherman Retrospective	June–August 1999
Australian Film Institute	A Taste Of St Kilda/ US Independents	May–July 1999



## Film Festivals and Events continued

ORGANISATION	EVENT	EVENT DATES
Australian Film Institute	Remaining True: A Brief Season Of John Cassavetes Films	June 1999
Festival Video	Wimbledon 1999 Official Film Classic Match: Navratilova vs Evert	June 1999
Australian Film Institute	Imitating Life: The Films of Douglas Sirk	June -July 1999

EXEMPTIONS FOR  
ADVERTISING TRAILERS

TITLE	DISTRIBUTOR	CONDITIONS
<i>Stepmom</i>	Columbia Tristar	No restrictions
<i>I Still Know What You Did Last Summer</i>	Columbia Tristar	M
<i>Antz</i>	U.I.P.	No restrictions
<i>Basketball</i>	U.I.P.	M
<i>Snake Eyes</i>	Roadshow	M
<i>What Dreams May Come</i>	Polygram	No restrictions
<i>Very Bad Things</i>	20th Century Fox	M
<i>The Siege</i>	20th Century Fox	M
<i>Star Trek — Insurrection</i>	U.I.P.	No restrictions
<i>Babe 2 — Pig in the City</i>	U.I.P.	No restrictions
<i>Holy Man</i>	Roadshow	No restrictions
<i>Meet Joe Black</i>	U.I.P.	No restrictions
<i>The Rugrats Movie</i>	U.I.P.	No restrictions
<i>Psycho</i>	U.I.P.	M
<i>You've Got Mail</i>	Roadshow	No restrictions
<i>Practical Magic</i>	Roadshow	No restrictions
<i>Enemy of The State</i>	Buena Vista	M
<i>Patch Adams</i>	U.I.P.	No restrictions
<i>The Acid House</i>	Newvision	MA

## Exemptions for Advertising Trailers continued

TITLE	DISTRIBUTOR	CONDITIONS
<i>The Thin Red Line</i>	20th Century Fox	M
<i>8MM</i>	Columbia Tristar	MA
<i>Cruel Intentions</i>	Columbia Tristar	M
<i>Star Wars — Episode 1</i>	20th Century Fox	No restrictions
<i>The Faculty</i>	Roadshow	M
<i>Austin Powers — The Spy Who Shagged Me</i>	Roadshow	M
<i>The Thirteenth Floor</i>	Columbia Tristar	M
<i>Big Daddy</i>	Columbia Tristar	No restrictions
<i>The Mod Squad</i>	U.I.P.	M
<i>In Dreams</i>	U.I.P.	MA
<i>Analyze This</i>	Roadshow	M
<i>Message in a Bottle</i>	Roadshow	No restrictions
<i>Entrapment</i>	20th Century Fox	M
<i>Office Space</i>	20th Century Fox	M
<i>The Matrix</i>	Roadshow	M
<i>William Shakespeare's A Midsummer Night's Dream</i>	20th Century Fox	M
<i>Forces Of Nature</i>	U.I.P.	M
<i>The Out-of-Towners</i>	U.I.P.	No restrictions
<i>Plunkett &amp; Macleane</i>	Polygram	M
<i>The Mummy</i>	U.I.P.	No restrictions
<i>Eyes Wide Shut</i>	Roadshow	MA
<i>Inspector Gadget</i>	Buena Vista	No restrictions
<i>The Love Letter</i>	U.I.P.	No restrictions
<i>The Haunting</i>	U.I.P.	M
<i>South Park — Bigger, Longer &amp; Uncut</i>	Roadshow	M
<i>Wild Wild West</i>	Roadshow	M
<i>Universal Soldier: The Return</i>	Columbia Tristar	M
<i>Detroit Rock City</i>	Roadshow	M
<i>Runaway Bride</i>	Buena Vista	No restrictions

## Exemptions for Advertising Trailers continued

TITLE	DISTRIBUTOR	CONDITIONS
<i>Mystery Men</i>	U.I.P.	No restrictions
<i>Stigmata</i>	U.I.P.	M
<i>The World is Not Enough — 007</i>	U.I.P.	No restrictions
<i>Toy Story 2</i>	Buena Vista	No restrictions

GUIDELINES FOR THE CLASSIFICATION OF COMPUTER GAMES<sup>3</sup>

The main features of the scheme are:

- > Computer games or images offered for sale, hire or arcade use are subject to classification against an agreed set of guidelines. The exceptions are: (i) 'Bulletin Board Systems' are not regulated under this scheme; and (ii) business, accounting or educational software is not regulated unless it contains 'adult' type material.
- > These guidelines are, at the direction of Commonwealth, State and Territory Ministers, to be applied more strictly than those for the classification of film and videotape. The Ministers are concerned that games, because of their 'interactive' nature, may have greater impact, and therefore greater potential for harm or detriment, on young minds than film and videotape.
- > The stronger computer games are banned, some material is restricted for sale to those 15 years and over.
- > Consumer information is displayed on packaging and advertising. These measures are designed to assist parents to choose material for themselves and those in their care.
- > There are substantial penalties under State and Territory laws for selling unclassified games, particularly those subsequently classified restricted or refused classification.

3 Abridged version of the Guidelines as amended by Commonwealth, State and Territory Censorship Ministers on 15 April 1999.

The structure of the classification system is:

#### GENERAL

This category is suitable for persons under 15 years. It may be recognised by the display of the following words on packaging or advertising matter:

- 'Suitable for all ages'

#### GENERAL (8+)

This category is also suitable for persons under 15 years but may not be appropriate for younger children under 8 years who may have difficulty distinguishing between fantasy and reality. It may be recognised by the display of the following words on packaging or advertising matter:

- 'Suitable for children 8 years and over'.

#### MATURE

This category is suitable for persons 15 years and over. Additional information may be provided by the display of the following words on packaging or advertising matter:

- 'Suitable for persons 15 years and over'.

#### MA — RESTRICTED

This category is restricted to persons 15 years and over.

#### REFUSED CLASSIFICATION

Material so classified may not be sold, hired, exhibited, displayed, demonstrated or advertised.

## THE GUIDELINES

## GENERAL 'G' (SUITABLE FOR ALL AGES)

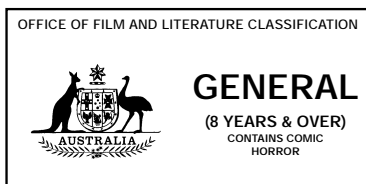
Material considered to be 'suitable for all ages' is to include on the front cover of its packaging a marking (prominent text on a contrasting background) such as —



This classification is suitable for the youngest child and should not require parental supervision.

## GENERAL 'G(8+)' (SUITABLE FOR CHILDREN 8 YEARS AND OVER)

'General' material considered to be 'suitable for children 8 years and over' is to include on its packaging an appropriate warning (prominent text on a contrasting background) such as —



Material which falls into this category would contain elements which might disturb or distress very young children. Elements which might warrant this category would include:

- > depictions of unrealistic or stylised violence even where these are considered mild;
- > mild horror or potentially frightening fantasy characters or situations; or
- > the mildest expletives, but only if infrequent.

**MATURE 'M(15+)' (SUITABLE FOR PERSONS 15 YEARS AND OVER)**

'Mature' material considered 'suitable for persons 15 years and over' is to include on its packaging an appropriate warning (prominent text on a contrasting background) such as —



Material which falls into this category would contain elements which might disturb, harm or offend those under 15 years to the extent that it is recommended for use by those 15 years and over. Elements which might warrant this category would include:

- > depictions of realistic violence of low intensity (eg. punches, kicks, blows to realistic animated characters or real-life images);
- > supernatural or horror scenarios, but not if graphic or impactful;
- > mild sexual references; or
- > low level coarse language, but not if excessive.

**MA — RESTRICTED 'MA(15+)' (RESTRICTED TO PERSONS 15 YEARS AND OVER)**

Computer games or images classified MA(15+) may not be sold, hired or demonstrated to persons under 15 years. The packaging for this category of games will display (prominent text on a contrasting background) a marking such as —



Material which falls into this category would contain elements likely to disturb, harm or offend those under 15 years to the extent that it should be restricted to those 15 years and over. Elements which might warrant this category would include:

- > depictions of realistic violence of medium intensity (eg. impactful punches, kicks, blows and blood-shed to realistic animated characters or real-life images);
- > graphic or impactful supernatural or horror scenarios;

- > strong sexual references;
- > use of frequent crude language, but not if excessive, unduly assaultative or sexually explicit; or
- > nudity, including genital detail, but only if there is a 'bona fide' educational, medical or community health purpose.

### REFUSED CLASSIFICATION

Material which includes any of the following will be refused classification:

#### Violence:

- > depictions of realistic violence, even if not detailed, relished or cruel (eg. excessive and serious violence such as realistic depictions of dismemberment accompanied by loss of blood to real life images);
- > extreme 'horror' scenarios or special effects; or
- > depictions of unduly detailed and/or relished acts of extreme violence or cruelty.

#### Sex:

- > nudity, including genitalia unless there is a 'bona fide' educational, medical or community health purpose;
- > simulated or explicit depictions of sexual acts between consenting adults;
- > any depiction of sexual violence or sexual activity involving non-consent of any kind; or
- > depictions of child sexual abuse, bestiality, sexual acts accompanied by offensive fetishes, or exploitative incest fantasies.

#### Language:

- > use of sexually explicit language.

#### Other:

- > promotion or provision of instruction in paedophile activity.
- > detailed instruction or encouragement in:
  - (i) matters of crime or violence; or
  - (ii) the abuse of proscribed drugs;
- > depictions which encourage the use of tobacco or alcohol, or which depict drug abuse; or
- > depictions which are likely to endorse or promote ethnic, racial or religious hatred.

## CONSUMER ADVICE LINES

Consumer advice lines reflect the principal element(s) that contributed to the classification of a game/image (eg. the words 'contains frequent animated violence'). They are displayed on packaging and advertising and are intended to assist the purchaser to make an informed choice for personal use or for use by persons under his/her care.

### G(8+)

adult themes

comic/mild horror

fantasy elements unsuitable for younger children

low level animated violence

mild horror

### M(15+)

low level realistic violence

low level sexual references

low level animated violence

medium level horror

medium level animated violence

### MA(15+)

high level animated violence

medium level realistic violence

sexual references

realistic horror

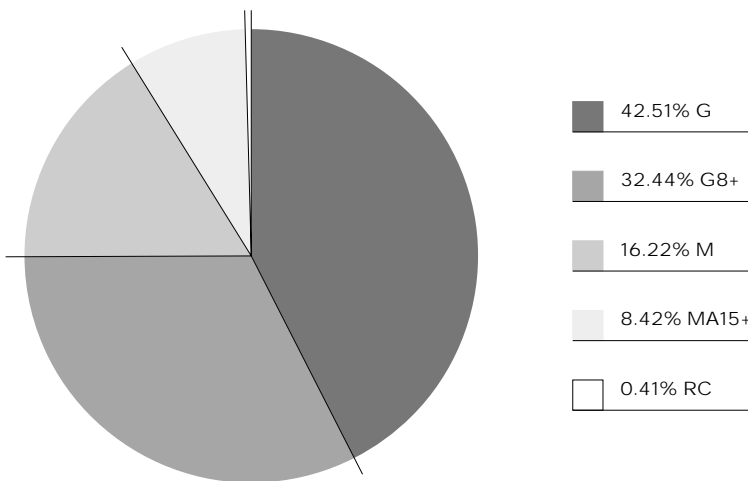


## COMMERCIAL APPLICATIONS — BY CLASSIFICATION

### COMPUTER GAMES BY CLASSIFICATION

CLASSIFICATION	1997-98		1998-99	
	NO	%	NO	%
G	282	47.72	207	42.51
G8+	160	27.07	158	32.44
M	84	14.21	79	16.22
MA15+	64	10.83	41	8.42
RC	1	0.17	2	0.41
Total	591	100.00	487	100.00

### COMPUTER GAMES BY CLASSIFICATION 1998-99



## COMMERCIAL APPLICATIONS — BY REASONS FOR REFUSAL

### COMPUTER GAMES — REASONS FOR REFUSAL

REASON	1997-98	1998-99
Nudity	-	-
Sexual violence	-	-
Simulated sex	-	2
Violence	1	-
Total	1	2

## COMMERCIAL APPLICATIONS — BY COUNTRY OF ORIGIN

### COMPUTER GAMES BY COUNTRY OF ORIGIN

COUNTRY	1997-98		1998-99	
	NO	%	NO	%
Australia	32	5.41	18	3.70
Australia/USA	1	0.17	-	0.0
Canada	3	0.51	-	0.0
Canada/France	-	0.0	2	0.41
China	29	4.91	11	2.26
Europe	1	0.17	2	0.41
France	13	2.20	25	5.13
Germany	9	1.52	3	0.62
Italy	1	0.17	-	0.0
Japan	68	11.51	61	12.53
Korea	2	0.34	-	0.0
Netherlands	-	0.0	1	0.21
Russia	1	0.17	1	0.21
Spain	-	0.0	1	0.21

Computer Games by Country of Origin continued

COUNTRY	1997-98		1998-99	
	NO	%	NO	%
Sweden	-	0.0	1	0.21
Taiwan	1	0.17	-	0.0
UK	131	22.17	82	16.84
UK/USA	2	0.34	-	0.0
USA	266	45.01	257	52.77
Not Shown	31	5.25	22	4.52
Total	591	100.00	487	100.00

POLICE AND CUSTOMS WORKLOAD

FILMS (INCLUDING VIDEOS ETC.) AND  
COMPUTER GAMES REFERRED  
FOR CLASSIFICATION BY POLICE

ENFORCEMENT AGENCY	1997-98	1998-99
	NO	NO
ACT Attorney-Generals Dept	1	13
Australian Federal Police	21	2
Department of Justice (For Queensland Police)	47	17
NSW Police Service	85	96
(formerly) Western Australia Police Department	1	-
Royal Australian Corps of Military Police	3	-
South Australia Police	61	12
Victoria Police	95	5
Western Australia Police	42	13
Total	356	164

PUBLICATIONS REFERRED FOR CLASSIFICATION  
BY POLICE

ENFORCEMENT AGENCY	1997-98 NO	1998-99 NO
NSW Police Service	48	41
South Australia Police	23	1
Victoria Police	3	1
Total	73	43

FILMS (INCLUDING VIDEOS ETC.) AND COMPUTER  
GAMES REFERRED FOR ASSESSMENT BY CUSTOMS

ENFORCEMENT AGENCY	1997-98 NO	1998-99 NO
Australian Customs Service	447	349

PUBLICATIONS REFERRED FOR ASSESSMENT  
BY CUSTOMS

ENFORCEMENT AGENCY	1997-98 NO	1998-99 NO
Australian Customs Service	950	300



## APPENDIX TWO

REPORTS OF THE CLASSIFICATION REVIEW BOARD

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*HURRAH***Applicant:**

Hurrah Productions

**Business:**

To review the decision of the Classification Board to assign the classification R18+ under the *Classification (Publications, Films and Computer Games) Act 1995* to the film Hurrah, with the consumer advice "Medium level sex scene".

**Decision and Reasons for Decision****1. Decision**

The Classification Review Board decided to set aside the decision of the Classification Board to classify the film Hurrah R18+, and to classify it MA15+ with the consumer advice "Medium level sex scenes".

**2. Legislative provisions**

The *Classification (Publications, Film and Computer Games) Act 1995* (the Act) governs the classification of films and the review of classification decisions. The Act provides that films be classified in accordance with the National Classification Code and the classification guidelines. Relevantly, the National Classification Code (the Code) in paragraph 4 of the Table under the heading "films" provides that "films (except RC films, X films and R films) that depict, express, or otherwise deal with sex, violence or coarse language in such a manner as to be unsuitable for viewing by persons under 15" are to be classified MA15+.

**3. Procedure**

- 3.1 Five members of the Review Board viewed the film Hurrah at its meeting on 21 August 1998.

**4. Evidence**

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

- (a) the applicant's Application for Review
- (b) the film *Hurrah*
- (c) the submissions made by the applicant
- (d) the relevant provisions in the Act
- (e) the relevant provisions in the National Classification Code as amended in accordance with Section 6 of the Act
- (f) the current Classification Guidelines for the Classification of Films and Videotapes determined under Section 12 of the Act.

## 5. Findings on material questions of fact

### *The plot*

- 5.1 After the traumatic death of his girlfriend, Raoul retreats to a dilapidated and remote outback homestead. The arrival of a mysterious stranger, Julia, draws him into a relationship and recovery.

### *The "sex scene"*

- 5.2 The Review Board considered the scene[s] cited by the Classification Board, as in its opinion, taking the film into the R18+ category.

The scene[s] occurred at 66–69 mins. The Review Board found that there were a series of brief scenes of sexual activity between Raoul and Julia. In the view of the Review Board this series of short shots and dissolves fell into the "implied sexual activity" provision of the relevant MA15+ guidelines.

The Review Board found that the depictions of nudity, which included male full frontal nudity, within the above sexual context were not exploitative, and could be accommodated within the MA15+ category.

### *Other elements*

- 5.3 There were a number of instances of the use of coarse language such as "fuck" and two uses of "cunt" which the Review Board found to be not very strong, aggressive or detailed, and therefore could be accommodated in the MA15+ category.

## 6. Reasons for the Decision

- 6.1 The Review Board based its decision to classify the film *Hurrah* MA15+ on the content of the film as set out in 5.2 and 5.3 above.
- 6.2 The Review Board found the 'sex scene' referred to by the Classification Board to be a series of shots of sexual activity between Raoul and Julia. While containing, in some instances, elements of realistic simulation of sex, these were brief, contained little detail, and therefore lacked intensity. Further, several of the shots were out of focus, and dissolved one into another. In the opinion of the Review Board, the depictions of sexual activity were consequently of low impact, and not therefore "realistically simulated" in the sense of the provisions of the R18+ classification. The Review Board concluded that the sex scenes could be considered as "implied" as required in the MA15+ classification.
- 6.3 The Review Board therefore concluded that the film depicts, expresses or otherwise deals with sex or coarse language in such a manner as to be unsuitable for viewing by persons under 15 within the meaning of Para 4 of the table under the heading "Films" in the Code.
- 6.4 The Review Board also concluded that the combination of scenes referred to in paras 5.2 and 5.3 above is "likely to disturb, harm or offend those under 15 years" so as to warrant imposing the restriction that "children under 15 years will not be

admitted to cinemas unless accompanied by a parent or guardian [and that] video material will be restricted to persons 15 years and over", in accordance with the guidelines for the classification of films and videos.

- 6.5 The Review Board's direction the consumer advice in relation to sex scenes be varied from "medium level sex scene" to "medium level sex scenes" is made having regard to its findings in para 5.2 above.
- 6.6 The applicant argued that consideration of the theme of the film, viz "the redemptive power of love," puts the sex scenes in their proper context. The Review Board did not consider this an argument relevant to its decision.

## 7. Summary

The Review Board's decision is to set aside the decision of the Classification Board, and to classify the film *Hurrah* MA15+ with the consumer advice "Medium level sex scenes".

This decision is taken after full consideration of the applicant's submission, and after assessing the film as a whole against the relevant legislative criteria, including those contained in the Code and in the current Classification Guidelines for Films and Videotapes determined under Section 12 of the Act.

*21 August 1998*

## INDOOR MARIJUANA HORTICULTURE

### **Applicant:**

Inn Press

### **Business:**

To review the decision of Classification Board to assign the classification 'RC' (Refused Classification), under the Classification (Publications, Films and Computer Games Act 1995, to the publication *Indoor Marijuana Horticulture* (Totally Revised Australian Edition October 1996).

### Decision and Reasons for Decision

#### 1. Decision

The Classification Review Board decided to confirm the decision of the Classification Board to assign the classification 'RC' to the publication *Indoor Marijuana Horticulture* (Totally Revised Australian Edition October 1996).

#### 2. Legislative provisions

The *Classification (Publications, Film and Computer Games) Act 1995* (the Act) governs the classification of publications and the review of classification decisions. The Act provides that publications be classified in accordance with the National



Classification Code and the classification guidelines. Relevantly, the National Classification Code (the Code) in paragraph 1(c) of the Table under the heading “Publications”, provides that publications that “promote, incite or instruct in matters of crime or violence” are to be classified ‘RC’.

### 3. Procedure

Five members of the Classification Review Board read the publication *Indoor Marijuana Horticulture (Totally Revised Australian Edition October 1996)*, and met on 21 August 1998 to make their decision.

### 4. In reaching its decision the Board of Review had regard to the following:

- (a) the publication *Indoor Marijuana Horticulture (Totally Revised Australian Edition October 1996)*
- (b) the applicant’s Application for Review
- (c) the submissions made by the applicant
- (d) the relevant provisions in the Act
- (e) the relevant provisions in the National Classification Code as amended in accordance with Section 6 of the Act
- (f) the current Printed Matter Classification Guidelines determined under Section 12 of the Act.
- (g) the relevant provisions in the *Drugs Misuse and Trafficking Act 1985* (NSW), the *Controlled Substance Act 1984* (South Australia), *Drugs of Dependence Act 1989* (ACT), *Misuse of Drugs Act* (NT), *Drugs Misuse Act 1986* (Qld), and the *Drugs, Poisons and Controlled Substances Act 1981* (Vic).
- (h) French J, Heerey J and Sundberg J’s interpretation of the phrase “instruct in matters of crime” in *Michael Brown, Melita Berndt, Ben Ross and Valentine Sprcanska v The Members of the Classification Review Board of the Office of Film and Literature Classification* (the *Rabelais* case) in the Federal Court of Australia.
- (i) advice from the Australian Government Solicitor.

#### *The content*

- 5.1 *Indoor Marijuana Horticulture (Totally Revised Australian Edition October 1996)* is a 375 page paperback book published under licence in Australia by Inn Press.

The book contains 12 chapters, the purpose of which is to “give a simple, complete description of basic gardening techniques used to grow marijuana indoors today”. Further it is claimed that the book “takes you through a simple, yet intensive, thought provoking, step-by-step process that shows and teaches the basics of growing marijuana indoors, under HID lamps.” (Foreword page 9)

- 5.2 The Foreword claims that "Today it is possible to grow large quantities of dynamite marijuana in the privacy and security of your own home... With the help of this book and a capital investment, you will develop your own unique horticultural skill and be growing super smoke in no time 365 days a year!"
- 5.3 The twelve chapters provide information on lighting, soil and containers, fertilizers, the stages of growth, harvesting and testing for peak ripeness. The text provides the detail necessary to achieve the end of cultivating a crop of marijuana.
- 5.4 Further, chapter 11: Harvest indicates that "Smoking, diminishing returns and scientific observations are three excellent methods used to test for peak ripeness. Smoking is by far the most delightful. Simply harvest an average bud, dry it... and smoke it... This method lets the high decide the best time to harvest. This method is the most fun but the least reliable."
- 5.5 The book contains a few statements such as "The publisher does not advocate or encourage the breaking of any State or Federal law".
- 5.6 It also contains other statements, indicating the need for concealment, such as "do not tell anyone of the indoor garden and install dead bolt locks on all outside doors... lock the grow room door with a key" (p21), "the police may not use the electricity bill alone as grounds for a search warrant. As long as the marijuana grown is not sold, or shown to a tattletale narc, there is no reason for suspicion..." (p23), "make sure no light is visible from outside. At night, bright light leaking from a crack in an uncovered window is like a beacon to curious neighbours..." (p25), "successful indoor growers are good citizens and keep a low profile... pay bills on time, be nice to neighbours and do not throw any wild and crazy parties. Loose lips sink ships." (p89)
- 5.7 The Review Board unanimously found that the publication sets out to, and does in fact, provide instruction in the cultivation of marijuana. The Review Board found that the cultivation of marijuana is a crime in all States and Territories which participate in the National Classification Scheme. The Review Board consequently concluded that the publication instructs in crime, and therefore, in accordance with Para 1(c) of the Publications Schedule of the National Classification Code, should be classified 'RC' (Refused Classification).

## 6. Reasons for the Decision

- 6.1 The Review Board based its decision to classify the publication *Indoor Marijuana Horticulture (Totally Revised Australian Edition October 1996)* 'RC' ( Refused Classification) on the content of the magazine as set out in 5.1–5.6 above.
- 6.2 The Review Board unanimously found that the publication sets out to and does provide instruction in the cultivation of marijuana. This is evident from the title, the Foreword, the chapter headings, and the detailed nature of the text.
- Further, the publication's instruction extends to the harvesting of the crop ready for smoking. (see 5.3 and 5.4 above)

6.3 The Review Board accepted expert advice, that the cultivation of marijuana is a crime in all States and Territories which participate in the National Classification Scheme for publications. In this regard, the statement of the Classification Board in its Decision and Reasons, viz “the cultivation of marijuana (cannabis) is a crime *in certain instances* in each State and Territory...” would seem to be incorrect. (see 6.5(a) below)

6.4 The Review Board found that the publication furnished readers with information as to how the crime of the cultivation of marijuana might be committed and additionally, as a manual specifically published to provide that information, encouraged the commission of that crime. Some individual statements (such as that in 5.2 above) were seen to give additional encouragement.

The Review Board therefore found that the publication “instructed in crime” in the sense required by the Court (see *Rabelais* Case 24 March 1998). ie, the publication did not just “provide details about” the crime of the cultivation of marijuana, nor was it satirical, ironical or tongue in cheek, and it provided encouragement to cultivate.

The Review Board noted that the book contains some disclaimers (as in 5.5 above), but found (as in 5.6 above) that the author recognised the illegality of the cultivation of marijuana.

The Review Board therefore concluded that the publication instructed in crime in the sense used in Para 1(c) of the Schedule for Publications in the *National Classification Code*, viz., Publications that “promote or incite or instruct in matters of crime or violence”. The publication is therefore classified ‘RC’ (Refused Classification).

6.5 In his submission, the applicant admitted that “the publication contained ‘step by step’ instructions for propagating, growing and harvesting marijuana”. Further he stated that it was the book’s best seller status for “presenting that information in a clear and concise manner” that was influential in his seeking out and obtaining the Australian publishing rights to the title.

The applicant argued, in relation to whether the publication instructed “in crime”, that the Federal Court judgement of Merkel J (*Rabelais* case) required that such a “crime” needed to be a “crime” under the law of each State and Territory. Further, he argued that the cultivation and possession of marijuana in some jurisdictions in Australia, had been ‘decriminalised’ in some circumstances. He stated that there is no legitimate basis for the banning of *Indoor Marijuana Horticulture...* which deals with the personal use, possession and cultivation... He argued that the Classification Board ought to be “more aware of the significant changes that have occurred in both the laws in relation to these matters, and of equal importance, ‘in contemporary community standards’ when reaching a decision about such a title”.

The Review Board rejects these arguments on the following grounds:

- (a) the cultivation of marijuana remains a crime in all participating jurisdictions.
- (b) What the applicant describes as 'decriminalisation' has been the enactment of statutory amendments which can result in the payment of a lesser penalty for that crime or the waiving of a penalty altogether. It does not alter the fact that it is a crime.
- (c) Although not necessary to its decision in view of 6.5(b) above, the Review Board noted that the publication does not set out to be a guide to the cultivation of 'decriminalised' amounts of marijuana only. For instance, the example on page 22 suggests the planting of 100 seeds, with an expected harvest of 25 female plants harvested. There are references to the use of small or large grow rooms (p23). Further, the statement quoted in 5.2 above indicates a goal of cultivating large amounts.
- (d) Para 1(c) of the Schedule for Publications in the National Classification Code, requires only that a publication promotes, incites or instructs in matters of crime. Para 1(c) contains no 'contemporary community standards' element.

## 7. Summary.

The Review Board's decision is to assign the classification 'RC' to the publication *Indoor Marijuana Horticulture (Totally Revised Australian Edition October 1996)*.

This decision was taken after due consideration of the applicant's submission, and after assessing the publication as a whole against the relevant legislative criteria, including those contained in the Code, and in the current *Printed Matter Classification Guidelines* determined under Section 12 of the Act.

21 August 1998

## SAVING PRIVATE RYAN

### **Applicant:**

United International Pictures Pty

### **Business:**

To review the decision of the Classification Board to assign the classification R18+ under the *Classification (Publications, Films and Computer Games) Act 1995* (the Act) to the film and videotape *Saving Private Ryan*, with the consumer advice "Medium level violence".

## Decision and Reasons for Decision

### 1. Decision

The Classification Review Board decided to set aside the decision of the Classification Board to classify the film *Saving Private Ryan* R18+, and to classify it MA15+ with the consumer advice “Graphic war scenes”.

### 2. Legislative provisions

The *Classification (Publications, Film and Computer Games) Act 1995* (the Act) governs the classification of films and the review of classification decisions. The Act provides that films be classified in accordance with the National Classification Code and the classification guidelines. Relevantly, the National Classification Code (the Code) in paragraph 4 of the Table under the heading “films” provides that “films (except RC films, X films and R films) that depict, express, or otherwise deal with sex, violence or coarse language in such a manner as to be unsuitable for viewing by persons under 15 “are to be classified MA15+”.

### 3. Procedure

- 3.1 Four members of the Review Board heard evidence in support of the application, from Mr Michael Selwyn and Mr John Dickie representing United International Pictures, at the meeting of October 23 1998.
- 3.2 The four members of the Review Board then viewed the film *Saving Private Ryan*.

### 4. Evidence

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

- (a) the applicant’s Application for Review
- (b) the film *Saving Private Ryan*
- (c) the written and oral submissions made by and on behalf of the applicant
- (d) the relevant provisions in the Act
- (e) the relevant provisions in the National Classification Code as amended in accordance with Section 6 of the Act
- (f) the current Classification Guidelines for the Classification of Films and Videotapes determined under Section 12 of the Act.

### 5. Findings on material questions of fact

#### *The plot*

- 5.1 The aging former Private Ryan visits the grave of Capt John Miller who, with a small group of US soldiers, was sent to rescue him from behind German lines in France in World War II. He relives the grim and ghastly events at length, and reflects on his worthiness for such sacrifice.

*The sequences of violence*

- 5.2 The Review Board considered the sequences and scenes cited by the Classification Board, as in its opinion, taking the film into the R18+ category. These included the lengthy battle sequences (around 30 minutes each) at the beginning and end of the film, and the scene at 89 minutes where one of Miller's unit dies of multiple wounds.

A majority of the Review Board found that while the film overall had a high impact, detailed individual depictions of violence of high impact were relatively infrequent in a film of some 2hrs 45mins.

All agreed that the film's violence was not gratuitous.

The majority of the Review Board found the film to have artistic and educational merit and a strong anti-war theme. They concluded that this finding, combined with those cited immediately above, made the film not unsuitable for persons 15 years and over, and justified assigning it an MA15+ classification.

- 5.3 A minority of the Review Board also recognised the film's strong anti-war theme, but found the opening and closing 30 min battle sequences to be realistic and prolonged, and to constitute high impact depictions of violence, and that individual scenes within those sequences, and elsewhere in the film (eg at 89 mins), contained depictions with more detail and very high impact (eg the stabbing at 145 mins). The minority of the Review Board concluded that the film required an adult perspective and should be classified R18+.

**6. Reasons for the Decision**

- 6.1 The Review Board based its decision to classify the film *Saving Private Ryan* MA15+ on the content of the film as set out in 5.1 and 5.2 above.
- 6.2 The Review Board took the view that the number of individual scenes of high impact violence in the film were relatively infrequent in the approx 2hrs 45min movie. The Review Board found the approximately 30 minute long graphic battle sequences at the beginning and end of the film to be of high tension and emotional impact overall. However, the Review Board found that the many individual scenes of violence (war injuries) which made up the battle sequences generally contained only brief shots of the outcome. In most instances these shots were not prolonged.

The Review Board concluded that individual scenes of violence of high impact and of greater length and detail (eg the wounding and death at 89 mins, and the stabbing at 145mins) were infrequent, and were such as could be accommodated in the MA15+ classification, given the findings that the film has a strong anti-war theme and educational merit. The undoubtedly high level of portrayals of graphic war violence was seen to support the anti-war theme and they were not considered to be gratuitous.

- 6.3 The Review Board's decision to assign the consumer advice line "Graphic war scenes" is taken having regard to its findings in 6.2 above.
- The applicant's arguments included the following:
- (a) the film had artistic and educational merit
  - (b) the realistic scenes of violence in the battle sequences are brief, and not prolonged
  - (c) classification authorities in other countries have assigned a lower classification to the film
  - (d) it was important for a broader range of teenagers to be able to view the film's "accurate portrayal of events", and to be educated about the contribution of war veterans.
- 6.5 The findings of the majority of the Review Board concurred with a) and b). Issue c) was not seen to be relevant. In regard to item d) it was noted that while this may be desirable, the function of the classification system was to inform about content, not to advocate what teenagers should see.
- 6.6 The Review Board therefore concluded that the film depicts, expresses or otherwise deals with violence in such a manner as to be unsuitable for viewing by persons under 15, within the meaning of Para 4 of the table under the heading "Films" in the Code.
- 6.7 The Review Board also concluded that the combination of scenes referred to in paras 5.2 above is "likely to disturb, harm or offend those under 15 years" so as to warrant imposing the restriction that "children under 15 years will not be admitted to cinemas unless accompanied by a parent or guardian (and that) video material will be restricted to persons 15 years and over", in accordance with the guidelines for the classification of films and videotapes.

## 7. Summary

- 7.1 The Review Board's decision is to set aside the decision of the Classification Board, and to classify the film and videotape *Saving Private Ryan* MA15+ with the consumer advice "Graphic war scenes".

This decision is taken after full consideration of the applicant's submission, and after assessing the film as a whole against the relevant legislative criteria, including those contained in the Code, and in the current Classification Guidelines for Films and Videotapes determined under Section 12 of the Act.

23 October 1998

*ANALYZE THIS***Applicant:**

Roadshow Film Distributors

**Business:**

To review the decision of the Classification Board to assign the classification 'MA15+' under the *Classification (Publications, Films and Computer Games) Act 1995* to the film *Analyze This*, with the consumer advice "Medium level coarse language."

**Decision and Reasons for Decision****1. Decision**

The Classification Review Board decided to confirm the decision of the Classification Board to classify the film *Analyze This* 'MA15+', but to vary the consumer advice to "Medium level coarse language", "Adult themes".

**2. Legislative provisions**

The *Classification (Publications, Film and Computer Games) Act 1995* (the Act) governs the classification of films and the review of classification decisions. The Act provides that films be classified in accordance with the National Classification Code and the classification guidelines. Relevantly, the National Classification Code (the Code) in paragraph 4 of the Table under the heading "films" provides that "films (except RC films, X films and R films) that depict, express, or otherwise deal with sex, violence or coarse language in such a manner as to be unsuitable for viewing by persons under 15'are to be classified 'MA15+'.

**3. Procedure**

- 3.1 Four members of the Review Board heard evidence in support of the application from Mr Joel Pearlman representing Roadshow Film Distributors at the meeting on 19 February 1999.
- 3.2 The four members of the Review Board then viewed the film *Analyze This*.

**4. Evidence**

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

- (a) the applicant's Application for Review
- (b) the film *Analyze This*
- (c) the written and oral submissions made by and on behalf of the applicant
- (d) the relevant provisions in the Act
- (e) the relevant provisions in the National Classification Code as amended in accordance with Section 6 of the Act
- (f) the current Classification Guidelines for the Classification of Films and Videotapes determined under Section 12 of the Act.



## 5. Findings on material questions of fact

### *The plot*

- 5.1 Psychiatrist Ben Sobel finds his life almost completely disrupted by his chance and unwilling acquisition of a new patient, mobster leader Paul Vitti (who suffers from recurrent anxiety attacks). The treatment given under duress produces a cure of sorts.

### *The language*

- 5.2 The Review Board considered the incidence and context of the language cited by the Classification Board. This included about 70 uses of the word “fuck”, and several uses of stronger coarse language including “motherfucker”, “ratfucking cocksucker” and “Cut your balls off and shove them up your arse... stick pins in your eyes motherfucker” used in an aggressive and assaultive manner. Strong coarse language was also used in a sexually assaultive manner, eg “listen to housewives piss and moan because no one fucks them any more”.

The Review Board found that while some of the “fuck” language was applied lightheartedly in comedic situations, in many instances it was used very aggressively. Further, early use of “fuck” and “motherfucker”, before a comic context was established, was in a context of serious violence (a man tied up, cross examined and menaced with an iron pipe). The Review Board found, overall, that much of the “fuck” language was delivered in a context of menace, not humour, nor even black humour, as claimed by the applicant.

Further, the Review Board also found that much of the humour was derived from the conversations between the mobster and the psychiatrist, and was dependent upon an understanding of the language of therapy. As such, the Review Board found that it was unlikely to be appreciated and understood by persons under 15 years. In this context, the argument that the language aggression link was mitigated by humour is not accepted by the Review Board.

### *Other elements*

- 5.3 The Review Board also found that the film contained a heavy emphasis on the resolution of conflict with the use of violence, including menacing with and using guns. Examples included the threatened beating of the man with an iron pipe at 8 mins, shooting of guard in corridor at approx 40 mins, dream sequence shooting of psychiatrist at 55 mins, shootings in car yard at approx 1.15 mins, the relished killings with machine gun at approx 1.34 mins. In this context, the humour presented in the film was underpinned by violence and menace and as such required a mature perspective.

## 6. Reasons for the Decision

- 6.1 The Review Board based its decision to classify the film *Analyze This*, 'MA15+' on the content of the film as set out in 5.1, 5.2 and 5.3 above.
- 6.2 The Review Board took the view that there were many instances where the coarse language, while not gratuitous in the context of a gangster movie, was used very aggressively, and not infrequently, in situations associated with the use of violence or menace. This menace was not seen by the Review Board to be necessarily mitigated by humour. Much of the humour of the film derived from the language of therapy used in conversations between the mobster and the frightened psychiatrist, a context requiring a mature perspective for its full understanding and appreciation.

The Review Board concluded that the film contained a level of coarse language which was very aggressive although not gratuitous, but was too frequent for M15+, and that the film was therefore appropriately classified MA15+.

- 6.3 Further, the Review Board found that the film contained many instances of the use of realistic violence which, while not of high impact, made it potentially harmful to those under the age of 15 years. In addition, the powerful mix of humour and realistic violence can be problematic for this age group as the consequences of the violence are not always explicit. It is therefore considered that the film should not be classified M15+.
- 6.4 The Review Board's decision to assign the consumer advice line "Medium level coarse language, Adult themes" is taken having regard to its findings in 6.2 and 6.3 above.

The applicant's arguments included the following:

- (a) to assign the film an 'MA15+' classification would give audiences the wrong message about the content of the film
  - (b) the film's use of language was contextually justified and entirely comic. There was nothing threatening about the way the gangsters talked and used language
  - (c) there was nothing that could be disturbing or harmful to those under the age of 15 years.
- 6.6 The Review Board was unable to give weight to a), but notes that the use of consumer advice lines gives advice about the content of films. The Review Board did not find the content and context of the language to be "entirely comic" (see 5.2 and 6.2 above.) As in 6.2 and 6.3 above, the Review Board found the film to be potentially disturbing or harmful to those under 15 years.
- 6.7 The Review Board concluded that the film depicts, expresses or otherwise deals with coarse language and violence in such a manner as to be unsuitable for viewing by persons under 15, within the meaning of Para 4 of the table under the heading "Films" in the Code.

6.8 The Review Board also concluded that the combination of scenes referred to in paras 5.2, 5.3 above is “likely to disturb, harm or offend those under 15 years” so as to warrant imposing the restriction that “children under 15 years will not be admitted to cinemas unless accompanied by a parent or guardian and that video material will be restricted to persons 15 years and over”, in accordance with the guidelines for the classification of films and videos.

## 7. Summary

7.1 The Review Board’s decision is to confirm the decision of the Classification Board to classify the film *Analyze This* ‘MA15+’, and to vary the consumer advice lines to “Medium level coarse language”, Adult themes”.

This decision is taken after full consideration of the applicant’s submission, and after assessing the film as a whole against the relevant legislative criteria, including those contained in the Code, and in the current Classification Guidelines for Films and Videotapes determined under Section 12 of the Act.

19 February 1999

## SEARCHLIGHT #67

### Applicant:

Searchlight Publications

### Business:

To review the decision of the Classification Board to assign the classification “Category 2 — Restricted” under the *Classification (Publications, Films and Computer Games) Act 1995* to the publication *Searchlight No 67*.

## Decision and Reasons for Decision

### 1. Decision

The Classification Review Board decided to confirm the decision of the Classification Board, and to classify the publication *Searchlight No. 67* “Category 2 — Restricted”.

### 2. Legislative provisions

The *Classification (Publications, Film and Computer Games) Act 1995* (the Act) governs the classification of publications and the review of classification decisions. The Act provides that publications be classified in accordance with the National Classification Code and the classification guidelines. Relevantly, the *Printed Matter Classification Guidelines* provide that (in relation to covers and advertising posters), “Photographs must be suitable for display in public. They may depict discreet nudity if it is not overtly sexually suggestive, or if it does not imply sexual

activity. Depictions of genitals, pubic hair... are not permitted... Covers... which do not comply with these guidelines are considered unsuitable for public display and would result in a Restricted Category 2 classification."

### 3. Procedure

The above five members of the Classification Review Board read the publication *Searchlight No. 67*.

### 4. In reaching its decision the Board of Review had regard to the following:

- (a) the applicant's Application for Review
- (b) the publication *Searchlight No. 67*
- (c) the relevant provisions in the Act
- (d) the relevant provisions in the National Classification Code as amended in accordance with Section 6 of the Act
- (e) the current Printed Matter Classification Guidelines determined under Section 12 of the Act.

### 5. Findings on material questions of fact

#### *The content*

- 5.1 The sex review (newspaper format) *Searchlight No. 67* contains photographs depicting male and female nudity, implied sexual activity, advertisements etc. The emphasis of the magazine is on highly sexualised portrayals of women.

#### *The text cited by the Classification Board as problematic*

- 5.2. The Classification Board cited a contribution entitled "An exception to the rule", on the back cover of the sex review, as warranting the publication being classified Category 2 — Restricted. In the view of the Classification Board, this contribution, which describes a twin brother and sister having explicit consensual sex, constituted an "exploitative incest fantasy".
- 5.3 The Review Board found that the contribution constituted an explicit description of sexual activity, between consenting persons. As the persons were twin brother and sister, the description was of incest.

#### *Other issues*

- 5.4 The Review Board found that the cover of *Searchlight No. 67* consisted of a large photograph of a naked woman, with buttocks thrust towards the camera, and providing an explicit view of genitals.

The Review Board found that this photograph was not suitable for display in public, as it depicted genitals and was overtly sexually suggestive. As such the publication is required to be classified Category 2 — Restricted.

- 5.5 The Review Board found that the remainder of the content of the sex review included photographs of explicit genital detail, or implied or simulated sexual activity between adults and the touching of genitals and as such would be usually be classified Category 1 — Restricted.

## 6. Reasons for the Decision

- 6.1 The Review Board based its decision to confirm the decision of Classification Board to classify the publication *Searchlight No. 67* Category 2 — Restricted on the cover of the sex review as in 5.4 above.
- 6.2 The reasons for this decision vary from those advanced by the Classification Board. The Review Board primarily based its decision to classify the newspaper as Category 2 — Restricted on the content of its front cover. As the cover explicitly depicted female genitals, it was considered by the Review Board not to depict 'discreet nudity'. It is, in the Review Board's opinion, accordingly not suitable for public display and so must be classified Category 2 — Restricted.
- 6.3 The Review Board did not disagree with the Classification Board that the back page piece constituted an exploitative piece of writing which contained explicit descriptions of sexual activity between consenting adults, and that this activity being between twin brother and sister constituted incest.

The applicant argued, in part that:

- (a) the "reader's contribution" was in fact a story collected by his typesetting staff and probably came "from an unrestricted publication". No evidence in support of this claim was lodged; and
- (b) that incest between adults and their children is vastly different from that between two adults, and
- (c) incidents in the Bible deal with incest, and specific references would be provided. They were not.
- (d) *Searchlight* caters to a small niche market of the sexually aware in the population.

In relation to these arguments, the Review Board found that (a) and (c) were irrelevant; (b) and (d) were noted.

## 7. Summary.

The Review Board's decision is to confirm the decision of the Classification Board to classify the publication *Searchlight No 67* Category 2 — Restricted.

This decision is taken after full consideration of the applicant's submission, and after assessing the publication as a whole against the relevant legislative criteria, including those contained in the Code, and in the current *Printed Matter Guidelines* determined under Section 12 of the Act.

19 February 1998

*PASSION***Applicant:**

REP Film Distributors

**Business:**

To review the decision of the Classification Board to assign the classification 'R' under the *Classification (Publications, Films and Computer Games) Act 1995* to the film *Passion*, with the consumer advice "Adult themes".

**Decision and Reasons for Decision****1. Decision**

The Classification Review Board decided to confirm the decision of the Classification Board to classify the film *Passion* 'R18+', with the consumer advice "Adult themes".

**2. Legislative provisions**

The *Classification (Publications, Film and Computer Games) Act 1995* (the Act) governs the classification of films and the review of classification decisions. The Act provides that films be classified in accordance with the National Classification Code and the classification guidelines. Relevantly, the National Classification Code (the Code) in paragraph 3 of the Table under the heading "films" provides that films (except RC films and X films) that are unsuitable for a minor to see should be classified R.

**3. Procedure**

- 3.1 Five members of the Review Board viewed the film *Passion* at its meeting on 19 February 1999, which was adjourned until 25 February 1999 when the sixth member viewed the film. Subsequently on that day all members met by teleconference.

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

- (a) the applicant's Application for Review
- (b) the film *Passion*
- (c) the relevant provisions in the Act
- (d) the relevant provisions in the National Classification Code as amended in accordance with Section 6 of the Act
- (e) the current Guidelines for the Classification of Films and Videotapes determined under Section 12 of the Act.

## 5. Findings on material questions of fact

### *The plot*

- 5.1 The early years of Australian musician Percy Grainger's professional life as a performer and composer in London are dramatised. His complex relationships with his mother, and with other women, are explored.

The themes and depictions of fetishistic behaviour

- 5.2 The Review Board considered the themes and scenes cited by the Classification Board as warranting an R classification. These included at 33 mins, Grainger pushing a needle and thread through his nipple; at 61 mins, Grainger and Karen are shown with hands tied together and alternately whipped by each other as a prelude to intercourse, and showing welts on skin; at 76 mins, Karen and Grainger are again shown alternately whipping each other, and photographs taken; at 82 mins Grainger's mother finds these photographs.

- 5.3 The Review Board found that the film had a pervasive theme of sado-masochistic behaviour, which was initially conveyed by the sound of Grainger whipping himself and overheard by his mother (8 mins), by the threading of the needle through his nipple (33 mins), by a scene of Grainger whipping himself (57mins), and later by dialogue at 74 mins "fierce cruel beatings... excited me terribly... made me shiver... savage beating which draws blood heightens our senses and reminds us what we are..."

This behaviour encompasses the young woman, Karen, who is enlisted by Grainger's mother with the plea that "passion can destroy genius if not contained... Percy has passions that cause his mother great distress... help me restrain him..."(57 mins)

The fetishistic behaviour is then strongly depicted in the two scenes at 61 mins and 76 mins. The scenes convey a consenting but relished and genuine infliction of pain. The injuries (whip welts) sustained in these encounters are seen, and are shown again later (eg 64 mins, Karen looks at herself in the mirror; at 80 mins, Karen has ongoing scars on her back; at 81mins, Grainger develops the photos; at 83 mins, in several shots, Grainger's horrified mother looks at the photos.

The Review Board found that the treatment of the theme of adult fetishistic (sado-masochistic) behaviour was of high intensity and further was not discreet.

The film therefore did not meet the criteria for MA15+.

## 6. Reasons for the Decision

- 6.1 The Review Board based its decision to confirm the Classification Board's decision to classify the film *Passion* 'R', with the consumer advice "Adult themes" on the content and impact of the film as set out in 5.2 and 5.3 above.
- 6.2 The Review Board considered that the treatment and depictions of the sado-masochistic fetish were such as required an adult perspective.

The theme of sadomasochism was portrayed in the context of a relationship between consenting adults. However, Karen's emotional confusion regarding what was required of her to 'save Grainger's musical genius', when linked to the way in which her relationship with Grainger was established, her perceived need to participate in sadomasochistic acts to preserve this relationship, and the subsequent failure of this relationship despite her sexual compliance, contributed (in the Review Board's opinion) to the high intensity of the theme.

The Review Board took the view that involvement in sadomasochistic behaviour, between consenting adults, is an evolved form of sexual behaviour, which rarely emerges before participants are in their twenties and have found a consenting partner. It is not ordinarily in the province of, nor understood by, most teenagers. Further, such behaviour often involves very light contact, in contrast to the film's depiction of the infliction of genuine pain.

The Review Board found that these themes and depictions may distress or disturb some persons under the age of 18 who do not yet have an adult perspective.

Further, the Review Board was concerned that the film's theme and depictions could be harmful to a minority of males under the age of 18 years, in that it could encourage predation and imitation by those who fail to understand and to recognise the consenting nature of the behaviour.

This finding combined with the finding that the treatment of the theme, which had a high degree of intensity, was not discreet, caused the Review Board to unanimously decide that the film was appropriately classified R18+.

The applicant argued, in part, that:

- (a) the film was a major Australian feature in the public interest,
- (b) the film has scientific and educational value,
- (c) it is impossible to record any aspects of Grainger's life without referring to his flagellation or complex relationships, and that visitors to the Grainger museum can freely see related items
- (d) to give the film an R classification would do harm to the stature of Grainger 'as one of Australia's most important composers.'

6.4 In relation to these arguments, the Review Board found:

- (a) and
- (b) that the film was an important one, in that it was the only Australian feature on an important Australian composer, whose work and influences were worthy of serious study
- (c) that a film on Grainger's life would be deficient without reference to his complex relationships and fetishistic behaviour. However, one purpose of the classification system is to signal problematic content, and the Review Board



believes that the appropriate signal in the case of this film's depiction of fetishistic sado-masochistic behaviour is R18+

- (d) that an R classification is a signal of content which requires an adult perspective and which is potentially harmful to those under the age of 18 years. As the preamble to the R classification criteria in the *Guidelines for the Classification of Films and Videos* states "The classification is not intended as a comment on the quality of the material". (p12)

- 6.5 The Review Board concluded that the film is not suitable for those under the age of 18 years, within the meaning of Paragraph 3 of the Table under the heading "Films" in the Code.
- 6.6 The Review Board's decision to assign the consumer advice line of "Adult Themes" is made having regard to its findings in 5.2 , 5.3 and 6.2 above.

## 7. Summary

The Review Board's decision is to confirm the decision of the Classification Board to classify the film *Passion* 'R18+', with the consumer advice "Adult Themes".

This decision is taken after full consideration of the applicant's submission, and after assessing the film as a whole against the relevant legislative criteria, including those contained in the Code, and in the current *Classification Guidelines for Films and Videotapes* determined under Section 12 of the Act.

25 February 1999

## LOLITA

### Applicants:

Helping All Little Ones (HALO)  
Individual on behalf of Child Protection Connection  
Adult Survivors of Sexual Child Abuse (ASSCA)

### Decision

1. The Classification Review Board declined to deal with the applications from Helping All Little Ones and an individual on behalf of Child Protection Connection, dated 28 March 1999, for a review of the decision of the Classification Board to classify the film *Lolita* (Adrian Lyne, 1997) R18+. The Review Board was not satisfied that either applicant was 'a person aggrieved' within the meaning of sub-section 42(1)(d) of the *Classification (Publications, Film and Computer Games) Act 1995* (Cth).

2. The Classification Review Board decided that there was no competent application from Adult Survivors of Sexual Child Abuse because the prescribed fee had not been paid in accordance with section 43 of the Act and the Director of the Classification Board had not waived the payment of fees in accordance with section 91 of the Act.

### Legislative provisions

3. The relevant legislative provisions are sections 42, 43 and 91 of the *Classification (Publications, Films and Computer Games) Act 1995* (Cth) ('the Act'). These included requirements that:
  - > section 42 (1):  
'Any of the following persons may apply to the Review Board for a review of a decision:...  
(d) a person aggrieved by the decision.'
  - > section 43 (1):  
'An application for review of a decision must be:...  
(d) accompanied by the prescribed fee.'
  - > section 91(1):  
'The Director may, on application in writing by a person, waive payment of fees that would be payable under this Act if:...  
(b) the body that would be liable for the fee... is a non-profit organisation.'

### Procedure

4. Three applications for review were made on 28 March 1999. Of the applicants, two were incorporated associations, Helping All Little Ones (HALO) and Adult Survivors of Sexual Child Abuse (ASSCA), and one was an individual on behalf of Child Protection Connection (CPC).
5. The Review Board received written material from the applicants and from Beyond Films Ltd, the Australian distributor of the film ('the distributor'), on the issue of whether the applicants were 'persons aggrieved' under section 42 of the Act and also on the classification of the film *Lolita* should the Review Board decide that one or more of the applicants was a 'person aggrieved'.
6. On 9 April 1999, the six members of the Review Board viewed the film *Lolita*.
7. On the same day, the Review Board heard oral submissions from Ms Karen McDonald of HALO and the individual representing CPC, for the applicants, and from Mr Ian Robertson, for the distributor, on the issue of whether the applicants were 'persons aggrieved' under section 42 of the Act and also on the classification of the film *Lolita* should the Review Board decide that one or more of the applicants was a 'person aggrieved'.

## Evidence

8. In reaching its decision, the Review Board had regard to the following:
  - (a) the applicants' Application for Review;
  - (b) the written material provided by HALO and the individual representing CPC;
  - (c) the written submission prepared by Holding Redlich on behalf of the distributor;
  - (d) the film *Lolita* (Adrian Lyne, 1997);
  - (e) oral submissions from Ms Karen McDonald, Coordinator, HALO, and the individual representing CPC;
  - (f) oral submissions from Mr Ian Robertson, Holding Redlich, on behalf of the distributor;
  - (g) the relevant provisions of the Act;
  - (h) relevant case law on standing and the meaning of 'person aggrieved' including *Australian Conservation Foundation v. The Commonwealth* (1980) 146 CLR 493, *Ogle v. Strickland* (1987) 71 ALR 41; *North Coast Environment Council Inc v. Minister for Resources* (1994) 127 ALR 617; *Tasmanian Conservation Trust Inc v. Minister for Resources* (1995) 127 ALR 580; *Right to Life Association (NSW) Inc v. Secretary, Department of Human Services and Health* (1995) 128 ALR 238; *Executive Council of Australian Jewry v. Scully* (1998) 160 ALR 138.

## Findings on Material Questions of Fact

9. The film is concerned with a sexual relationship between a 14 year old girl and her stepfather and implies a sexual relationship between her and at least one other adult man.

## HALO

10. HALO was formed as an association in December 1997 and was incorporated in June 1998. It has approximately 100 members of whom 30 are full members and entitled to participate as 'committee members'. It has several branches, all of which are in Western Australia. It has no other groups affiliated with it. It is a non-profit organisation and receives no government funding. It receives financial support from members and is seeking private sector sponsorship.
11. HALO was formed as a voice for children who have been sexually abused. It states that its aims and objectives include:
  - > providing comfort and support to WA families which have experienced domestic violence or child sexual abuse
  - > lobbying the government and raising public awareness on child protection issues

- > acting as an advocate for children who have been the victims of sexual abuse and for their families
  - > training and education of medical and legal practitioners, social workers and the Courts in relation to the best interests of the child.
12. HALO has undertaken various activities in the community in relation to some of its stated aims and objectives. It specifically relied upon the following activities:
- > organising social events and guest speakers for its members
  - > the Convenor, Ms McDonald, acts as an advocate for children who have been the victims of sexual assault and their parents when they are involved in cases in the Family Court. Some are referred to HALO by hospitals or the State Department of Family and Community Services. Ms McDonald's assistance to the family may include informing them about available services and suitable professionals to consult, liaising with the government agencies on an informal basis and making submissions to Legal Aid if the family does not receive assistance. Ms McDonald has no professional training in this area and keeps only informal records about her clients. She is currently providing support to about 50 people who are involved in Family Court cases.
  - > HALO has access to a trained counsellor who provides services to members in crisis on a voluntary basis
  - > HALO made a 60 page submission to Legal Aid and sent copies to the Family Court entitled 'Domestic Violence and Sexual Abuse Cases in the Family Court'. The submission was in response to a verbal request by Legal Aid and does not seem to have been part of a formal inquiry. HALO has had meetings with the Chief Justice of the Family Court of Western Australia and Legal Aid to discuss the issues raised in their submission.
  - > HALO has conducted some activities to raise public awareness of the issues with which it is concerned, including holding a public meeting attended by 100 people in December 1997.

However, the Review Board found that Halo's major focus was on helping WA families with abused children through Court processes.

#### Child Protection Connection

13. CPC is an unincorporated association which was formed in January 1999. It has six members. It is a non-profit organisation and does not receive any government funding. The group is concerned with community attitudes towards children and its aims and objectives include 'making parents aware of how to protect their children from predators', conducting radio interviews and lobbying Members of Parliament in relation to child welfare legislation.

14. The Review Board considered that the members of CPC are committed to the protection of children in the community and that the organisation has carried out some activities to raise public awareness about issues related to this goal, including lobbying Members of Parliament and speaking publicly, including on radio.
15. The individual member of the CPC claimed that she is an adult survivor of child abuse. She clearly has a sincere personal interest in assisting victims of child abuse.

### Reasons

16. The expression 'person aggrieved' in sub-section 42(1)(d) is not defined in the Act and there have not been any cases in the Federal Court which have considered the use of the term in this particular legislation. Accordingly, the Review Board found it necessary to look at cases which have considered the meaning of 'person aggrieved' in other legislation, including the *Administrative Decisions (Judicial Review) Act 1977* (Cth) and the *Racial Discrimination Act 1975* (Cth). The Review Board recognises that the meaning of 'person aggrieved' may be slightly different in the context of this legislation, given that an applicant before the Review Board will have a different role to play than an applicant before a Court. However, the Board has found the cases which have considered the use of these words in other legislation to be a useful guide in interpreting the expression 'person aggrieved' in this legislation.

### HALO

17. HALO's submission on the question of whether their organisation was a 'person aggrieved' was that since the aim of their organisation was to defend the interests of sexually abused children, and since it considered that the film promotes child sexual abuse, this film directly affected their organisation.
18. The Review Board does not doubt the sincere commitment of the members of HALO to its stated aims and objectives. However, the Review Board does not consider that HALO is a 'person aggrieved' for the purposes of the Act because it does not have a sufficient 'special interest' in the classification of Lolita as described in case law in this area. (See, for example, *ACF v Commonwealth* (1988) 146 CLR 493 at 530, 547-548; *North Coast Environment Council Inc v Minister for Resources* (1994) 127 ALR 617 at 636-637.)
19. In particular, the Review Board did not consider that HALO demonstrated that they could be considered a representative of the public interest on the issue of the protection of children from sexual assault. They are a relatively small and recently-formed group and do not have a long history of involvement in these issues. They are neither a peak body nor an umbrella organisation. Apart from one submission prepared for Legal Aid, they are not recognised or consulted by government bodies in relation to these issues nor do they receive any government funding for their work. There was little or no evidence provided to the Board that they carried out activities in relation to some of their stated aims and

objectives, such as the training of professionals working in the area or lobbying the government on child protection issues.

20. The Review Board was of the view that HALO did not possess the attributes which courts have found to be relevant in considering whether organisations which claim to be representative of a particular public interest have a 'special interest' in a matter. (See *North Coast Environment Council Inc v. Minister for Resources* (1994) 127 ALR 617 at 637-638; *Tasmanian Conservation Trust Inc v. The Minister for Resources* (1995) 127 ALR 580 at 613-614.)
21. In relation to HALO's claim that *Lolita* would interfere with their efforts to educate people about sex offenders, the Review Board found that there was insufficient evidence that HALO ran significant numbers of education programmes or other campaigns on these issues, aside from one public meeting entitled 'Beware paedophiles'. This claim was not therefore established to the satisfaction of the Review Board.
22. The Review Board also found that HALO did not have a special interest in the matter by reason of their profession or vocation (*Ogle v. Strickland* (1987) 71 ALR 41). In particular, despite Ms McDonald's statement that she has dedicated her life to the protection of children, the Review Board did not consider her work as an advocate for families involved in the Family Court to be part of a profession or a vocation. She has no formal training in the area and does not maintain formal records of her work. In any event, Ms McDonald's work as an advocate, and the work of the counsellor, were not sufficient to give HALO, as an organisation, a professional or vocational interest. The main role of the organisation is as an advocacy body for families of abused children in the Court system in Western Australia, rather than as an association of people whose vocation is related to child welfare.

#### Child Protection Connection

23. The Coordinator brought the application on behalf of CPC. A person may be a 'person aggrieved' because of their special responsibility to safeguard the interests of a representative organisation (*Executive Council of Australian Jewry v. Scully* (1998) 160 ALR 138 at 150).
24. The Review Board considered that the Coordinator represented a support and advocacy group for the protection of abused children, but no evidence was provided by the organisation to suggest that it was representative of the wider public interest which might mean that it would qualify as a 'a person aggrieved'. The organisation is not a peak body in the area of child protection; it does not receive any government funding nor is there any evidence of government recognition of CPC as a body that should be consulted on these issues; the organisation has only been in existence for a very short period of time and little evidence was provided to the Review Board to support some of its claims of involvement in this area.

25. As with HALO, the Review Board was of the view that CPC did not possess many of the attributes which the Courts have found to be relevant to the possession of a 'special interest' by representative organisations. (See *North Coast Environment Council Inc v Minister for Resources* (1994) 127 ALR 617 at 637–638; *Tasmanian Conservation Trust Inc v. The Minister for Resources* (1995) 127 ALR 580 at 613–614. In the Review Board's opinion, since CPC has not demonstrated that it has a special interest in the classification of the film *Lolita* as a representative body on child protection issues, the individual could not be a 'person aggrieved' by reason of her role as co-ordinator of that organisation.
26. The individual also claimed that she was a 'person aggrieved' because she had been a victim of sexual abuse as a child. Because a film depicts the subject of child sexual abuse, this does not of itself, in the view of the Board, make a survivor of sexual abuse a person with a sufficient interest to be a person aggrieved by a decision to classify the film.

#### Adult Survivors of Sexual Child Abuse

- 26 The Review Board considered that since neither a fee had been received in accordance section 43 of the Act, nor a waiver granted by the Director of the Classification Board in accordance with section 91, there was no competent application from ASSCA before the Board.

#### Summary

28. The Review Board's decision was that it declined to deal with the applications for a review of the classification of the film *Lolita* because neither of the applicants in the two competent applications before the Board was a 'person aggrieved' within the meaning of sub-section 42(1)(d) of the Act. As a result of this decision, the Review Board did not proceed to review the classification of the film.
29. This decision was taken after full consideration of the applicants' submissions and in light of the relevant legislative provisions and case law.

9 April 1999



## APPENDIX THREE

FREEDOM OF INFORMATION

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One request for access to documents, on transfer from another agency, was received under the *Freedom of Information Act 1982* during the reporting period. It was granted in part. One standing application, in relation to which the applicant was requested to clarify the nature and scope of its request, was deemed to have been withdrawn on 3 September 1998 following the applicant's failure to respond.

## CATEGORIES OF DOCUMENTS MAINTAINED BY THE OFLC

The OFLC maintains the following categories of documents:

- > documents relating to decisions of the Board;
- > documents relating to OFLC policy; and
- > documents relating to OFLC administration.

The Classification Review Board maintains the following categories of documents:

- > documents relating to decisions including statements of reasons for the decisions of the Board;
- > applications for review;
- > copies of decisions on review;
- > correspondence with applicants for review of the Board decisions;
- > letters of inquiry and complaint and copies of replies in response; and
- > documents relating to policy.

The following categories of documents are available (otherwise than under the *Freedom of Information Act 1982*) free of charge upon request:

- > publications, film/videotape and computer games classification guidelines;
- > OFLC annual reports on activities (some years are out of print);
- > application forms for classification and review;
- > information on classification fee schedules; and
- > submissions to public inquiries.

## FACILITIES FOR ACCESS

Facilities for examining documents and obtaining copies are available at the address shown below as the initial contact point. Information about the facilities available to assist people with disabilities to obtain access to documents can be obtained from the officer nominated below as initial contact. If necessary, special arrangements can be made to overcome any difficulties in physical access. Documents available free of charge upon request outside the Freedom of Information Act are available from the initial contact point.

## FREEDOM OF INFORMATION (FOI) PROCEDURES AND INITIAL CONTACT POINTS

The FOI contact officer will assist applicants to identify the particular documents they seek. If a request is to be refused on grounds appearing in subsection 15(2) or subsection 24(1) (insufficient information or unreasonable diversion of resources) applicants will be notified and given an opportunity for consultation. The only officer authorised to deny access to documents relating to the Board is the Director. The only officer authorised to deny access to documents relating to the Classification Review Board is the Convenor. If an applicant resides some distance from any point at which access is normally provided, consideration will be given to alternative arrangements with a view to reducing inconvenience to the applicant.

Inquiries concerning access to documents or other matters relating to freedom of information should be directed to the following initial contact officer:

Freedom of Information Officer  
Officer of Film and Literature Classification  
Levels 5 and 6  
23-33 Mary Street  
SURRY HILLS NSW 2010

Locked Bag 3  
HAYMARKET NSW 2000

Telephone 02 9289 7100  
Facsimile 02 9289 7101  
Internet [www.oflc.gov.au](http://www.oflc.gov.au)

Business hours are from 8.30am to 5.30pm.



## APPENDIX FOUR

STAFFING MATTERS

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## STAFFING OVERVIEW

Prior to January 1996 the OFLC was a semi-autonomous unit of the Attorney-General's Department and information regarding its staffing and financial activities was reported in aggregate in the Attorney-General's Department Annual Report.

All historical/comparative data shown in this report is as reported in the Attorney-General's Department Annual Reports to 1994-95 and then in the OFLC's Annual Reports from 1995-96.

### HISTORICAL PROFILE 1993-94 TO 1998-99

Provided below are human resource statistics, showing operative and paid inoperative staff and unpaid inoperative staff, as at 30 June of each year from 1994-95 to 1998-99.

The tables represent a summary for all elements of the OFLC.

In relation to the method of recording:

- > The table relating to operative and paid inoperative staff reports actual occupancy as at 30 June each year, so when an officer was on paid leave as at 30 June and another acted in the position, there are two officers recorded against the one position.
- > The tables include staff employed under the Public Service Act and appointed to the Board under the Classification Act. Review Board members are not included in the figures.
- > Temporary (including permanent APS staff on temporary transfer from other Departments), casual and part-time staff are included in the statistics. Part-time staff are shown as full-time equivalents.

Numbers have been rounded to whole numbers.

#### OPERATIVE AND PAID INOPERATIVE STAFF

1994-95	1995-96	1996-97	1997-98	1998-99
43	37	38	39	40

#### UNPAID INOPERATIVE STAFF

1994-95	1995-96	1996-97	1997-98	1998-99
*	*	*	2	1

\*: figures are unknown as they were reported in aggregate in the Attorney-General's Department Annual Report

## Appendix Four — Staffing Matters

## STAFF NUMBERS AS AT 30 JUNE 1999

This table is a breakdown of the tables above as at 30 June 1999 by State. It shows staff employed under the Public Service Act and appointed to the Board under the Classification Act and reflects full time equivalent for part-time staff. It also includes temporary (including permanent APS staff on temporary transfer from other Departments), and casual staff as well as paid inoperatives and those acting in a higher position as at 30 June 1999. Numbers have been rounded to whole numbers.

STATE	SES EQUIVALENT		CLASS. BOARD MEMBER		EXEC. & EQUIVALENT		APS 1-6 & EQUIVALENT		TOTAL	
	M	F	M	F	M	F	M	F	M	F
NSW	2	1	4	4	2	3	15	7	23	15
VIC	-	-	-	-	1	-	1	-	2	-
Total	2	1	4	4	3	3	16	7	25	15

## PART-TIME AND TEMPORARY STAFF AS AT 30 JUNE 1998

This table is a breakdown of part-time and temporary staff as at 30 June 1999 by State and classification group. It shows staff employed under the Public Service Act and appointed to the Board under the Classification Act and reflects actual numbers for both part-time and temporary staff rather than full-time equivalents. It also includes paid inoperatives and those acting in a higher position as at 30 June 1999. Temporary Staff include permanent APS staff on temporary transfer from other Departments.

STATE	CLASSIFICATION GROUP	PART-TIME STAFF			TEMPORARY STAFF		
		M	F	TOTAL	M	F	TOTAL
NSW	SES & equivalent	-	-	-	-	-	-
	Executive & equivalent	3	3	6	1	1	2
	APS 1-6 & equivalent	-	1	1	6	1	7
VIC	Executive & equivalent	-	-	-	-	-	-
	APS 1-6	-	-	-	-	-	-
Total		3	4	7	7	2	9

## CLASSIFICATION BOARD MEMBERSHIP

Section 48 appointments to the Board are made by the Governor-General on the recommendation of the Minister. Terms are generally for three years although members may be appointed for further terms. Under the Classification Act, appointments to the Board may not exceed a total of seven years. These appointments are subject to prior consultation with State and Territory Ministers responsible for censorship in accordance with subsection 48(3) of the Classification Act.

Under section 66 of the Classification Act, the Minister may appoint a person to act as a member of the Board during a vacancy in the office, and under section 50, temporary members may be appointed to ensure the efficient dispatch of the Board's business.

## CLASSIFICATION BOARD MOVEMENTS

With the approval of the Attorney-General, recruitment of new Board members, including for the positions of Senior Classifier and Deputy Director, commenced with a national advertising campaign on 19 May 1998. The selection process for those positions is ongoing.

## SES MOVEMENTS

There are no permanent SES Officers within the OFLC. There is one temporary SES position within the OFLC, the Acting Special Projects Manager. The positions of Director and Deputy Director are statutory officers equivalent to SES 3 and SES 2 respectively. The position of Director fell vacant on the expiration of the term of appointment of Mr John Dickie on 31 January 1998. His replacement, Ms Kathryn Paterson, was appointed on 11 January 1999.

## TRAINING AND DEVELOPMENT PROGRAMS

Expenditure by the OFLC on training and development activities in 1998–99 was \$7,200. The total number of person days spent in participation by staff in training and development programs during the year was 27. There were 18 attendances at training and development activities during 1998–99.

## P E R F O R M A N C E P A Y

Performance pay is not currently in use in the OFLC.

R E P R E S E N T A T I O N O F E E O G R O U P S W I T H I N S A L A R Y  
L E V E L S A T 3 0 J U N E 1 9 9 9

These figures relate to permanent and temporary officers of the APS and full time and temporary Board members and are based on actual (rather than substantive) classifications.

Percentages are shown as whole numbers. Percentages for women and staff with EEO data are based on total staff. Percentages for other groups are based on staff for whom EEO data was available.

Appendix Four — Staffing Matters

REPRESENTATION OF EEO GROUPS WITHIN SALARY LEVELS AT 30 JUNE 1999

SALARY RANGE	TOTAL NUMBER OF STAFF	WOMEN	PEOPLE OF NON ENGLISH SPEAKING BACKGROUND (1ST GENERATION)	PEOPLE OF NON ENGLISH SPEAKING BACKGROUND (2ND GENERATION)	ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE	PEOPLE WITH DISABILITIES	STAFF WITH EEO DATA
27904-30943 APS 2	7	1 14%					7 100%
31783-34303 APS 3							
35423-38461 APS 4	7	4 58%	1 14%	1 14%	1 14%		7 100%
39510-41895 APS 5	2	1 50%					2 100%
42673-49019 APS 6	6	2 33%					6 100%
52459-56825 EL1 3	3	1 33%					3 100%
53600 CB	10	4 40%					7 70%
59722-68160 EL2	2	1 33%					3 100%
68000 CB	1	1 100%					1 100%
75000 SES	1						1 100%
104000 CB	1						1 100%
115800 CB	1	1 100%					1 100%
Total	41	16 39%	1 2%	1 2%	1 2%	-	39 95%





## APPENDIX FIVE

### FINANCIAL STATEMENTS

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Appendix Five — Financial Statements

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Appendix Five — Financial Statements

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Appendix Five — Financial Statements

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Appendix Five — Financial Statements

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Appendix Five — Financial Statements

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Appendix Five — Financial Statements

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Appendix Five — Financial Statements

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Appendix Five — Financial Statements

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Appendix Five — Financial Statements

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Appendix Five — Financial Statements

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Appendix Five — Financial Statements

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Appendix Five — Financial Statements

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## APPENDIX SIX

ADVERTISING AND MARKET RESEARCH

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The market research company AMR Quantum Harris assisted the OFLC with Stage 3 of its Computer Games Research project. Payments related to this consultancy totaled \$27,000 during 1998-1999.

The OFLC also engaged TMP International, a media advertising organisation, to coordinate press advertising for nationwide recruitment campaigns. Payments to TMP Worldwide totaled \$11,211 which included the cost of newspaper advertisements.



## APPENDIX SEVEN

INDICES

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## GLOSSARY OF TERMS AND ABBREVIATIONS

TERM/ABBREVIATION	EXPLANATION
<i>ABA</i>	Australian Broadcasting Authority
<i>ADC</i>	Agreement Development Committee is a working party established to develop a workplace agreement for APS staff in the OFLC
<i>Approved forms of notice</i>	Notices explaining classification markings that are approved by the Director for the purpose of public display
<i>Approved organisation</i>	An organisation approved for the purpose of screening unclassified films at film festivals
<i>APS</i>	Australian Public Service
<i>Authorised assessor</i>	A person authorised by the Director to make recommendations on the classification of computer games to the Board that are likely to be classified 'G', 'G8' or 'M'
<i>Board</i>	Classification Board
<i>Censorship Ministers</i>	Commonwealth, State and Territory Ministers responsible for censorship matters; meetings are held under the auspices of SCAG
<i>Classification Act</i>	<i>Classification (Publications, Films and Computer Games) Act 1995</i> (Cth)
<i>Classification Board, (the Board)</i>	Statutory body created by the Classification Act
<i>Classification guidelines</i>	Guidelines on the application of the National Classification Code, approved by Censorship Ministers. Separate guidelines exist for the classification of publications, films, and computer games
<i>Classification markings</i>	Classification symbols, descriptions and consumer advice lines, as determined by the Director
<i>Classification Review Board (the Review Board)</i>	Statutory body created by the Classification Act

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<i>Classifier</i>	A full-time, part-time, acting or temporary member of the Classification Board
<i>CLO</i>	Community Liaison Officer
<i>Code, the</i>	The National Classification Code
<i>Community Assessment Panel scheme</i>	A scheme established by SCAG: panels representing a cross-section of the Australian community view a number of yet-to-be released films. Panel comments are analysed and compared against the Board's classification decisions and reports
<i>Community Liaison Officer (CLO)</i>	A scheme designed to assist retailers and distributors of publications, films and computer games to comply with their legal obligations under the national classification scheme
<i>Consumer advice</i>	Phrase providing advice on the content of classified material in addition to the classification symbol
<i>Community and Public Sector Union (CPSU)</i>	The union with coverage of permanent OFLC staff
<i>Deputy Director</i>	Full-time member of the Classification Board who may exercise the Director's powers in the Director's absence
<i>Director</i>	Full-time member of the Classification Board who is responsible for the management of the Board's administrative affairs and the OFLC
<i>EEO</i>	Equal Employment Opportunity
<i>Eligible unclassified film</i>	An unclassified film that may be advertised under certain conditions agreed to by Ministers
<i>FMA Act</i>	<i>Financial Management and Accountability Act 1997</i>
<i>Guidelines</i>	Classification guidelines
<i>National classification scheme</i>	A co-operative Commonwealth, State and Territory regulatory scheme for classification of publications, films and computer games
<i>National Classification Code</i>	A schedule to the Classification Act that specifies the classification categories and their content



<i>NESB</i>	Non-English Speaking Background; in EEO statistics for the APS, NESB staff are classified as either NESB1 (first generation) or NESB2 (second generation); most people who were born overseas and whose first language was not English were classified as NESB1; those who arrived in Australia before age five are classified as NESB2, along with Australian-born people with parents of NESB.
<i>Office of Film and Literature Classification</i>	Commonwealth agency that provides administrative support to the Board and policy advice on censorship issues to Government
<i>OFLC</i>	Office of Film and Literature Classification
<i>OH&amp;S</i>	Occupational Health and Safety
<i>Pre-classification advice</i>	Written advice given on application prior to the printing of publications identifying material likely to be the subject of debate by the Board
<i>Prohibited Imports Regulation</i>	Customs (Prohibited Imports) Regulations made under section 50 of the <i>Customs Act 1901 (Cth)</i> ; Regulation 4A relates to the importation of publications (including films and computer games and other goods).
<i>RC</i>	Refused Classification
<i>Review Board</i>	Classification Review Board
<i>SCAG</i>	Standing Committee of Attorneys-General
<i>Senior Classifier</i>	Full-time member of the Classification Board
<i>SES</i>	Senior Executive Service
<i>Standing Committee of Attorneys-General</i>	Committee comprising the Attorneys-General of the Commonwealth, States and Territories
<i>Telephone Information Services Standards Council</i>	An industry self-regulation body that sets a code of practice for the content and advertising of telephone information services such as 0055 and 1900 and also provides arbitration on complaints regarding breaches of the code
<i>TISSC</i>	Telephone Information Services Standards Council

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