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ANNUAL REPORT

Classification Board & Classification Review Board

2003-2004



Australian Government

Office of Film and Literature Classification

ANNUAL REPORT  
Classification Board &  
Classification Review Board  
2003-2004



**Australian Government**

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**Office of Film and Literature Classification**

# ANNUAL REPORT

**Classification Board &  
Classification Review Board**

**2003–2004**

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ISSN 1327 – 6182

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For enquiries about information to be made available to Members of Parliament and Senators on request, contact the Director at the above address.



**Australian Government**  

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**Office of Film and Literature Classification**



## LETTER OF TRANSMITTAL

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*The Hon Philip Ruddock MP  
Australian Attorney-General*



**Australian Government**

**Office of Film and Literature Classification**

The Hon Philip Ruddock 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 2004.

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'Des Clark', with a small star-like mark at the end.

Des Clark  
Director  
16 September 2004



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## INTRODUCTION

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

The Office of Film and Literature Classification (the OFLC) provides administrative support to both Boards. This report discusses achievements in 2003-2004 against the OFLC's outcomes and outputs structure, and also reports progress in meeting the five corporate objectives in the Corporate Plan 2001-2006.

A diagram showing the relationship between the OFLC's outcome and outputs structure and its corporate plan reporting framework is in the section Corporate Planning Framework (page 29). The financial statements are in Appendix Eight.

Information about the OFLC, the Board and the Review Board is also on the OFLC website at [www.oflc.gov.au](http://www.oflc.gov.au). Guidelines on the classification of films, computer games and publications, as well as a classification database and recent media releases are on the website. A copy of this report, as well as annual reports from previous years, are also available.



## DIRECTOR'S OVERVIEW

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The 2003-2004 reporting period has been one of significant achievements for both the Board and the OFLC.

The period has been characterised by an increased workload as the consumer demand for DVDs continues to grow.

Since 2002-2003 there has been a 30 per cent increase in sale or hire film applications and film festival exemption applications. However, volume tells only part of the story. The nature of applications has also become more complex and products have been longer in duration, for example, a DVD can contain eight hours of material. The Board and OFLC staff have responded to these challenges with commitment and innovation. An extraordinary effort has been made to ensure that statutory time frames continue to be met.



*Des Clark, Director, OFLC*

We now prepare for a future in which new convergent technologies and new electronic media provide the challenge of ensuring consumers continue to be informed about classification when buying entertainment products.

## **Board appointments**

In March this year, I was pleased to accept reappointment as Director of the Board and the OFLC until April 2007. My reappointment has afforded me the opportunity of building on the achievements of the last four years to ensure that we meet the challenges of our role and ensure the ongoing relevance of the classification system.

The composition of the Board changed this year. In this regard, I would like to acknowledge the appointment of two Senior Classifiers to the Board. I wish to welcome Marie-Louise Carroll to the position of Senior Classifier. Congratulations go to Wendy Banfield on her appointment as Senior Classifier after a period as Acting Senior Classifier. The role of Senior Classifier is vital in applying quality assurance to the classification decision-making process. Together, the Senior Classifiers manage the day-to-day operations of the Board. Permanent appointment to these positions is an important step towards ensuring the Board is effective and efficient in making decisions which reflect community attitudes and expectations.

## **Internal change**

During the reporting period, the OFLC improved its internal capability to plan for and manage the future. Specific activities include a revised approach to our annual planning processes which will result in a new look corporate annual plan for 2004-2005. On a related issue, a significant amount of work was done on the design of a new performance management system which will effectively link the OFLC's corporate objectives with individual staff performance plans.

In accordance with the OFLC's commitment to building organisational capability, a restructure was undertaken during the reporting period. An executive management team was established comprising myself, the Deputy Director and the Senior Executive, Strategy and Communication. Two divisions were created within the Office, each headed by my senior colleagues. The Classification and Corporate Support Division includes the Applications, Business Support and Human Resources sections



as well as the Board for administrative purposes. The Strategy and Communication Division includes the Policy, Education, Communication and Marketing and the Community Liaison Scheme functions.

Minor structural changes were also made to the Applications Section within the Classification and Corporate Support Division. This improvement will facilitate the development of an Applications Section that will move beyond a reactive level to provide the most effective and efficient service to the Board, applicants and the overall strategic management of the OFLC.

## **Convergent technologies and electronic media**

In September 2003, the OFLC successfully hosted its first International Ratings Conference on the theme '*Classification in a Convergent World*'.

The conference included a wide range of industry practitioners representing 16 countries. One significant element of the conference was a lively debate about whether there is a causal relationship between playing computer games and aggressive behaviour. The conference indicated that there is not a unanimous view in the academic arena about this issue.

I would particularly like to acknowledge the contribution of our colleagues at the Australian Broadcasting Authority to the organisation of the conference and sponsorship of one of the keynote speakers.

The conference confirmed that Australia is at the forefront in classification, with a diverse breadth of media classified under legislation. The approach of recognising convergent technology through combined guidelines for films and computer games does not appear to be occurring anywhere else in the world.

## **Guidelines**

The *Guidelines for the Classification of Film and Computer Games 2003* are an excellent example of how the Australian classification scheme is meeting the challenge of new media. The guidelines have been working well since their introduction in the last reporting period. There have been relatively few complaints about decisions under these guidelines.

At the request of the former Australian Attorney-General, an operational review of the guidelines has commenced and will conclude in the next reporting period. The review will assess whether the changes to the film and computer games guidelines have had the effect of changing classification standards.

The OFLC's report on the outcome of this review will also take into account the findings of the recent Community Assessment Panels (CAPs). CAPs, previously conducted in 1997 and 2000, are designed to explore the extent to which the Board makes decisions which reflect community standards. Under CAPs, members of the public assess films and computer games, applying the same criteria as the Board without knowing the Board's decision. During 2004, panels were conducted in Canberra, Alice Springs and Melbourne, and for the first time included computer games and an examination of consumer advice. The CAPs process provides valuable feedback to the Board which in turn enables it to make more informed decisions about films and computer games.

## **Challenges for regulation**

The OFLC has an important role in advocating for best quality classification processes and classification information for the Australian community. There have been a number of significant pieces of work undertaken directed towards this objective as a result of the challenges posed by current and emerging media.

Substantial submissions were provided to the reviews of the commercial television and commercial radio codes of practice. The national classification scheme and the regulation of television are interconnected through a combination of statute and practice and the co-regulatory nature of the current framework creates significant challenges. The OFLC is committed to advocating for a common classification system across media, including television, as we believe this is what consumers want.

## **Legislative change**

The *Classification (Publications, Films and Computer Games) Amendment Act 2004* was enacted this year. The amendments are designed to improve the understanding and effectiveness of the classification scheme by creating common classifications for films and computer games based on the existing film classifications. The introduction of common classifications for films and computer games will require changes to the markings that visually depict the classification and related classification information. The review of these markings is a major project for the next reporting period.

## **Conclusion**

I would like to thank the Board members for their contribution and their commitment to ensuring that classification decisions continue to reflect community standards. I congratulate OFLC staff for their contribution to the national classification scheme and, in particular, for their support to the Board.

The OFLC and the Board continue to ensure that the community finds the decisions of the Board useful and reliable. The OFLC is also committed to ensuring that we are prepared for the challenges of the digital era which will see content delivered on an increasing range of platforms. I look forward to the challenges that this environment will provide during my second term as Director.

## **Des Clark**

*Director*



# OVERVIEW OF THE NATIONAL CLASSIFICATION SCHEME

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The national classification scheme is a cooperative scheme arrangement between the Commonwealth, States and Territories. The scheme is established by the *Classification (Publications, Films and Computer Games) Act 1995* (the Classification Act). The Classification Act provides that the Board classifies films (including videos and DVDs), computer games and certain publications. The States and Territories enforce classification decisions under their respective classification enforcement legislation.

## Commonwealth

### **The Classification (Publications, Films and Computer Games) Act 1995**

The Classification Act, a Commonwealth enactment that commenced on 1 January 1996, establishes the Board and the Review Board. The Classification Act requires that, in appointing members of the Board and the Review Board, regard is to be had to the desirability of ensuring members broadly represent the Australian community.

The Classification Act also sets out:

- classification types
- statutory requirements for applications for classification
- regulation of advertising of classified products
- statutory criteria for review of classification decisions
- provisions pertaining to reclassification.

The Classification Act is available online at [www.oflc.gov.au](http://www.oflc.gov.au).

### **National Classification Code and classification guidelines**

The Board and the Review Board must make classification decisions in accordance with the National Classification Code (the Code) which names and broadly describes the classification categories for classifiable material. Commonwealth, State and Territory Ministers with censorship responsibilities (Censorship Ministers) approve the Code.

The classification guidelines are a tool used by the Board to assist them in applying the criteria in the Code by describing the classification categories, and setting out the scope and limits of material suitable for each category. The guidelines are approved by all Censorship Ministers.

When making classification decisions, the Board and the Review Board are also obliged to take into account the matters set out in section 11 of the Classification Act. These include the standards of morality, decency and propriety generally accepted by reasonable adults; artistic merit; the general character of the publication, film or computer game; and the persons or class of persons to or among whom it is published.

## States and Territories

As part of the national classification scheme, each State and Territory has enacted classification enforcement legislation that complements the Commonwealth Classification Act. State and Territory classification legislation prescribes penalties for classification offences and enforces classification decisions in the particular jurisdictions. Film festivals are also regulated under State and Territory enforcement



*OFLC Director, Des Clark, Review Board member Kathryn Smith and Australian Attorney-General, the Hon Philip Ruddock MP, at the OFLC's end of year event in December 2003.*

legislation. Some jurisdictions have reserved censorship powers.

### **Other functions**

In addition to making classification decisions about films, computer games and certain publications, the Board and the Director perform a number of other functions under the national classification scheme and other legislation.

### **The Advertising Exemption Scheme**

The Classification Act empowers the Board to grant a certificate of

exemption for certain unclassified films to allow advertising before they are classified.

Films that receive a certificate of exemption must comply with conditions in the Classification (Eligible Films) Determination 2002. These conditions include displaying an exemption message on advertising material for the film, including film trailers and printed advertisements, until it is classified. The determination is on the OFLC website under 'Information for Industry'.

### **Film festivals and events**

Under State and Territory enforcement legislation, a film festival or event may make an application to show an unclassified film. Exemptions are granted in accordance with the Film Festival Exemption guidelines approved by Censorship Ministers in 2004 or, in the case of the Sydney Film Festival, in accordance with a direction issued by the New South Wales Censorship Minister on 10 May 2004.

In the Australian Capital Territory, New South Wales, the Northern Territory, Victoria, Tasmania and Western Australia, the Director of the Board is responsible for approving film festival exemption applications on behalf of the States and Territories.

In South Australia, exemption applications should be directed to the South Australian Attorney-General's Office. In Queensland, the contact officer for applications is the Film Classification Officer, Queensland Department of Tourism, Fair Trading and Wine Industry Development.

There is more information about film festival decisions in Objective One (page 42).

### **Authorised assessors**

Under the Classification Act, the Director may authorise a person who has been trained by the OFLC to assess the likely classification of a computer game. If a computer game is likely to be classified G, G(8+) or M(15+), authorised assessors can submit an application for the game, accompanied by a recommended classification. When an application is accompanied by a recommendation, the Board considers the authorised assessor's recommendation before making a decision on the application.

### **Australian Customs Service**

The Australian Customs Service (ACS) is responsible for decisions on the status of material imported into, or exported from, Australia. The Customs (Prohibited Imports) Regulations 1956 (the Prohibited Imports Regulations) describe classes of goods that must not be imported into Australia. The Customs (Prohibited Exports) Regulations 1958 (the Prohibited Exports Regulations) describe classes of goods that must not be exported from Australia.

The ACS can detain or seize any material it believes may contravene Regulation 4A of the Prohibited Imports Regulations or Regulation 3 of the Prohibited Exports Regulations. The criteria in Regulation 4A and Regulation 3 accord with the refused classification criteria in the Code.

By agreement between the ACS and the OFLC, the ACS may refer an item intercepted at the border to the Board for advice on the application of customs regulations dealing with classification standards. This advice from the Board is one factor the ACS takes into account in decisions about the import or export status of goods detained.

The Attorney-General has authorised the Director and Deputy Director under subregulation 4A(2A) of the Prohibited Imports Regulations and subregulation 3(3) of the Prohibited Exports Regulations to grant requests for permission to import goods to which the Prohibited Imports Regulations apply, or to export goods to which the Prohibited Exports Regulations apply.

*In 2003-2004, the Board made 1,727 classification decisions for commercial publications.*

### **Australian Broadcasting Authority**

The OFLC does not regulate television, radio or the Internet.

The *Broadcasting Services Act 1992* (the BSA) establishes a co-regulatory scheme for broadcast services, including radio and television, relying on codes of practice developed by industry and registered with the Australian Broadcasting Authority (ABA). For the purpose of classifying films screened on television, the BSA requires that codes of practice apply the film classification system administered by the OFLC which includes the classification guidelines and classification symbols of the Board. This is in the interests of consistency of classification information across films, DVDs, videos and television.

If the ABA receives a valid complaint about Australian-hosted online content, the ABA may, under Schedule 5 of the BSA, refer the material to the Board for classification. The Board then classifies the content using the *Guidelines for the Classification of Films and Computer Games 2003*. The ABA then takes appropriate action in respect of the online content in accordance with Schedule 5.





## CLASSIFICATION BOARD PROFILES

**DES CLARK**

DIRECTOR

---

<b>Appointed</b>	17 April 2004
<b>Appointment Expires</b>	16 April 2007

Des Clark, 58, was appointed as the Director of the OFLC on 17 April 2000 and reappointed on 17 April 2004.

Prior to his appointment, Des was working as an independent consultant in strategic communications. He was also Deputy Chairman of the Australian Film Commission and Chairman of the Melbourne International Film Festival. Under his Chairmanship, the festival more than doubled its audience and delivered a budget surplus. He was a member of the festival Board for 10 years.

Des has extensive experience of community development and consultation, having served three terms as a Councillor at the City of Melbourne from 1986 to 1993 and a term as Lord Mayor in 1992-1993.

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

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

**PAUL HUNT**

DEPUTY DIRECTOR

---

<b>Appointed</b>	28 May 2003
<b>Appointment Expires</b>	27 May 2006

Paul Hunt, 36, joined the OFLC as a Senior Classifier on the Classification Board in June 2000, and was appointed to his current position of Deputy Director in May 2003. Paul came to the OFLC from the remote Kimberley region of Western Australia. He has worked in a number of fields, with a focus on environmental health, planning and building surveying.

Paul has experience in community consultation, as well as considerable experience in balancing community expectations of statutory bodies with the needs of clients. Paul's experience in the Kimberley and other regional areas has given him an understanding of sensitive social justice and health issues relevant to rural and remote communities. Paul is married with two children.





**WENDY BANFIELD**

SENIOR CLASSIFIER

**Appointed** 19 February 2004  
**Appointment Expires** 10 October 2006

Wendy Banfield, 41, is the mother of two young children and lived in Queensland for a number of years before moving to Sydney to take up her appointment as a Board Member on 11 October 1999. She grew up in Adelaide after arriving in Australia from England in 1970. Wendy has worked in administration and as a para-legal in Australia and during two extended periods in London. Wendy studied in South Australia and Queensland obtaining a Bachelor of Arts (Psychology) and a Bachelor of Laws. While caring for her preschool children prior to moving to Sydney, Wendy continued employment on a part-time basis as a high school tutor and in a variety of administrative positions.

Wendy is involved in her local community in Sydney's North West through children's activities and other sporting interests. She is also interested in current affairs and social justice issues, particularly the welfare of children.

**MARIE-LOUISE CARROLL**

SENIOR CLASSIFIER

**Appointed** 19 February 2004  
**Appointment Expires** 18 February 2007

Marie-Louise Carroll, 32, was appointed to the Board as Senior Classifier on 19 February 2004. Marie-Louise holds a Bachelor of Arts (Philosophy) and a Bachelor of Laws from the University of Western Australia and is admitted to practise as a solicitor and barrister. After graduation and qualification she spent almost six years living internationally. During this time she worked at the BBC in London in the role of Commercial Rights Assistant and then with interactive television company Two Way TV, initially as Legal and Business Affairs Manager and later as Content Acquisitions Manager, negotiating licensing deals with various UK and international rights owners, distributors and other bodies.

Since her return to Australia, Marie-Louise has worked in Media and Publicity for the WA Tourism Commission during Rally Australia 2003 and, just prior to her appointment to the Board, was working for Film Victoria in Melbourne.

Marie-Louise has spent extended periods living and studying in both Italy and France and has travelled extensively throughout Europe, the US and Africa.

**TRACY CARTHEW**

BOARD MEMBER

**Appointed** 28 May 2003  
**Appointment Expires** 27 May 2006

Tracy Carthew, 45, is a Registered Nurse with 27 years nursing experience spanning three states and mother of three children aged five, 18 and 22. She lives with her partner in Brisbane and is a part-time member of the Board.

During a diverse career in nursing, Tracy's work in both public and private community

and hospital settings has given her the opportunity to interact with a wide range of people. During the past seven years, Tracy has been involved in clinical research, initially working at the University of Queensland and more recently at Queensland Health as a Clinical Research Coordinator. She is a member of the University of Queensland Human Research Ethics Committee.

In 1996 Tracy joined the Royal Australian Army Nursing Corps (Reserves) and is currently serving with the rank of Captain. Her current role with the Australian Defence Force is as Clinical Research Coordinator with the Australian Army Malaria Institute. Her army career included deployment to East Timor and she is the recipient of the Prince of Wales Award. Tracy is also a member of the Returned Sisters, a sub branch of the RSL. Tracy's interests include film, literature and choral singing.

**JEREMY FENTON**

BOARD MEMBER

**Appointed** 28 May 2003  
**Appointment Expires** 27 May 2006

Jeremy Fenton, 33, was born in Auckland, New Zealand, before becoming a naturalised Australian citizen in 1978. He has lived in northern New South Wales for most of his life and holds a Bachelor of Arts (Communication) with a major in film production.

He has had a long-term involvement with community radio in Lismore NSW, serving on management and steering committees, as well as holding the position of Station Manager, where he enjoyed a wide interaction with rural, indigenous and young people.

Before moving to Sydney to join the Board, Jeremy held the full-time position of Regional Coordinator for Training Services for a non-profit employment and training organisation operating across a region that stretches from Grafton to Tweed Heads in northern NSW, and also worked part-time as a weekly columnist for a local newspaper.

His interests include reading, cooking, listening to an eclectic range of music, watching films, website development and digital photography.



**ALEXANDRA GREENE**

BOARD MEMBER

**Appointed** 28 May 2003  
**Appointment Expires** 27 May 2006

Alexandra Greene, 27, is originally from Melbourne, Victoria but spent the past seven years living on the Queensland Gold Coast. Alexandra is a qualified solicitor (admitted in January 2002) having degrees in Arts (Criminology/Criminal Justice) and Law from the University of Queensland. Alexandra also completed a postgraduate course in Professional Legal Education and Training.

She worked most recently as a commercial solicitor on the Queensland Sunshine Coast, but spent many years as a sales assistant at Myer-Grace Bros and as an attractions presenter at Warner Bros MovieWorld. Alexandra has also spent time as



an Assistant Legal Officer in the State Drug Squad and Major Fraud Investigation Unit at the Queensland Police Service.

This mix of work and study experience has allowed Alexandra to have close contact with children and families, giving her an insight into many legal and social issues such as drug use, violence and sexual abuse. She has interests in animal welfare, music, piano and motor racing.



### **ROBERT SANDERSON**

BOARD MEMBER

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**Appointed** 28 May 2003  
**Appointment Expires** 27 May 2006

Robert Sanderson, 30, is from Sutton in regional New South Wales. He was first appointed to the Board on 11 October 1999. Robert is a qualified accountant, but has worked as a shop assistant for Target Australia while studying to obtain degrees in commerce and economics. He was also the managing director of a performance artists and modelling agency, catering predominantly to child actors, singers and dancers. He is a keen player of computer games and has been involved in a wide variety of social sports, including a martial arts instructor and soccer referee. These activities and interests have provided him with many opportunities to interact with young children, teenagers and their parents, and gain an appreciation of their differing attitudes and needs.



### **RODNEY SMITH**

BOARD MEMBER

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**Appointed** 28 May 2003  
**Appointment Expires** 27 May 2006

Rod Smith, 34, is from Launceston, Tasmania. For the past 14 years he has worked as a journalist in newspapers, ABC radio and television, on the Internet and at a wire service.

Parallel with journalism he also co-founded and funded a free street-paper for young adults, co-organised a major rock concert and selected bands to appear on two annually produced CDs. These roles required a high order of organisational skills, as well as building a rapport with a wide cross-section of the community.

Immediately prior to his Board appointment, Rod worked as an on-the-road reporter for Australia's largest newspaper, the *Sunday Telegraph*, in Sydney. This job involved extensive travel in regional and rural Australia. Since leaving journalism, Rod has maintained an abiding interest in news and current affairs, particularly issues affecting his home state.

His interests include reading, literature, writing, running, bushwalking and live music.

**LYNN TOWNSEND**BOARD MEMBER

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**Appointed** 28 May 2003  
**Appointment Expires** 27 May 2006

Lynn Townsend, 60, is originally from Hobart, Tasmania and is the mother of four adult children. Lynn has an extensive background as a consultant and researcher dealing with women's issues and providing education and professional training to social workers, youth workers and women's service workers. She has also authored a number of reports on complex and difficult social issues, such as child abuse, sexual assault and domestic violence, and has been involved in extensive community consultation and education throughout her career. She was first appointed to the Board on 11 October 1999.

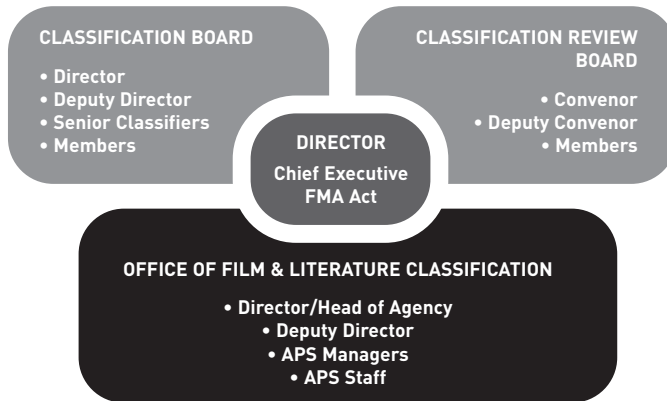




## CORPORATE OVERVIEW

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## Legislative governance structures



### The Classification Board

The Board is an Australian statutory body consisting of the Director, Deputy Director, Senior Classifiers and other members.

The Board classifies publications, films (including videos and DVDs), and computer games. The Board also classifies Internet content referred by the ABA and provides advice to the ACS on the importation of publications, films and computer games.

Classification management responsibilities are currently divided into two areas: production and standards. These responsibilities are managed by the two Senior Classifiers.

### The Director

The Director of the Board, who is also the Chief Executive of the OFLC and the Review Board for the purpose of the *Financial Management and Accountability Act 1997* (the FMA Act), has a range of statutory functions under the Classification Act which include:

- managing the administrative affairs of the Board
- convening and presiding at meetings
- determining the constitution of the Board for classifying particular products and determining how decisions are recorded
- arranging business of the Board
- determining procedures for the Board
- the annual report, accounts and records, and asset management.

In addition to the Director's powers in relation to the Board, the Classification Act confers a number of additional functions and powers:

- approving forms for the purpose of the Classification Act
- providing certificates and notice of decisions, including evidentiary certificates
- authorisation of authorised assessors
- determining applications for fee waivers.

The Classification Act confers certain powers on the Attorney-General. Under the *Law Officers Act 1964*, the Attorney-General can delegate some of these powers to the Director. Powers currently delegated are:

- granting leave of absence for Board members
- appointing acting Board members, other than the Director
- appointing temporary Board members.

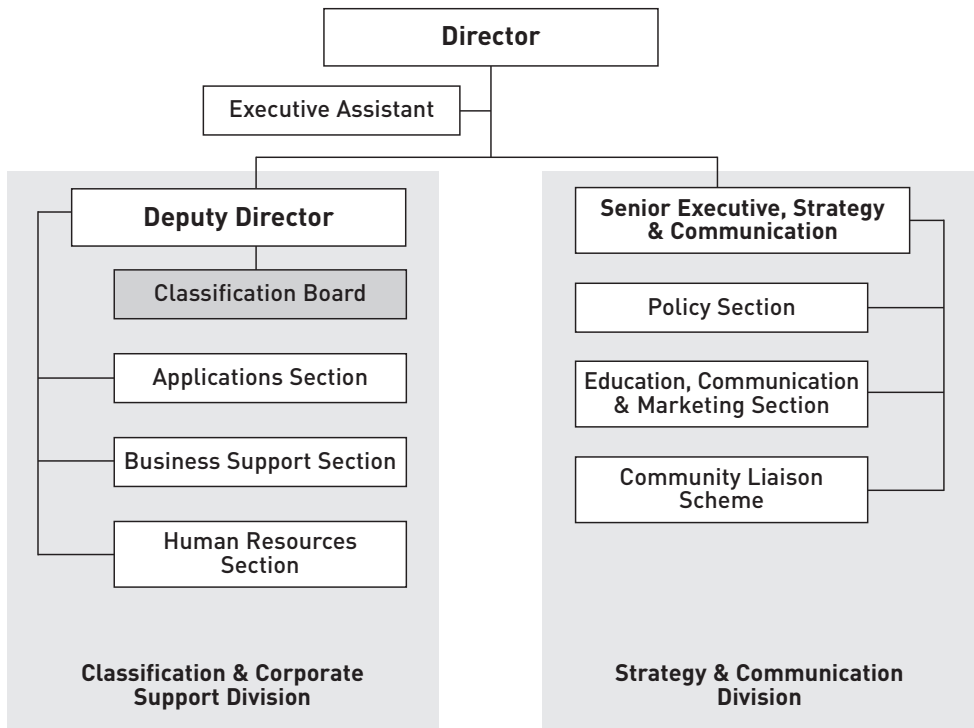
The Prohibited Imports Regulations and Prohibited Exports Regulations confer certain powers on the Attorney-General. The Attorney-General has authorised the Director and Deputy Director of the Board to grant permission to import or export prohibited or potentially prohibited goods.

### The Classification Review Board

The Review Board is an independent statutory body established to review certain decisions of the Board.

Although the Director is Chief Executive of the Review Board for the purpose of the FMA Act, the Review Board is totally independent in its classification decision making. See page 77 for more information on the Review Board.

## Organisational structure



## **The Office of Film and Literature Classification**

The Board and the Review Board are supported administratively by Australian Public Service (APS) staff in the OFLC. In addition, the OFLC provides support to the Attorney-General, State and Territory governments, industry, law enforcement bodies and members of the public.

The OFLC, originally established in 1988, is a prescribed agency for the purposes of the FMA Act and a statutory agency for the purpose of the *Public Service Act 1999*. The OFLC does not make classification decisions as these are the function of the Board and the Review Board.

### **Classification and Corporate Support Division**

The Classification and Corporate Support Division, which, for administrative purposes, includes the Board, is headed by the Deputy Director. This division comprises the following sections:

#### ***Applications***

The Applications section provides a broad range of administrative support services to ensure the smooth running of the classification process. These include processing applications, maintaining an information database, liaising with clients, and storage and security of materials and records. This section also administers the film festival exemption scheme.

#### ***Business Support***

The Business Support section provides a broad range of financial, information technology and technical support, as well as general office services. Financial and office service support includes appropriation and budget management, as well as accounts payable, receipts management, asset control, management reporting, purchasing and general building services.

#### ***Human Resources***

The Human Resources section is responsible for providing a range of services, including advice and information on human resource matters, maintenance of personnel records, a payroll service, personnel case management, and the development and implementation of a broad range of human resource management policy and procedures.

### **Strategy and Communication Division**

The Strategy and Communication Division is headed by the Senior Executive, Strategy and Communication. It comprises the following sections:

#### ***Policy***

The Policy section provides advice on classification issues to the Director, the Board, the Review Board and the Attorney-General. The section also provides secretariat support, briefing and policy papers for the Standing Committee of Attorneys-General (Censorship) and secretariat support to the Review Board. The section undertakes a range of functions, including policy development and evaluation, legislative reform, liaison with the Australian Government Solicitor, parliamentary liaison and correspondence, and is the principal liaison point with the Attorney-General's Office and the Attorney-General's Department. The Policy section works closely with the Attorney-General's Department on classification policy and legislative reform matters.



### ***Education, Communication and Marketing***

The Education, Communication and Marketing section provides classification education and training, and public affairs and information services to a broad range of stakeholders. These include the Board, the Review Board and OFLC staff, industry, community groups, government agencies, and the public. The section liaises with the community and industry on the development of services, media, marketing, event management and research.

### ***Community Liaison Scheme***

Community Liaison Scheme (CLS) staff provide retailers, exhibitors and distributors of films, publications and computer games with information about the national classification scheme. These staff work closely with State and Territory authorities to encourage and monitor compliance with relevant enforcement provisions.



## CORPORATE GOVERNANCE

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## **Financial management, accountability and reporting**

Governance requirements with respect to financial management, accountability and reporting are set out in the Classification Act and the *Financial Management and Accountability Act 1997* (the FMA Act).

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

The Director is the Chief Executive of the OFLC, the Board and the Review Board for the purposes of the FMA Act, as specified in items 118, 119 and 134 of the schedule to Regulation 5 of the regulations made under the FMA Act. As such, the Director is required to prepare financial statements in accordance with section 48 of the FMA Act. These are set out in Appendix Eight.

## **Public sector employment**

Subsection 54(2) of the Classification Act provides that for the purpose of the *Public Service Act 1999* (the PSA):

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

Subsection 44(3) of the PSA requires the Director to provide relevant information to the Public Service Commissioner for the *State of the Service Report*.

## **Risk management**

Managing risk is important to the OFLC's corporate and business planning process. The OFLC uses a structured methodology to manage risks and opportunities and has in place a risk management plan. Part of the plan requires regular reviews of key business risks to enable the OFLC to continue to assess and address risks while making the most of its opportunities.

As part of the overall risk management plan, a Fraud Control Plan is in place to protect public money and property and the integrity, security and reputation of the OFLC. The Fraud Control Plan provides appropriate fraud prevention, detection, investigation, reporting and data collection procedures and processes.

## **Audit**

The Australian National Audit Office (ANAO) provides an independent audit function for government. Officers from the ANAO make regular assessments of the operations (particularly financial) of the OFLC. The Auditor-General provides an audit opinion in regard to OFLC's annual accounts each year.

In accordance with the FMA Act, there is an Audit Committee comprising the Director, the Deputy Director and two external persons, Mr Ken Baxter (Chairman) and Mr John Balassis. In addition, there is a standing invitation to the ANAO to participate as an observer (with a representative regularly attending meetings). The Committee has an oversight role in the management of the OFLC's finances, IT, risk

management and compliance framework and internal audit program to assist in ensuring the OFLC complies with all legislation and other obligations.

### **Executive management team**

The executive management team sets strategic direction, maintains a general oversight of organisational performance, and considers and provides advice to the Director on matters of corporate significance. The team comprises the Director, the Deputy Director and the Senior Executive, Strategy and Communication. Membership during 2003-2004 was:

- Des Clark, Director
- Paul Hunt, Deputy Director
- Patricia Flanagan, Senior Executive Strategy and Communication

### **Corporate management team**

The executive management team formally consults regularly with the corporate management team on matters relating to the broad management of the OFLC. The corporate management team comprises members of the executive management team, Senior Classifiers and Managers of each section. Membership during 2003-2004 was:

- Des Clark, Director
- Paul Hunt, Deputy Director
- Patricia Flanagan, Senior Executive Strategy and Communication
- Wendy Banfield, acting Senior Classifier until 2 March 2004 and Senior Classifier from 3 March 2004

*Applications Manager, Heather Cole and Deputy Director, Paul Hunt, lead a discussion at a corporate management team meeting.*



- Marie-Louise Carroll, Senior Classifier from 3 March 2004
- Heather Cole, Manager, Applications
- Paul McCarthy, Manager, Policy
- Manus McFadyen, Manager, Human Resource Management
- Kathryn Reidy, Education and Communication Manager
- John Robinson, acting Business Manager

## Establishment and maintenance of appropriate ethical standards

A number of steps have been taken to establish and maintain appropriate ethical standards in the conduct of business.

### Public Service ethical standards

All employees are employed under the PSA, and are subject to the APS Values and Code of Conduct in that Act and the Public Service Commissioner's Directions made under that Act. These establish the primary values and standards of behaviour expected of employees in the APS.

Formal procedures for determining breaches of the code of conduct, required by subsection 15(3) of the PSA, have been established by the Director.

The APS Values and Code of Conduct are included in the *OFLC Agency Agreement 2003-2006* and staff members are briefed on the importance of these as part of the induction program. All prospective employees of the OFLC are provided with a copy of the APS Values and Code of

Conduct and elements of the *Crimes Act 1914*, and are required to sign a statement that they have read and understand these provisions before commencing employment with the OFLC.

The OFLC's harassment policy and procedures reflect the organisation's commitment to providing a working environment free from all forms of harassment by giving guidance on appropriate behaviour in the workplace.

Formal procedures for handling whistleblower reports have also been established in accordance with the PSA.

During the reporting period the OFLC initiated a process of establishing the OFLC's own values in support of its corporate strategy. This work will continue into the next reporting period.

### Board ethical standards

As Board members are statutory officers, they remain subject to the code of conduct proposed by the *Report of the Committee of Inquiry Concerning Public Duty and Private*



*Board members, Jeremy Fenton, Tracy Carthew and Rodney Smith with renowned Australian film commentator and panel chair, Margaret Pomeranz, at the OFLC's International Ratings Conference Classification in a Convergent World.*

*Interest* (the Bowen Report), which established principles for the avoidance and resolution of conflicts of interest.

The policy on acceptance of gifts and benefits requires registration of any offers to staff members. The policy also provides further guidance to employees on overcoming any perception of conflict of interest.

### **Chief Executive Instructions**

Chief Executive Instructions under the FMA Act have been made by the Director and apply to all employees. Included in these instructions are OFLC arrangements for ensuring the proper use and management of public money, public property and other resources of the Commonwealth, and the proper accountability for the use and management of these resources.

### **Guidance to staff and Board members**

The APS Values, Code of Conduct, Chief Executive Instructions and other material relevant to ethical conduct are incorporated, as appropriate, into relevant policies, guidelines and instructions.

### **External accountability**

The OFLC and both Boards also work within a strong accountability framework. This includes parliamentary scrutiny, external audit by the ANAO, the *Freedom of Information Act 1982*, the *Privacy Act 1988*, the *Ombudsman Act 1976* and, in respect of actions taken concerning OFLC employees, the Review of Actions provisions in the PSA. Decisions of both Boards are subject to judicial review under the *Administrative Decisions (Judicial Review) Act 1977*.



## REPORT ON PERFORMANCE

## Outcomes and outputs

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

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

This outcome is supported by two outputs:

**Output 1.1** *Operation of the national classification scheme*

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

The Australian Government's appropriation to the OFLC is for administration of the OFLC, the Board and the Review Board.

## Outcomes and outputs performance

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

A summary of performance under each output follows, and there is more detail in the following five chapters. Performance in relation to output performance indicators is in Appendix One.

### **Output 1.1 – Operation of the national classification scheme**

In 2003-2004, the Board finalised 7,880 applications and made 7,007 classification decisions. Target turnaround time of 20 business days or less was met in 99.65 per cent of commercial applications. Client satisfaction is measured in part by complaints about turnaround, and only one written complaint was received during 2003-2004.

### **Output 1.2 – Provision of ancillary services**

A total of 48 briefs, submissions, papers and 250 items of ministerial correspondence were prepared as part of services ancillary to the operation of the national classification scheme. One meeting of Censorship Ministers and three meetings of censorship officials were conducted during the year.

The CLS, now in its ninth year, is a joint Commonwealth, State and Territory initiative which educates retailers, exhibitors and distributors in their legal obligations under the national classification scheme. The CLS conducted a total of 1,509 site visits across Australia and provided 2,085 classification compliance advices by phone, email, information mail outs, meetings with clients and during site visits.

Tailored training sessions were provided for industry, the Board, the Review Board, OFLC staff and the Australian Customs Service.





*OFLC officers arrange media interviews for keynote speaker, Dr Jeffrey Brand, at the OFLC's International Ratings Conference.*

## **Financial performance**

The increase in demand for DVDs and multi-platform computer games has seen a substantial increase in applications for classification. Recent DVD technological advances enable the inclusion of interactive elements (including computer games) and bonus material as well as the feature film. In addition, clients are making greater use of the OFLC's priority classification service.

These factors have increased workload and associated costs resulting in a financial deficit for 2003-2004. The Australian Government has agreed to additional funding for 2004-2005 as these costs will continue. In addition there will be an equity injection to cover the 2003-2004 deficit, in order to restore OFLC's cash reserves pending stakeholder consultation regarding alternative funding options.

The OFLC regularly conducts efficiency reviews and strives for industry best practice to make the most of its funding. The OFLC continues to upgrade its financial systems and processes to meet Australian Government expectations following the Department of Finance and Administration's Budget Estimates Framework Review recommendations.

OFCL's operations are highly reliant on technology-based assets, particularly specialised software and electronic hardware. The replacement program to update these assets will commence in the 2004-2005 year resulting in a reduction of the cash position compared to 30 June 2004.



# CORPORATE PLANNING FRAMEWORK

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The OFLC Corporate Plan 2001-2006 was developed within the context of the legislative framework and the Performance Management Framework of the Australian Government.

The Corporate Plan provides overarching strategic direction for the OFLC and a framework for the development of the annual report.

### **Vision statement**

The OFLC Corporate Plan 2001-2006 acknowledges the OFLC's vision of being the leading provider of widely understood media classification services.

Achieving this vision requires:

- our role, and the implications of classification decisions, to be understood in our community
- maintenance of productive relationships with those who produce the material we classify
- efficient and effective management of classification systems
- the confidence of participating governments in classification decisions and OFLC operations.

The objectives to achieve this vision are:

**One:** To manage the classification system to time, cost and quality standards.

**Two:** To enhance confidence in, and utilisation of, OFLC classification systems among existing and potential clients.

**Three:** To enhance community understanding of, and confidence in, classification systems and outcomes.

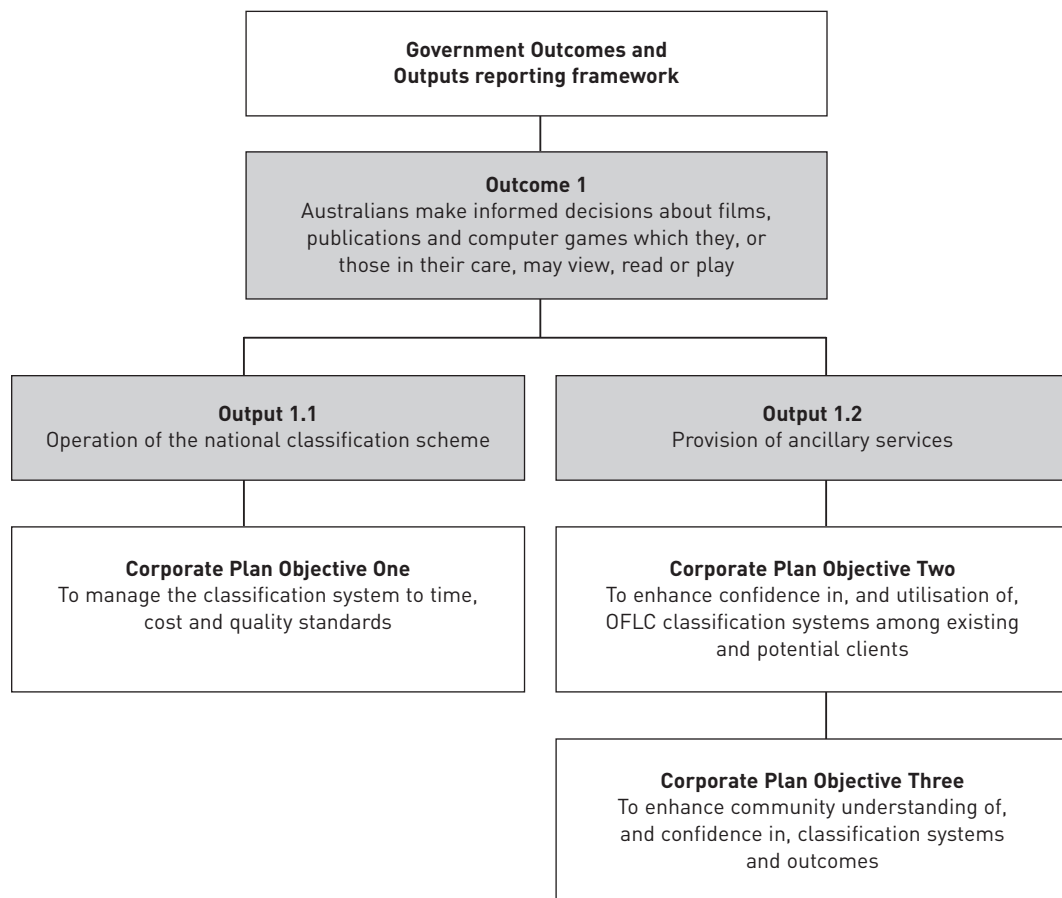
**Four:** To provide access to information that clearly sets out:

- roles and responsibilities
- work processes
- basis for classification decisions
- emerging issues.

**Five:** To provide OFLC people with the skills and support to maximise their contribution to the organisation.

The diagram on page 31 shows the relationship between the Australian Government's outcome and outputs reporting framework and the objectives of the OFLC Corporate Plan. The table on page 32 outlines the strategies to achieve the objectives.

**TABLE 01: Outcomes/Outputs and the OFLC Corporate Plan reporting framework**



**Objectives relating to Outputs 1.1 and 1.2**

**Corporate Plan Objective Four**  
To provide access to information that clearly sets out:

- roles and responsibilities
- work processes
- basis for classification decisions
- emerging issues

**Corporate Plan Objective Five**  
To provide OFLC people with the skills and support to maximise their contribution to the organisation

**TABLE 02: OFLC Corporate Plan 2001-2006 — objectives and strategies**

## OBJECTIVES

## STRATEGIES

**One: To manage the classification system to time, cost and quality standards**

The Office is obliged to meet time standards for our decisions. The cost of making classification decisions is recovered from clients and our efficiency is subject to scrutiny. Our credibility is dependent upon consistency in our decision-making, which still needs to reflect evolving community standards.

- 1.1 In cooperation with clients, streamline procedures to provide timely decisions within the legislative framework.
- 1.2 Ensure that clients receive value for money without compromising classification decisions.
- 1.3 Maintain high quality classification standards through effective knowledge management.

**Two: To enhance confidence in, and utilisation of, OFLC classification systems among existing and potential clients**

This objective addresses our relationships with key government and industry stakeholders. It addresses the requirement to effectively service the Standing Committee of Attorneys-General (Censorship), regulatory reform, media convergence and OFLC communication with other industry, consumer and classification bodies.

- 2.1 Provide briefing, policy and legislative services to the Government and the Standing Committee of Attorneys-General (Censorship).
- 2.2 Improve the OFLC's relationships with existing and potential clients.
- 2.3 Understand emerging product and technology to identify potential clients and industry, technology and communication trends.

**Three: To enhance community understanding of, and confidence in, classification systems and outcomes**

This objective addresses the requirements that decisions of the Board reflect community standards, and that our communities are aware of the OFLC's role and the implications of its classification decisions.

- 3.1 Identify and develop avenues for dissemination of OFLC information.

**Four: To provide access to information that clearly sets out roles and responsibilities, work processes, basis for classification decisions and emerging issues**

This objective is directed toward ensuring that people requiring information relating to the activities or operation of the OFLC are able to access accurate information in a convenient, timely manner.

- 4.1 Develop and maintain practical information resources relevant and appropriate to external interested parties and internal users.
- 4.2 Establish more effective internal communication within the OFLC.
- 4.3 Establish arrangements for all OFLC staff to have convenient access to information (held on files and stored electronically) that they require in the course of their work.
- 4.4 Improve OFLC handling of external enquiries.

**Five: To provide OFLC people with the skills and support to maximise their contribution to the organisation**

This objective is directed towards ensuring that Board members and support staff are appropriately resourced and that they have the information and support to perform their role and optimise their contribution to the broader objectives of the OFLC.

- 5.1 Establish, as an integral part of working at the OFLC, an induction, training and orientation policy and process.
- 5.2 Establish, as an integral part of working at the OFLC, a comprehensive and effective performance management system.
- 5.3 Establish appropriate arrangements for the timely recruitment of Board members.
- 5.4 Maintain appropriate terms and conditions for the employment of OFLC APS staff.