



Australian Government

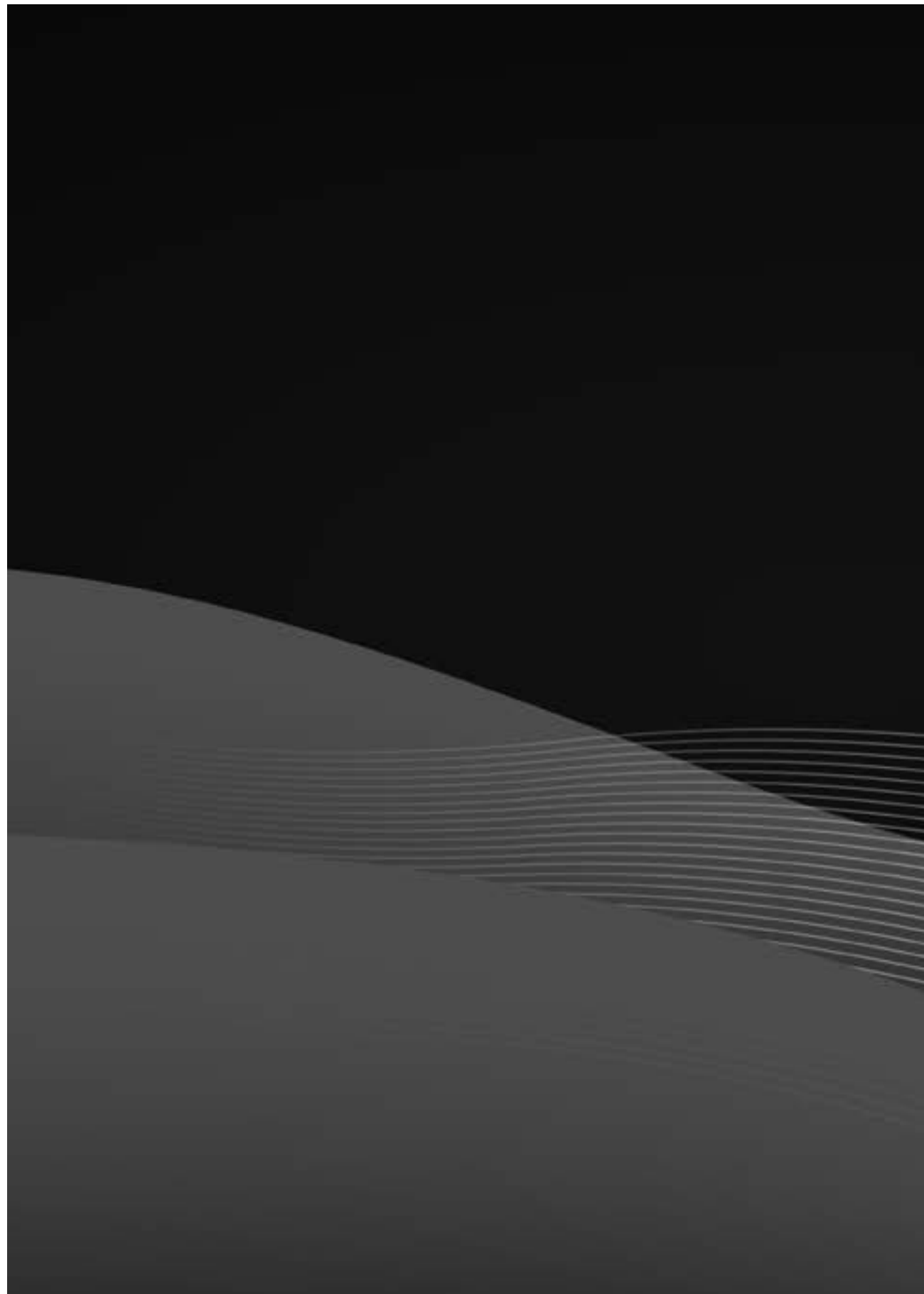
Classification Board

Classification Review Board

CLASSIFICATION BOARD AND CLASSIFICATION REVIEW BOARD

ANNUAL REPORTS 2012–2013







Australian Government

Classification Board

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ANNUAL REPORTS 2012–2013

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INTRODUCTION



This report includes the reports of the Classification Board and the Classification Review Board.

Information about the Classification Board and the Classification Review Board is also available on the Australian Classification website at **www.classification.gov.au**.

Guidelines on the classification of films, computer games and publications, as well as the classification database, are on the website. A copy of this report, as well as Annual Reports from previous years, are also available on the website.

The Classification Branch of the Attorney-General's Department provides administrative support to both the Classification Board and the Classification Review Board. Further information about the Classification Branch is available in the Attorney-General's Department Annual Report 2012–13 or at **www.ag.gov.au**.

OVERVIEW OF THE NATIONAL CLASSIFICATION SCHEME



The National Classification Scheme is a cooperative arrangement between the Commonwealth, states and territories. The Intergovernmental Agreement on Censorship underpins the Scheme. The Commonwealth's contribution to the Scheme includes the *Classification (Publications, Films and Computer Games) Act 1995* (Cth) (the Classification Act). The Classification Act provides that the Classification Board classifies films, computer games and certain publications. The Classification Act also establishes the review mechanism, the Classification Review Board which, on application, reviews certain decisions made by the Classification Board. The states and territories enforce classification decisions under their respective classification enforcement legislation. There are also some Commonwealth offence provisions in the Classification Act which are part of the Stronger Futures in the Northern Territory legislation package—formerly known as the Northern Territory Emergency Response.

COMMONWEALTH

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

The Classification Act establishes the Classification Board and the Classification Review Board. The Boards are independent from government and from each other. The Classification Act requires that, in appointing members of the Classification Board and the Classification Review Board, regard is to be had to the desirability of ensuring that membership of the Boards is broadly representative of the Australian community.

The Classification Act also sets out:

- classification types
- statutory requirements for applications for classification
- powers and functions of the Classification Board and Classification Review Board

- processes for industry assessment of certain material
- provisions for the approval of advertisements for certain products
- statutory criteria for review of classification decisions
- provisions pertaining to reclassification
- provisions pertaining to prohibited material in prohibited material areas.

The Classification Act is available online at www.comlaw.gov.au.

National Classification Code

The Classification Board and the Classification Review Board must make classification decisions in accordance with the Classification Act, the National Classification Code (the Code) and classification guidelines.

The Code lists and broadly describes the classification types. Commonwealth, state and territory ministers with responsibility for classification agree to the Code. The Code is registered on the Federal Register of Legislative Instruments at www.comlaw.gov.au. The Code is available in the Appendix on page 72.

Classification guidelines

The *Guidelines for the Classification of Films*, *Guidelines for the Classification of Computer Games* and *Guidelines for the Classification of Publications* (the classification guidelines) are used by the Classification Board and the Classification Review Board to assist them in applying the criteria in the Code by describing the classification types, and setting out the scope and limits of material suitable for each classification type. The classification guidelines are approved by all ministers with responsibility for classification. The classification guidelines are registered on the Federal Register of Legislative Instruments at www.comlaw.gov.au.

There are a range of other determinations, instruments and principles applying to classification and they can be found online on the Australian Classification website at www.classification.gov.au or at www.comlaw.gov.au.

STATES AND TERRITORIES

As partners in the National Classification Scheme, each state and territory has classification legislation that complements the Commonwealth Classification Act. The legislation sets out how films, publications and computer games can be sold, hired, exhibited, advertised and demonstrated in that jurisdiction. It prescribes penalties for classification offences and provides for enforcement of classification decisions. Film festivals are also regulated under state and territory legislation. Some jurisdictions have reserved censorship powers.

OTHER FUNCTIONS

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

Exemptions to show unclassified films

Under state and territory enforcement legislation, an organisation or an individual may make an application to show an unclassified film at a film festival or a special event. Exemptions are granted in accordance with Film Festival Guidelines and the relevant classification enforcement legislation in each jurisdiction.

In relation to the Australian Capital Territory, New South Wales, the Northern Territory, South Australia, Victoria, Tasmania and Western Australia, the Director of the Classification Board is responsible for approving film festival exemption applications (although some jurisdictions' legislation provides that either the Director or the relevant state or territory minister may consider exemption applications).

From 26 February 2013, the Director of the Classification Board also became responsible for approving film festival exemptions for Queensland. Prior to 26 February 2013, an officer from Queensland Department of Justice and Attorney-General was responsible for granting exemptions for festivals held in Queensland.

Industry assessors

Applications for classification can be lodged under assessor schemes.

None of the assessor schemes are mandatory. Applications may still be made to the Classification Board without using the schemes.

Authorised Assessor Scheme for computer games

Under the Classification Act, the Director may authorise a person who has completed the required training to recommend the classification for a computer game. If a computer game is likely to be classified G General, PG Parental Guidance or M Mature, classification applications can be submitted accompanied by an authorised assessor's report recommending the classification and consumer advice for the computer game.

Additional Content Assessor Scheme

The Director may also authorise trained persons to assess additional content which accompanies a previously classified or exempt film/s released for sale or hire. These assessors can make a recommendation regarding the classification and consumer advice for the additional content. Additional content includes 'making of' documentaries, out-takes and commentaries or interviews with the director or actors. Under the Scheme, additional content does not include television programs, series or computer games.

When an application for these types of products is accompanied by a report recommending the classification and consumer advice, the Classification Board considers the recommendation before making a classification decision.

Authorised Television Series Assessor Scheme

The Authorised Television Series Assessor Scheme (the ATSA Scheme) allows trained and authorised assessors to consider films that are one or more episodes of a television series, and any series-related material, and recommend an appropriate classification and consumer advice to the Classification Board.

At least one episode of the television series must have been broadcast in Australia. The ATSA Scheme does not apply to films that would be classified X 18+ Restricted or RC Refused Classification.

The Advertising of Unclassified Films and Computer Games Scheme

The Advertising of Unclassified Films and Computer Games Scheme (the Advertising Scheme) allows for the advertising of unclassified films and computer games under certain conditions. The conditions are prescribed in the *Classification (Advertising of Unclassified Films and Computer Games Scheme) Determination 2009*.

Check the Classification

Generally, advertising for unclassified films and computer games must display the message 'Check the Classification' (or 'CTC' in its shortened form).

For certain forms of advertising, once a film or computer game is classified, the advertising message must be removed and be replaced with the classification marking.

Another condition is a 'commensurate audience' rule. This means that unclassified films and games, when advertised with already classified material, may only be advertised with material of the same or higher classification. Under the Scheme, appropriately trained and authorised industry assessors assess the likely classification of unclassified films or computer games for this purpose.

The Advertising Scheme includes a number of safeguards and sanctions. These include the Director of the Classification Board having powers to revoke or suspend an assessor's authorisation and prohibit a distributor from advertising their unclassified products for up to three years in certain circumstances.

Australian Customs and Border Protection Service

The Australian Customs and Border Protection Service (Customs) 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) prescribe classes of goods that must not be imported into Australia. The *Customs (Prohibited Exports) Regulations 1958* (the Prohibited Exports Regulations) prescribe classes of goods that must not be exported from Australia.

Customs 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 RC criteria in the Code and the Classification Act.

Customs may also apply for classification of items intercepted at the border.

The Director and Deputy Director of the Classification Board are authorised 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.

Australian Communications and Media Authority

The Classification Board does not classify material that is broadcast on radio or television networks.

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 Communications and Media Authority (the ACMA). For the purpose of classifying films screened on television, the BSA requires that codes of practice apply the film classification system under the National Classification Scheme which includes the classification guidelines and classification symbols. This is in the interests of consistency of classification information across cinema films, DVDs and television.

Online content is regulated via the BSA which is administered by the ACMA. If the ACMA receives a valid complaint about Australian-hosted online content, or discovers potential prohibited content on its own initiative, the ACMA may, and in some cases must, submit the material to the Classification Board for classification. The ACMA then takes appropriate action in respect of the online content.

CORPORATE OVERVIEW



LEGISLATIVE GOVERNANCE STRUCTURES

The Classification Board

The Classification Board is an independent statutory body consisting of the Director, Deputy Director and other members.

The Classification Board classifies films, computer games and certain publications. The Classification Board also classifies online content on application.

The Director

The Director of the Classification Board has a range of statutory functions under the Classification Act which include:

- managing the administrative affairs of the Classification Board
- convening and presiding at Classification Board meetings
- determining the constitution of the Classification Board for classifying particular products
- determining how decisions are recorded
- arranging the business of the Classification Board
- calling in publications, films and computer games for classification
- determining procedures for the Classification Board, and
- providing the Minister for Home Affairs and Justice with the Classification Board's Annual Report.

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

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

The Director and Deputy Director of the Classification Board are authorised to grant permission to import or export prohibited or potentially prohibited goods in accordance with the Customs Prohibited Imports Regulations and Prohibited Exports Regulations.

The Classification Review Board

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

See page 61 for more information on the Classification Review Board.

The Convenor

The Convenor of the Classification Review Board has a range of statutory functions under the Classification Act which include:

- managing the administrative affairs of the Classification Review Board
- convening and presiding at Classification Review Board meetings
- determining the constitution of panels of the Classification Review Board to review decisions
- determining how decisions are recorded
- arranging the business of the Classification Review Board, and
- providing the Minister for Home Affairs and Justice with the Classification Review Board's Annual Report.

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

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

ADMINISTRATIVE ARRANGEMENTS

The Attorney-General's Department (the Department) is responsible for the financial management of the operations of the Classification Board and the Classification Review Board.

The Classification Branch of the Department is co-located with the Classification Board and Classification Review Board in Sydney. The Classification Branch undertakes the following functions:

- providing policy and operational advice on classification issues to the ministers with classification responsibilities
- providing secretariat services to the Classification Board and the Classification Review Board
- running the Classification Liaison Scheme
- providing classification training for industry and government bodies.

Meetings

The Classification Board has weekly meetings to discuss classification decisions and other procedural issues.

Regular meetings also take place between the Director and the Deputy Director to ensure the day-to-day running of the Classification Board is efficient and its decisions comply with all relevant legislation.

The Classification Review Board is a part-time Board and convenes only to deal with applications for review.

Effective liaison with the Attorney-General's Department

The Classification Board and Classification Review Board maintain effective liaison with the Department, through both formal and informal meetings and contacts.

Effective liaison with Commonwealth, state and territory ministers with responsibility for classification and officials, industry and the community

The Classification Board maintains effective liaison arrangements with ministers and officials with responsibility for classification, as well as peak industry body representatives and other classification stakeholders. The Classification Board provides information about decisions to interested parties as well as advice to industry assessors to promote professional development on classification issues.

The Classification Review Board provides information to interested parties.

Financial management, accountability and reporting

Classification is carried out largely on a cost recovery basis with fees for classification set in the *Classification (Publications, Films and Computer Games) Regulations 2005*. Fees for the review of a decision are based on partial cost recovery in order to enable access to reviews of a classification decision while discouraging vexatious or frivolous claims. Revenue from classification fees for 2012–13 is \$5,334,185.

Costs and revenue for classification are included in the Attorney-General's Department Annual Report 2012–13. The report is available at www.ag.gov.au.

The Director of the Classification Board and the Convenor of the Classification Review Board are required to report to the Minister for Home Affairs and Justice on management of the administrative affairs of the Classification Board and the Classification Review Board in accordance with section 67 and section 85 of the Classification Act respectively.

Risk management

Management of risk is undertaken in accordance with the Department's risk management framework and fraud control plan and procedures.

Website

The new Australian Classification website, **www.classification.gov.au**, went live on 2 November 2012. The look and feel is more appealing and user friendly. Information is tailored to user groups such as the public, industry and law enforcement. Information on the National Classification Database (NCD) has been greatly improved with consumer advice in the search results, a classification matrix which shows the strength of all the classifiable elements and a synopsis of public exhibition films and movies on DVD. Information in a range of languages is now also available. In 2013–14, a mobile application is planned to make classification information more accessible to the general public and the website will be the home of a secure method for industry to lodge applications to the Classification Boards. Since implementation in November 2012, there have been 412,133 visits to the site which is 32 percent higher than for the old website in the corresponding period in 2011–12.

ESTABLISHMENT AND MAINTENANCE OF APPROPRIATE ETHICAL STANDARDS

Ethical standards

The Classification Act provides that full-time members of the Classification Board must not engage in outside employment without the consent of the minister. The minister has delegated the authority to approve secondary employment to the Director of the Classification Board. This requirement does not apply to service in the Australian Defence Force.

The Classification Board has a Code of Conduct for members.

The Classification Act makes provision for the disclosure of potential conflicts of interest by members of both Boards.

External accountability

The Classification Board and Classification Review Board work within an accountability framework which includes parliamentary scrutiny, the *Crimes Act 1914*, the *Freedom of Information Act 1982*, the *Privacy Act 1988* and the *Ombudsman Act 1976*.

An application may be made to the Classification Review Board to review a decision of the Classification Board (see Review Board section on page 61).

Decisions by administrative tribunals

An application may be made to the Administrative Appeals Tribunal (AAT) for review of some of the Director's and Convenor's decisions under the Classification Act. In the previous reporting period, one Applicant sought a review by the AAT in relation to the Director's decision to decline a request for permission to import objectionable goods under regulation 4A (2) of the Customs Prohibited Imports Regulations. On 21 January 2013 the AAT affirmed the decision of the Director to refuse the permission. The AAT found in favour of the Director on both the merits of the case and on questions of law. On 21 March 2013, the Applicant lodged a Notice of Appeal with the Federal Court. At the end of the reporting period, a hearing had not been held.

MEMBERSHIP

Appointments to the Classification Board and Classification Review Board are made by the Governor-General. It is the responsibility of the Minister for Home Affairs and Justice to make recommendations to the

Governor-General regarding appointments. Before making such recommendations, the Classification Act requires that the minister consult with state and territory ministers with responsibility for classification about the proposed recommendations. Appointments are made for fixed terms of up to five years and members are eligible for reappointment to a statutory maximum of seven years.

Under section 50 of the Classification Act, the minister may appoint temporary members of the Classification Board if it is necessary to do so for the efficient dispatch of the Classification Board's business. This function has been delegated to the Director of the Classification Board. During the reporting period, seven new members were added to the temporary Board member register.

Sections 66 and 84 provide that the minister may appoint a person to act as a member during a vacancy in the Classification Board and Classification Review Board respectively.

Movements

On 8 March 2013, Ms Georgina Dridan resigned from the Classification Board shortly before her seven-year term was due to expire, and on 2 April 2013, Mr Greg Scott completed his term of appointment to the Classification Board. Both of these members served a seven-year term on the Classification Board.

Conditions

The Remuneration Tribunal determines the entitlements of Classification Board and Classification Review Board members in relation to remuneration, annual leave and official travel. These determinations are available on the Remuneration Tribunal website at www.remtribunal.gov.au.

FREEDOM OF INFORMATION

In accordance with section 8 of the *Freedom of Information Act 1982* (FOI Act), this section of the report contains information about FOI procedures and access to documents.

Applicants seeking access to documents under the FOI Act should contact:

Director
Freedom of Information Section
Attorney-General's Department
3-5 National Circuit
BARTON ACT 2600

Telephone: (02) 6141 2550
Facsimile: (02) 6141 2583

One request was received for access to Classification Board or Classification Review Board documents under the FOI Act during the reporting period.

CATEGORIES OF DOCUMENTS

The following categories of documents are maintained by the Department on behalf of the Classification Board and Classification Review Board:

- applications under the Classification Act, and
- documents relating to decisions of the Classification Board and Classification Review Board.

Reasons for decisions of the Classification Review Board are available on the Australian Classification website at www.classification.gov.au.

The following categories of documents are publicly available on the Australian Classification website:

- the Classification Act
- the National Classification Code
- the *Guidelines for the Classification of Publications*, *Guidelines for the Classification of Films*, and *Guidelines for the Classification of Computer Games*

- the *Classification (Publications, Films and Computer Games) Regulations 2005*
- the Determinations and Principles made under the Classification Act
- Annual Reports, and
- application forms for classification and review.

PRIVACY

As required by the Commonwealth *Privacy Act 1988*, the Attorney-General's Department maintains a written record of the classes of personal information that it holds and submits a copy of that record to the Office of the Australian Information Commissioner for publication in the annual *Personal Information Digest*. The digest is available from the Office of the Australian Information Commissioner. Information about records held by the Attorney-General's Department in administratively supporting the work of the Classification Board and Classification Review Board can be obtained by contacting the Classification Branch on (02) 9289 7100 or by writing to:

The Classification Branch
Attorney-General's Department
Locked Bag 3
HAYMARKET NSW 1240

REPORTS BY THE AUDITOR-GENERAL

There were no reports on the operation of the Classification Board or the Classification Review Board by the Auditor-General in the reporting period.

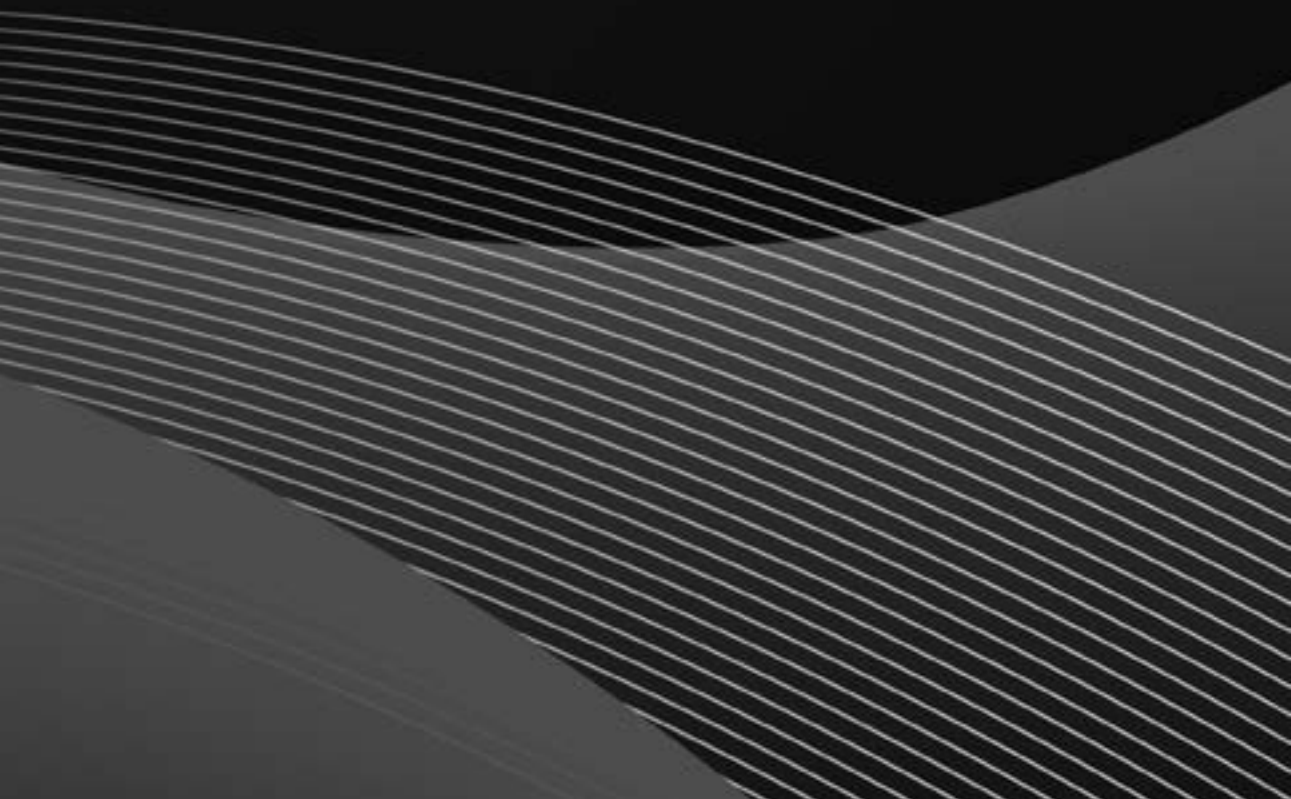
Review of the National Classification Scheme

In March 2012, the Australian Law Reform Commission (ALRC) reported on its review of the National Classification Scheme. The ALRC's report and a number of its recommendations were subsequently considered by the Standing Council on Law and Justice (SCLJ). At the April 2013 SCLJ meeting, Commonwealth, state and territory ministers with responsibility for classification agreed to implement the first tranche of seven recommendations arising from the ALRC's Report. The aim of these initial reforms is to improve the effectiveness and efficiency of the National Classification Scheme by streamlining classification requirements and assisting industry to better comply with classification laws. This included ministers agreeing to the Department conducting a program of classification research.

COMMONWEALTH OMBUDSMAN

No matters involving the Classification Board or the Classification Review Board were dealt with by the Commonwealth Ombudsman during 2012–13.

CLASSIFICATION
BOARD
ANNUAL REPORT
2012-13



DIRECTOR'S
**LETTER OF
TRANSMITTAL**



*The Hon Jason Clare MP,
Minister for Home Affairs,
Minister for Justice*



Australian Government
Classification Board

Lesley O'Brien
Director

The Hon Jason Clare MP
Minister for Home Affairs
Minister for Justice
Parliament House
CANBERRA ACT 2600

In accordance with subsection 67(1) of the *Classification (Publications, Films and Computer Games) Act 1995*, I am pleased to submit a report on the management of the administrative affairs of the Classification Board for the period 1 July 2012 to 30 June 2013.

Lesley O'Brien
Director

9 August 2013

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DIRECTOR'S OVERVIEW



As Director, I am committed to ensuring that the Board continues to operate with public trust and confidence, delivering efficiently on quality, impartial and timely decision-making that is attuned to community standards.

For the first six months of this reporting period, Donald McDonald AC was the Director of the Classification Board. I was appointed as Director on 1 January 2013. Prior to being appointed as Director, I held the office of Deputy Director. I want to thank Mr McDonald for the advice and wisdom he offered to me while I was the Deputy Director.

As Director, I am committed to ensuring that the Board continues to operate with public trust and confidence, delivering efficiently on quality, impartial and timely decision-making that is attuned to community standards, during a period of rapid change in media and entertainment technologies.

I would like to acknowledge the exemplary contribution of all Board members, including temporary Board members, and staff assessors during the reporting period. I would also like to thank those Board members who acted in senior roles throughout the year—Greg Scott, Amanda Apel, Zahid Gamiieldien, Moya Glasson and Marit Breivik Andersen.

The reporting period saw the resignation of Board member Georgina Dridan, which took effect on 8 March 2013, just before her term was due to expire. Board member Greg Scott's appointment expired on 2 April 2013. Both of these members served the seven-year statutory term for Board members and made a significant contribution to the work of the Board. I thank them for their contributions. Seven new members were recruited for the temporary Board member register during the reporting period. The temporary Board members can be used in times of peak workload.

During 2012–13, the Classification Board continued to fulfil its statutory duty and role in the National Classification Scheme, working efficiently to classify films, computer games and publications.

The Board's fundamental role is to make classification decisions, with enforcement responsibilities falling primarily to the states and territories. The Australian Customs and Border Protection Service regulate imports and exports to and from Australia.

In this reporting year, the Board made 4,487 decisions. This included 4,395 commercial classification decisions, 58 classification decisions on internet content referred by the Australian Communications and Media Authority and 34 classification decisions for enforcement agencies. Every decision was made within the statutory timeframe of 20 days (or five days for priority applications) and I commend the Board on this outcome.

The Classification Board seeks to reflect current community standards when making decisions, however owing to the widely different views held in the community it is not always possible to make decisions which satisfy everyone. The Classification Board welcomes feedback about its decisions. The Correspondence section in this report provides information on those films, computer games and publications which attracted attention during the reporting period.

One of the most significant developments during 2012–13 was the implementation of an R 18+ category for computer games. The R 18+ category for computer games took effect on 1 January 2013, with the introduction of new, separate Computer Games Guidelines, which were reviewed and agreed to by all state and territory ministers who have responsibility for classification matters. The first computer game to receive an R 18+ classification was *Ninja Gaiden 3: Razor's Edge*. This game was classified by the Classification Board on 11 January 2013. Computer games that are classified R 18+ are legally restricted to adults and cannot be sold to minors.

I would like to congratulate the Board on its seamless transition to the new *Guidelines for the Classification of Computer Games* on 1 January 2013, and the reasoned judgement it has exercised in its decision-making. I would also like to acknowledge the Attorney-General's Department for the initiatives it undertook in support of the new Computer Games Guidelines, including targeted education, training and communication at both industry and retail level.

Also of note in this reporting period, the Standing Council on Law and Justice met in Darwin in April 2013, where the ministers responsible for classification from the Commonwealth, states and territories agreed to implement the first instalment of reforms arising from the Australian Law Reform Commission's (ALRC) review of the National Classification Scheme.

I, as Deputy Director, took part in the Classification Officers Standing Committee teleconference on 7 September 2012, which is a forum for officers to discuss policy matters before they are taken to the Standing Council on Law and Justice. Even though the Board is not responsible for classification policy matters, we are an important stakeholder and, as Director, I continue to value the opportunity to be present at such meetings.

During the reporting period, I appeared before the Senate Standing Committee on Legal and Constitutional Affairs at a Budget Estimates hearing on 29 May 2013 where I answered a number of questions, including those relating to the new Computer Game Guidelines, the new R 18+ computer games category, and classification decisions on computer games generally.

The Board has continued its practice of auditing serial classifications issued to publications. Serial classification declarations are made under the *Classification (Publications, Films and Computer Games) Act 1995* (the Classification Act). The Classification Act allows the Board to declare that the classification granted to a publication also applies to:

- a. all future issues; or
- b. a specified number of future issues; or
- c. all future issues published within a specified period.

During the reporting period, 41 publications were audited. One publication had its serial classification revoked as a result of the audit.

Only one of the Classification Board's decisions was reviewed by the Classification Review Board in 2012–13. The Classification Board's decision to classify the film *Behind the Candelabra* MA 15+ with consumer advice of 'strong themes and sex scenes' was overturned by the Classification Review Board which classified the film M with consumer advice of 'drug use, coarse language and sex scenes'.

The Department has continued to review its systems which assist the Classification Board to do its work. During the reporting period, further improvements to the workflow management system were made which provided for greater assistance in the management of workload. On 2 November 2012, the new Australian Classification website was launched. The website is designed to be more intuitive and 'user friendly', allowing members of the public as well as industry and enforcement agencies to access resources and information such as classification decisions, media releases and classification markings. Most significantly, the public can now access a classification matrix which shows the strength of all classifiable elements in the item, and can view consumer advice in search results.

To further assist the Board in continuing to make decisions that are good in law, the Board attended an in-house seminar on Administrative Law on 17 April 2013, undertaken by legal officers from the Administrative Law unit of the Attorney General's Department.

During the reporting period, representatives of the Board attended several conferences regarding classification issues as they relate to new and emerging technologies.

On 6 June 2013, I spoke at the Australian Communications and Media Authority's (ACMA) conference *Classification and the Time-Shifting Audience* as part of its Citizen Conversations series, informing its Community Safeguards inquiry. Other speakers included Chris Chapman, Chairman of ACMA; Professor Terry Flew, Professor of Media and Communications, Queensland University of Technology, Commissioner in charge of the ALRC National Classification Scheme Review; Dr Wayne Warburton, Deputy Director of the Children and Families Research Centre at Macquarie University; and Barbara Biggins, Honorary CEO, Australian Council on Children and the Media (ACCM).

On 30 May 2013, the ACCM hosted a seminar titled *Grand Theft Brainspace? Games, Apps & Mobiles—Issues & Practical Strategies*, attended by Classification Board members Tennille Burdon and Moya Glasson.

On 13 June 2013, Classification Board members Marit Breivik Anderson and Lance Butler attended a panel discussion hosted by the Australian Human Rights Commission titled *Human Rights and Video Games*. The panel discussed important issues such as racial stereotyping and the depiction of women in video games, the associations made between games and violence, and bullying in online gaming.

In August 2012, Classification Board member Greg Scott and I attended the Australian International Movie Convention in Queensland where topics such as the impact of new digital streaming technologies and the challenges facing the film screening industry were discussed.

During the reporting period, the Classification Board continued to liaise with stakeholders both at home and abroad. Meetings were held with various industry bodies including the Film Exhibition and Distribution Code Committee; the New Zealand Film and Video Labelling Body; the Motion Picture Distributors Association of Australia; and the Interactive Games and Entertainment Association (iGEA), including attending an iGEA industry briefing, *'Outlook Australian Entertainment & Media'*.

The Classification Board also values its relationships with international organisations and, in June 2013, welcomed a delegation from South Africa's Film and Publication Board to discuss classification matters.

Finally, I would like to acknowledge the cooperation and hard work of the staff from the Classification Branch of the Attorney-General's Department who continue to provide a high quality secretariat service to the Classification Board. I would like to thank both them and the Board for their dedication and professionalism throughout this financial year.

Lesley O'Brien

Director
Classification Board



Back: Left to Right—Serena Jakob, Lance Butler, Marit Breivik Andersen, Zahid Gamiieldien, Tennille Burdon.

Front: Left to Right—Moya Glasson, Lesley O'Brien, Amanda Apel.

Classification Board members not pictured—Donald McDonald AC (term as Director expired 31 December 2012), Greg Scott (term as Senior Classifier expired 2 April 2013), and Georgina Dridan (resigned 8 March 2013).

CLASSIFICATION BOARD PROFILES



LESLEY O'BRIEN

Director

APPOINTED 1 January 2013

APPOINTMENT EXPIRES 31 December 2015

Deputy Director

APPOINTED 31 January 2011

Before taking up the position of Director of the Classification Board, Ms Lesley O'Brien, 46, was Deputy Director of the Classification Board for two years. She has over 25 years' experience as a journalist and publishing manager, most recently as a Senior Executive at the Australian Broadcasting Corporation as General Manager of ABC Publishing (Books, Magazines and Audio), and previously, as editor of a leading Australian magazine food title. Ms O'Brien, who holds a Bachelor of Economics, has also worked in communications roles in the NSW public service, in radio news, and is a published book author.

Ms O'Brien is an active participant at her local tennis club, is a member of a local resident committee, and has a daughter at university and a 15-year-old step-son.



MARIT BREIVIK ANDERSEN

Board member

APPOINTED 31 January 2011

APPOINTMENT EXPIRES 30 January 2014

Ms Marit Breivik Andersen, 45, is married with three children and lives in Lane Cove, New South Wales.

She has a Graduate Certificate in Multicultural Journalism from the University of Wollongong. Originally from Norway, Marit migrated to Australia in 1990. Marit has been a member of the Classification Board since 2007, initially as a temporary member, until joining as a full-time member in 2011. Prior to this she worked as a journalist, executive producer, translator and subtitler with SBS radio and television. Marit maintains a close ongoing relationship with the Norwegian-speaking community in Australia. She continues to have close ties with her local community through her children's school activities and their sporting and musical interests.

Marit has particularly strong involvement in the administration of basketball, including managing several teams and serving as a tribunal member with a local association. She also volunteers at the local primary school assisting with school reading programs. Her interests include cycling, media, art, music and basketball.



AMANDA APEL

Board member

APPOINTED 3 April 2009

REAPPOINTED 3 April 2012

APPOINTMENT EXPIRES 2 April 2015

Amanda Apel, 50, was raised in Sydney and has since lived and worked in a number of Australian states and territories as well as abroad. Her working life has encompassed the fields of advertising, photography, business and sports administration, tourism and primary industry. Amanda's diverse professional experience, study and extensive travel have allowed her insight into a variety of cultures and social issues.

Prior to taking up her appointment to the Classification Board in 2009, Amanda held the position of executive officer for Swimming Northern Territory in Darwin, a position that relied on close ties to youth sports and the community at large.

Amanda now lives in Sydney where her time away from the office is dedicated to the activities of her teenage children. She maintains an interest in art, photography, writing and film.



TENNILLE BURDON

Board member

APPOINTED 31 January 2011

APPOINTMENT EXPIRES 30 January 2014

Tennille Burdon is 33 and comes from Tasmania. Tennille holds a Bachelor of Arts (Hons) and is completing a Masters degree in Clinical Psychology. She has worked as a professional psychologist in various settings since 2002 including as a School Psychologist with the Department of Education in Tasmania. This employment has brought her into contact with a particularly broad range of families in different regions and from a very wide range of socio-economic backgrounds.

Raised in New Norfolk in southern Tasmania, Tennille has also taught ballet and contemporary dance since 1999, instructing both children and adults. She is interested in live theatre, dance and is also a lover of art.



LANCE BUTLER

Board member

APPOINTED 31 January 2011

APPOINTMENT EXPIRES 30 January 2014

Lance Butler, 41, comes from Springvale in Victoria. With diplomas in Business Management and Human Resources, Lance has worked as a team leader and trainer for Woolworths Logistics in the Melbourne National Distribution Centre for the past ten years. Prior to this, he worked in a variety of roles in the warehousing industry and as a stable foreman for a racehorse trainer.

Lance grew up in Melbourne's inner city suburb of Collingwood and has been closely involved with a not-for-profit community organisation, the Collingwood Children's Farm, for over 25 years. The farm encourages city children to participate in an outdoor lifestyle by learning about plants, animals and the cycles of nature. His involvement began as a child visiting the farm and extended to employment as a staff member and more recently contributing to its development as an elected member of the management committee with particular involvement in its fundraising efforts.

Lance has travelled extensively internationally and enjoys learning about different cultures. He has a passion for hiking, exploring our national parks and enjoying the outdoors. He also has a keen interest in environmental issues and a sustainable future.



ZAHID GAMIELDIEN

Board member

APPOINTED 18 May 2009

REAPPOINTED 18 May 2012

APPOINTMENT EXPIRES 17 May 2015

Zahid Gamieldien, 28, was born in Cape Town, South Africa, and migrated to Australia with his parents at the age of three. He grew up in Bankstown and currently resides with his spouse in Sydney's inner west.

Zahid holds a Bachelor of Arts in Communication (Writing and Cultural Studies) and a Bachelor of Laws. His previous employment in a migration law firm deepened his understanding of the legal issues and personal hardships of migrants and their families. He has also worked as a writer, with his work appearing in various publications. Prior to his appointment to the Classification Board in 2009, he practised as a solicitor for a subscription television company.

Zahid's education and employment background contributes broad cultural experience and community awareness to the Board. He has a strong interest in literature, football and films.



MOYA GLASSON

Board member

APPOINTED 6 April 2009

REAPPOINTED 6 April 2012

APPOINTMENT EXPIRES 5 April 2015

Moya Glasson, 57, holds a Bachelor of Education degree and relocated from Western Australia to take up her position with the Board. Moya taught in a number of metropolitan-area, regional and remote public schools across Western Australia. After teaching for more than three years on the Cocos Islands, Moya received a scholarship from the Department of Education and Training in Western Australia to complete a semester of language and cultural studies at the Gajah Mada University, Yogyakarta, as part of a Graduate Diploma in Asian Studies.

Moya has taught migrant and refugee students in Intensive English Centres in Perth as well as in schools, colleges and universities in Indonesia, Vietnam and South Korea.

Moya has worked in programs to improve educational outcomes for Aboriginal and migrant students as well as inter-department initiatives to support refugees and ethnic communities.

Moya, whose main interests are travel and languages, comes from a large extended family and has connections to a range of educational institutions, sporting clubs and other interest groups across Western Australia in areas as diverse as dance, Aus-Kick and volunteer radio.



SERENA JAKOB

Board member

APPOINTED 31 January 2011

APPOINTMENT EXPIRES 30 January 2014

Serena Jakob is 40 and, prior to joining the Classification Board, lived in Adelaide in South Australia. She grew up in small community on the Eyre Peninsula and has a background in Cultural Anthropology and Education. Serena has worked in metropolitan, rural and remote communities throughout Australia. Serena has specialised in program development and ethnographic research for education projects based throughout remote indigenous communities. From 2000, she has worked for the Department of Education and Children's Services as part of Wiltja, a program that offers Aboriginal adolescents from the remote communities within the Pitjantjatjara Lands the opportunity to access mainstream secondary education in an urban setting. Serena has been a volunteer and committee member with the Southern Districts Junior Soccer Association since 2002, where she was involved in organising soccer carnivals and coaching clinics for primary aged children. She has been a volunteer with the Adelaide Film Festival and has participated in numerous community arts events particularly indigenous art and cultural festivals.

Serena has also worked with the UK-based interactive digital artists, Blast Theory. Serena enjoys learning about other cultures and has travelled extensively throughout Australia, North and Central America, Indonesia and Eastern Europe. Her interests include tennis, electronic music, technology, cycling, culture, travel and adventure.

BOARD MEMBERS WHO LEFT THE CLASSIFICATION BOARD IN 2012-13



DONALD MCDONALD AC

Director

APPOINTED 1 May 2007

REAPPOINTED 1 October 2011

APPOINTMENT EXPIRED 31 December 2012

Donald McDonald joined the Classification Board as its Director on 1 May 2007. His previous positions include Chairman of the Australian Broadcasting Corporation from 1996 to 2006, Chief Executive of The Australian Opera (now Opera Australia) from 1987 to 1996 and General Manager of the Sydney Theatre Company from 1980 to 1986.

He is Chairman of The Australiana Fund and Chairman of The Really Useful Company Asia Pacific Pty Ltd.

He has served on numerous boards, including as Director of the Sydney Organising Committee for the Olympic Games (SOCOG). He was Chairman of the Constitutional Centenary Foundation, a Fellow of the Senate of the University of Sydney, a member of the Australian Tourist Commission and a director of the University of NSW Foundation.

Donald McDonald was made an Officer of the Order of Australia in 1991, and made a Companion of the Order in 2006. He holds a Bachelor of Commerce from the University of NSW (1961) and was awarded an honorary doctorate of letters from that University in 2004. He was a Visiting Fellow of the University of Edinburgh in 1993.

He is married to Janet McDonald AO. They have two adult children and two grandchildren.



GREG SCOTT

Board member

APPOINTED 3 April 2006

REAPPOINTED 3 April 2009

Senior Classifier

APPOINTED 31 January 2011

APPOINTMENT EXPIRED 2 April 2013

Greg Scott, 34, was raised in Possum Brush, on the mid-north coast of New South Wales.

Greg joined the Royal Australian Navy on completion of his secondary education. He served nine years as a Combat Systems Operator and now remains a Leading Seaman Reservist.

During his time in the Royal Australian Navy, Greg had the opportunity to serve both locally and internationally, travelling throughout South East Asia and the Middle East. He served onboard HMAS Perth, a now decommissioned guided missile destroyer, and more recently HMAS Melbourne, a guided missile frigate. During this time onboard HMAS Melbourne, he was involved in two operational deployments to the Persian Gulf, where he acted as an Electronic Warfare Director, specialising in above water warfare and anti-ship missile defence.

Prior to his naval service, Greg was an indoor cricket umpire in junior competitions which allowed him to become closely involved with children and their families. His interests include cricket, rugby league, fish-keeping, reading and drawing. He currently resides in Sydney with his wife and young children.



GEORGINA DRIDAN

Board member

APPOINTED 3 April 2006

REAPPOINTED 3 April 2009

RESIGNED 8 March 2013

Georgina Dridan, 42, comes from Victoria where she trained for several years in television production and broadcasting and worked extensively as a local producer and researcher with the Australian Broadcasting Corporation (ABC TV) in Melbourne and internationally, with CanWest Media and the Canadian Broadcasting Corporation in the eastern Canadian provinces of Ontario, Nova Scotia and Quebec. Upon her return to Australia, Georgina continued her work with the ABC as deputy programmer and acquisitions manager with the ABC's digital networks.

Georgina has travelled extensively throughout Europe and North America and, prior to her Board appointment, worked in advisory positions for state government regional employment, training and cultural programs. She presently resides in regional New South Wales and enjoys a continued interest in production and distribution of film and television content, as a participant in film and television markets and festivals and via her local involvement in regional community arts festivals and recreational programs.

TEMPORARY BOARD MEMBERS

Under the Classification Act, the minister has delegated a power to the Director to appoint a person to be a temporary member of the Classification Board. A register of people suitable for temporary appointments is maintained and drawn on from time to time to provide short-term assistance in handling the workload of the Classification Board. Terms of appointment may be as short as one day and may extend to three months.

Samantha Arnull

Samantha has a background in visual art and works with found objects, photography and installation. Samantha completed a Master of Fine Art at the University of Newcastle, which incorporated study at the Bauhaus University, Germany. Samantha has worked as a collaborator in production design for theatre, dance and performance. She has worked in museums and galleries as an artist's assistant and installer for Australian and international artists both in Australia and overseas. Samantha has experience in teaching and writing creative programs for both primary and secondary schools in visual arts. Since 2010 Samantha has been teaching visual arts education at the University of Notre Dame, Sydney.

Always maintaining her practice as an artist, Samantha has travelled to India making documentary films and exploring the immense artistic talents and culture of people living in rural southern India.

Samantha worked 6 days as a temporary Board member during 2012–13.

Emma Ashton

Emma Ashton is a 43-year-old mother of two young children who currently lives in Sydney. She grew up in the country and she studied nursing at university. After working

as a nurse, both in Australia and overseas, she started working in politics and later in policy in the public service. She is currently a blogger. Emma is involved in her local community through her children's school and childcare centre, as well as being involved in other community groups. She is also involved in online communities and is in continual contact with a variety of people discussing a wide range of issues from all over Australia.

Emma worked 9 days as a temporary Board member during 2012–13.

Graeme Bradley

Graeme Bradley, 65, began his career in the Commonwealth Bank followed by two years' national service in the Australian Army as a communications specialist. He then joined Telstra and worked in the field of telecommunications and IT for thirty-five years. This included secondments to Saudi Arabia, USA and Malaysia. Graeme spent five years working on the Sydney 2000 Olympics and Paralympics Games, whilst being a member of the NSW Paralympics Committee for four years. Graeme lives in Sydney with his wife and son.

Graeme worked 33 days as a temporary Board member during 2012–13.

Emma Bromley

Emma Bromley, 39, is married with two children. A former high school teacher, she has held numerous positions within the Australian Public Service including film policy and telecommunications funding. She also held a number of positions within the then Office of Film and Literature Classification. Emma has recently become the President of her local school's P&C Association. Her interests include photography, craft and writing.

Emma worked 16 days as a temporary Board member during 2012–13.

Dianne Doratis

Dianne, 64, joined the Classification Board as a temporary member in September 2007. A first generation Greek-Australian, Dianne worked as a clinical psychologist in government and private practice, specialising in children and families. Dianne retired from work as a psychologist but continued to work as a guardian in various court jurisdictions. Married with three adult daughters, Dianne returned to Sydney after eighteen years living near Newcastle to take up her appointment to the Classification Board. Her interests include music, singing, film, theatre, reading and food.

Dianne worked 29 days as a temporary Board member during 2012–13.

Wayne Garrett

Wayne, 58, holds a Bachelor of Science (Honours) degree in Science and a Ph D in Radiation Chemistry. He was a principal research scientist at the Australian Nuclear Science and Technology Organisation and represented the Australian Government as Counsellor (Nuclear) based at the Australian High Commission in London. He was also involved in international programs to secure radioactive material from illicit uses, as well as to transfer peaceful uses of nuclear technology to developing countries in South East Asia.

Wayne lives with his wife and daughter in Sydney, but grew up in Queensland. He is actively involved in his daughter's school community and sporting programs. Wayne has also lived and worked in Sweden, Japan and the United Kingdom and has wide experience with people from a diverse range of cultural backgrounds.

Wayne worked 5 days as a temporary Board member during 2012–13.

Geoff Geraghty

Geoff Geraghty, 60, has had an extensive and wide ranging career with the Australian Military. He has been active within the community through various school associations and local community initiatives. He recently served as a community member with the NSW Bar Association. He is currently involved with the Young Endeavour Youth Sail Training Scheme and the Australian Navy Cadets. Geoff is married with three adult children and one grandchild.

Geoff worked 8 days as a temporary Board member during 2012–13.

Benjamin May

Benjamin May, 33, began his career as a film projectionist at several multi-screen cinema complexes. He then joined Foxtel where he worked in broadcast operations before being appointed as Programming Manager for various subscription television channels and new media services. During this time he gained strong knowledge of the classification process and broad community standards. His interests include film, music and live comedy.

Benjamin worked 15 days as a temporary Board member during 2012–13.

Vijay Narisetty

Vijay Narisetty, 45, was born in Hyderabad, India and migrated to Australia in 1996. He is a former NSW police officer and has extensive experience working within our community. He is married with two young children and loves travelling, cooking and films.

Vijay worked 6 days as a temporary Board member during 2012–13.

Greg Randall

Greg Randall, 52, has thirty-five years' experience in policing and criminal investigation within the New South Wales Police Force and other law enforcement agencies. He gained expertise in targeting, leading and commanding covert, complex and sensitive investigations into organised crime, as well as corruption in state, national and international jurisdictions. He attained the commissioned rank of detective inspector and received numerous awards and commendations, including the selection of participating in an international exchange program with the London Metropolitan Police.

Greg is married with two teenage children. His interests include overseas travel, water and snow sports, politics and world affairs.

Greg worked 6 days as a temporary Board member during 2012–13.

Nathan Whitta

Nathan Whitta, 35, worked as a combat systems operator in the navy for eight years, serving in two sea postings before discharging. He then studied a Bachelor of Science, majoring in geology, at Macquarie University before working as a coal exploration geologist.

Nathan has volunteered as a primary ethics teacher at the school his children attend and is currently studying at Macquarie University with the intention of becoming a high school teacher. He lives with his spouse and two young children.

Nathan worked 9 days as a temporary Board member during 2012–13.

Leanne Wilson-O'Connor

Leanne Wilson-O'Connor, 39, is currently employed as a television classifier. She previously worked for over eleven years as an Aboriginal education officer at a charitable institution providing respite care for children in need. Leanne has travelled extensively around Australia and has spent time living and working in remote Aboriginal communities. She has been a member of the Aboriginal Education Consultative Group and is a member of her local Aboriginal Land Council.

Leanne worked 10 days as a temporary Board member during 2012–13.

Sue Zelinka

Sue Zelinka, 63, began her career in ABC Television where she researched, directed and produced documentary films on a range of topics in both the arts and social sciences. After running her own research company, she joined the Human Rights Commission as a senior policy officer. Sue was appointed as a member of the Refugee Review Tribunal in 1997 and served there for ten years. She maintains an active involvement in the International Association of Refugee Law Judges and edits its international newsletter.

Sue worked 16 days as a temporary Board member during 2012–13.

STATISTICS



There are statutory time limits for the making of classification decisions—20 days for standard applications and five days for priority applications.

KEY ACHIEVEMENTS

- The Classification Board made 4,487 classification decisions in 2012–13, including 4,395 commercial classification decisions, 58 classification decisions on internet content referred by the Australian Communications and Media Authority (ACMA) and 34 classification decisions for enforcement agencies.
- No decisions exceeded the statutory time limit of 20 days for standard applications and five days for a priority application.

TIMELINESS OF DECISIONS

In 2012–13, all decisions on commercial applications were made within the statutory time limits. A breakdown of these figures follows:

Table 01: Timeliness of decisions on commercial applications by application type

Application type	No. of decisions made within statutory time limits
Film (public exhibition)	509
Film (sale/hire)	2,214
Film (sale/hire)—ACA	227
Film (sale/hire)—ATSA	507
Computer games	695
Publications (including serial declarations)	243
Assessment of likely classification—film	24
Assessment of likely classification—computer games	1
Internet content	58
Total	4,478
% of total	100

CLASSIFICATION BOARD WORKLOAD

In 2012–13, the Classification Board made 4,487 classification decisions. The Classification Board and the Director also make other decisions which are not classification decisions. A breakdown of these decisions is in the table below:

Table 02: Decisions

Classification Decisions	Decisions
Film (public exhibition)	509
Film (sale/hire)	2,214
Film (sale/hire)—ACA	227
Film (sale/hire)—ATSA	507
Computer games	695
Publications	203
Serial publication declarations	40
Internet content	58
Enforcement (including Australian Customs and Border Protection Service)	34
Other decisions (not classification decisions)	
Assessment of likely classification—film	24
Assessment of likely classification—computer games	1
S87 Certificates	5
Film festival exemptions	609
Fee waiver applications	18
Revocation of classification	1
Decline to deal	1
Total	5,146

COMPARISON WITH LAST YEAR'S WORKLOAD

Compared with the 2011–12 reporting period, the number of:

- classification decisions decreased from 5,706 to 4,487 (a decrease of 21 per cent)
- classification decisions made decreased in all application categories except for publications which increased from 193 to 203 (an increase of five per cent)

The continued decrease in standard classification decisions made for films for sale/hire was much slighter, 2,325 to 2,214 (a decrease of five per cent), accompanied by similar decreases in decisions made on Additional Content Assessor (ACA) and Authorised Television Series Assessor (ATSA) Schemes applications (seven and three per cent respectively). Overall, decisions made for films for sale/hire decreased by five per cent.

QUALITY DECISION-MAKING

The Classification Board employs a number of practices and procedures to ensure quality of decision-making:

- regular internal meetings are held to ensure issues on current standards are communicated and a forum is provided to debate and discuss classification standards and maintain a consistent approach to decision-making
- interchange between the Classification Board and the Classification Branch ensures the Classification Board's standards are reflected in training programs provided by the Classification Branch for industry assessors; and
- standardised internal procedures for managing applications.

PUBLICATIONS

The Classification Board made 243 decisions on commercial applications for classification of publications. This included 203 single issue publication classifications and 40 serial declarations.

Table 03: Commercial (single issue) publications decisions by classification

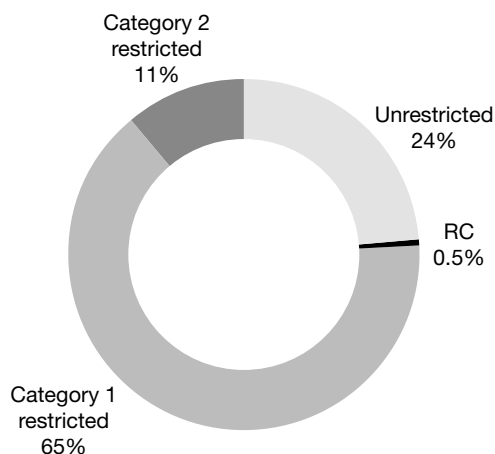
Classification	Classification decisions
Unrestricted	48
Category 1 restricted	132
Category 2 restricted	22
RC	1
Total	203

Table 04: Commercial (single issue) publications applications refused classification by reason

Reason ¹	Number
Publications RC 1(a)	1
Publications RC 1(b)	0
Publications RC 1(c)	0
Publications RC 1(a) & 1(b)	0
Total	1

As indicated in Figure 01, 65 per cent of single issue publications classified were Category 1 restricted. Eleven per cent were Category 2 restricted and 24 per cent were Unrestricted. One publication was classified RC.

¹ The reason for refusing a publication classification refers to the relevant item of the National Classification Code (see appendix).

Figure 01: Publication classification decisions**Serial classification declarations for publications**

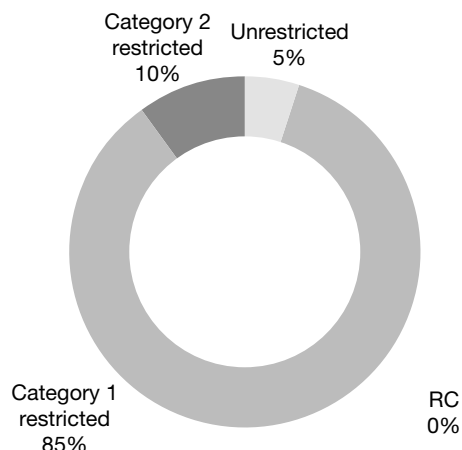
The Classification Act provides that the Classification Board may declare that the classification granted for an original issue applies to future issues of a publication for a specified period or number of issues. The Classification Board must have regard to the *Classification (Serial Publications) Principles 2005* in deciding whether to grant a serial classification declaration.

Table 05: Serial classification declarations granted by classification

Classification	Declarations granted
Unrestricted	2
Category 1 restricted	34
Category 2 restricted	4
RC	0
Total	40

The Classification Board audits publications granted a serial classification declaration. In 2012–13, one publication had its serial classification revoked.

As indicated in Figure 02, 85 percent of serial classification declarations were for Category 1 restricted publications, ten percent were Category 2 restricted publications and five percent were Unrestricted publications. None were classified RC.

Figure 02: Serial publication classification declarations**FILMS CLASSIFIED FOR PUBLIC EXHIBITION**

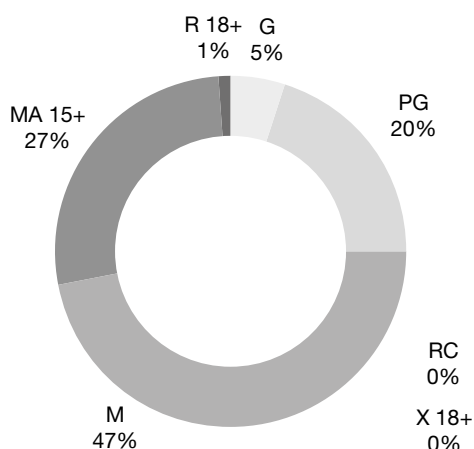
The Classification Board made 509 decisions on applications for the classification of commercial films for public exhibition.

Table 06: Decisions on commercial films classified for public exhibition

Classification	Classification decisions
G	27
PG	99
M	239
MA 15+	137
R 18+	7
X 18+	0
RC	0
Total	509

As indicated in Figure 03, 72 percent of public exhibition film classifications during the year were in the advisory categories of G, PG and M, with the highest number of decisions in the M category.

Figure 03: Decisions on films classified for public exhibition



FILMS CLASSIFIED FOR SALE/HIRE

The Classification Board made 2,948 decisions on applications for classification of commercial films for sale/hire. These figures include applications made under the ACA and ATSA Schemes.

Table 07: Decisions on commercial films classified for sale/hire

Classification	Classification decisions
G	442
PG	622
M	848
MA 15+	707
R 18+	61
X 18+	257
RC	11
Total	2948

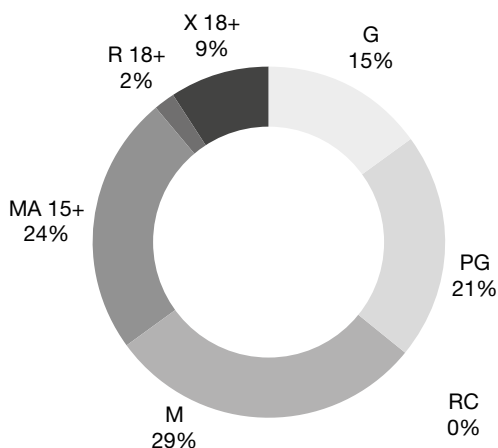
Table 08: Commercial films classified for sale/hire refused classification by reason

Reason ²	Number
Films RC 1(a)	10
Films RC 1(b)	0
Films RC 1(c)	0
Films RC 1(a) & 1(b)	1
Total	11

As indicated in Figure 04, approximately 65 percent of classifications of films for sale/hire during the year were in the advisory categories of G, PG and M, with the highest number of decisions in the M category.

The Classification Board classified 11 commercial films for sale/hire RC. This represents 0.37 percent of the total number of the films for sale/hire submitted for classification.

Figure 04: Decisions on commercial films classified for sale/hire (including ACA and ATSA)



² The reason for refusing a film classification refers to the relevant item of the National Classification Code (see appendix).

Under the ACA Scheme, applications that comprise previously classified or exempt film/s plus additional content (e.g. additional scenes, Director's commentary, out-takes, etc.) can be accompanied by a recommendation from a trained and authorised assessor on the appropriate classification and consumer advice for the additional content.

Under the ATSA Scheme, applications that comprise certain television series and series related material can also be accompanied by a report from an authorised assessor including a recommended classification and consumer advice. Applications submitted under the Scheme generally attract a lower fee.

Under both Schemes, the Classification Board is still responsible for the classification of the film, but its decision may be informed by the assessor's report and classification recommendation.

COMPUTER GAMES

The Classification Board made 695 decisions on applications for computer games.

Table 09: Commercial computer games decisions by classification

Classification	Classification decisions
G	291
PG	203
M	114
MA 15+	68
R 18+	17
RC	2
Total	695

Eighty seven percent of computer game classifications during the year were in the advisory categories of G, PG and M, with the highest number of decisions in the G category.

The Classification Board classified two computer games RC during the reporting period.

Figure 05: Computer game classification decisions

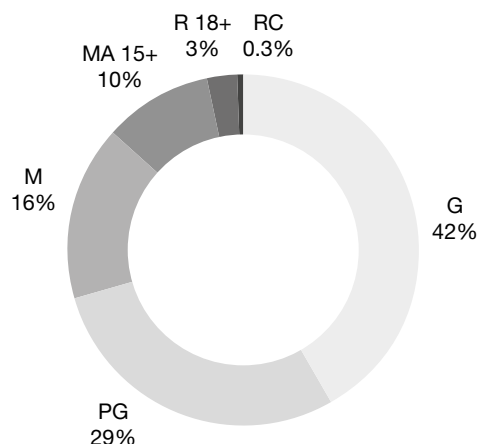


Table 10: Commercial computer games applications refused classification by reason³

Reason ³	Number
Games RC 1(a)	2
Games RC 1(b)	0
Games RC 1(c)	0
Games RC 1(d)	0
Games RC 1(a) & 1 (b)	0
Total	2

OTHER APPLICATIONS

Exemptions to show unclassified films and computer games

There is general information about exemptions in the overview of the National Classification Scheme on page 3.

³ The reason for refusing a computer game classification refers to the relevant item of the National Classification Code (see Appendix).

During 2012–13, the Director finalised 609 applications for exemption to publicly exhibit unclassified films or computer games at film festivals and special film or computer game events. The Director refused an exemption for four films within three of these applications. There were 475 finalised in the previous reporting period, meaning that in this reporting period, there has been a 28 percent increase in exemption applications.

Advertisements

The Classification Board did not receive any applications for approval of advertisements under section 29 of the Classification Act.

Advertising assessments

The Scheme for advertising of unclassified films and computer games allows advertising subject to conditions set out in the *Classification (Advertising of Unclassified Films and Computer Games Scheme) Determination 2009*.

One of the conditions is a 'commensurate audience rule' to ensure that unclassified films and computer games are only advertised to an appropriate audience. For this purpose, the likely classification of an unclassified film or computer game must be assessed before it is advertised with already classified material, and it may only be advertised with material that has been classified the same or higher than its assessed likely classification. The assessment of likely classification can be made by the Board on application, or by an appropriately trained and authorised industry assessor.

During the reporting period, the Board made 24 assessments of the likely classification of films and one assessment of the likely classification of a computer game.

Certificates of exemption for films or computer games

Certain categories of films and computer games are exempt from classification under the Classification Act. The Board may grant a certificate stating that a film or computer game is exempt from classification under section 28B of the Classification Act.

The *Classification (Markings for Certified Exempt Films and Computer Games) Determination 2007* establishes the exempt markings. Only computer games and films certified as exempt from classification by the Classification Board can display these exempt markings.

The Classification Board did not receive any applications to certify films or computer games as exempt from classification during the reporting period.

Fee waivers

The Classification Act allows the Director to waive all or part of fees payable under the Classification Act in specific circumstances, such as where it is in the public interest to do so for public health or educational reasons. There are also fee waiver provisions for non-profit organisations and for special interest material with a limited distribution in some circumstances (e.g. a short film from a new or emerging film maker) and where, in the Director's opinion, it is in the public interest to waive all or part of the fee. The Director granted 18 fee waivers during the reporting period. There were no refused applications for fee waivers.

Table 11: Fee waiver applications granted

Film (public exhibition)	Fee waivers granted
Full fee waiver	14
50% fee waiver	0
75% fee waiver	0
Fee waiver refused	0
Film (for sale/hire)	
Full fee waiver	3
50% fee waiver	1
75% fee waiver	0
Fee waiver refused	0
Computer game	
Full fee waiver	0
50% fee waiver	0
75% fee waiver	0
Fee waiver refused	0
Publication	
Full fee waiver	0
50% fee waiver	0
75% fee waiver	0
Fee waiver refused	0
Total	18

CLASSIFICATION SERVICES FOR THE PUBLIC GOOD

In addition to making classification decisions about material for commercial release, the Classification Board also:

- classifies films, publications and computer games for enforcement agencies, such as state and territory police⁴, and
- classifies material on application for the Australian Customs and Border Protection Service.

Enforcement agencies

The Classification Board classifies films, publications and computer games submitted by enforcement agencies, such as state and territory police. These classification decisions are often used in legal proceedings undertaken by the agency involved.

There were no enforcement applications for public exhibition films or computer games in 2012–13.

⁴ The Classification (Publications, Films and Computer Games) Regulations 2005 provide each state and territory with 100 free 'eligible documents' each calendar year if the request for the eligible document relates to the enforcement of the state or territory law for the purposes of the National Classification Scheme. 'Eligible documents' include an application for classification and a section 87 certificate. Amendments to the Regulations which commenced on 1 July 2010 allow enforcement agencies to count both the application for classification and the section 87 certificate as a single eligible document. This change effectively doubles the number of free eligible documents that can be requested. Such combined applications, while disaggregated in Table 12, are formally counted (Tables 02) as one application.

Table 12: Enforcement application decisions by agency

Enforcement agency	Publications	Films	Section 87 certificates ⁵	Total
Australian Federal Police	0	0	0	0
ACT Office of Fair Trading	0	0	0	0
NSW Police	10	0	0	10
NT Police	0	0	3	3
Qld Police & Qld Office of Fair Trading	4	0	0	4
Victoria Police	0	2	2	4
SA Police	0	0	0	0
Tasmania Police	0	0	0	0
WA Police	3	0	0	3
Australian Defence Forces Investigative Services (ADFIS)	0	0	0	0
Australian Customs and Border Protection Service	15	0	0	15
Total	32	2	5	39

INTERNET CONTENT

Under Schedule 7 of the *Broadcasting Services Act 1992*, the Classification Board classifies internet content on application from the ACMA. Internet content is shown tables 13 and 14.

Table 13: Internet content decisions by classification

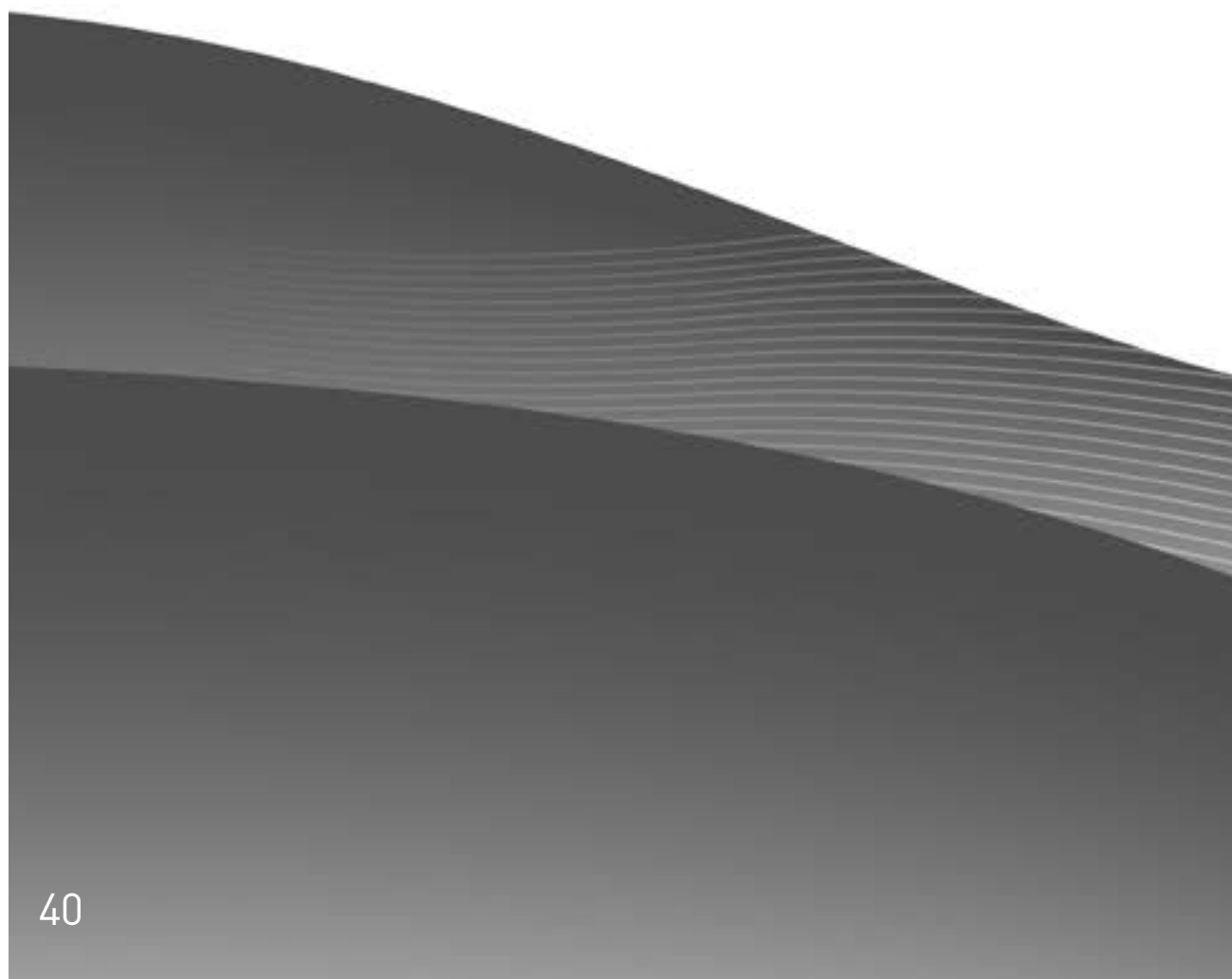
Classification	Classification decisions
G	0
PG	4
M	3
MA 15+	17
R 18+	10
X 18+	2
RC	22
Unrestricted	0
Total	58

Table 14: Internet content refused classification by reason

Reason ⁶	Number
Film RC 1(a)	4
Film RC 1(b)	0
Film RC 1(c)	3
Film RC 1(d)	0
Film RC 1(a) & 1(b)	14
Film RC 1(a) & 1(c)	1
S 9A (2) (c)	0
Total	22

⁵ A section 87 certificate is an evidentiary certificate that describes the action taken, or not taken, by the Classification Board in relation to a publication or film. This evidentiary certificate is issued under section 87 of the Classification Act.

⁶ The reason for refusing classification refers to the relevant item of the National Classification Code (see Appendix).



DECISIONS



PUBLICATIONS

Only 'submittable publications' must be classified before they can legally be advertised or distributed in Australia.

Section 5 of the Classification Act defines a submittable publication as:

- an unclassified publication that, having regard to section 9A or to the Code and the classification guidelines to the extent that they relate to publications, contains depictions or descriptions that:
 - (a) are likely to cause the publication to be classified RC; or
 - (b) are likely to cause offence to a reasonable adult to the extent that the publication should not be sold or displayed as an unrestricted publication; or
 - (c) are unsuitable for a minor to see or read.

It is the responsibility of distributors to ensure that they meet classification requirements for publications. The enforcement legislation in some states and territories provides that it is an offence to sell or deliver a submittable publication that has not been classified.

The Classification Act provides the Director of the Classification Board with the power to call in a publication for classification if the Director has reasonable grounds to believe that it is a submittable publication and that the publication is being published in the ACT. State and territory classification enforcement legislation provides the Director with power to call in material from their jurisdictions.

Classifications

There are four classifications for publications—Unrestricted, Category 1 restricted, Category 2 restricted and RC Refused Classification.

The *Guidelines for the Classification of Publications* are used by the Classification Board when classifying publications. They explain the different classification categories and the scope and limits of material suitable for each category.

Unrestricted



The Unrestricted classification covers a wide range of material. Unrestricted publications may contain classifiable elements such as sex and nudity with some detail but the impact should not be so strong as to require legal restriction to adults.

A special consideration of the Classification Board in classifying publications is the suitability of covers for public display. There are specific criteria for the assessment of covers, which specify that the impact of any descriptions or depictions and references on covers should be low. This accords with one of the principles of the Code, namely that everyone should be protected from exposure to unsolicited material that they may find offensive. The impact of covers of 'Unrestricted' publications will be low.

Generally, there are no restrictions on the sale or display of Unrestricted publications. However, the Classification Board can apply consumer advice not recommending the publication for readers under 15.

During the reporting period, a total of 243 classification decisions were made in relation to commercial applications for the classification of publications. This figure includes 40 serial publication declarations.

Out of the total of 243 classification decisions for publications, 48 single issue publications and two serial publications were classified Unrestricted. Titles of Unrestricted publications classified by the Board during 2012–13 include *People* and *The Picture*.

Category 1 restricted



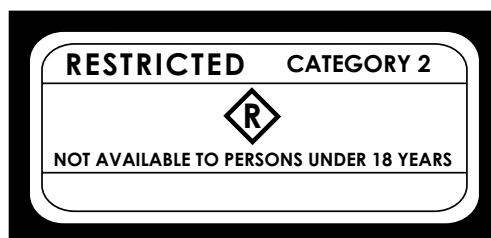
During the reporting period, of the total of 243 publications classified (including 40 serial publication declarations), 132 single issue publications and 34 serial publications were classified Category 1 restricted.

Category 1 restricted publications may include detailed realistic depictions of nudity, realistic depictions of sexual excitement and detailed descriptions of sexual activity between consenting adults.

Category 1 restricted publications can only be sold to persons 18 years of age and over and must be displayed in a sealed wrapper. The Classification Board can impose a further condition that the sealed wrapper is made of opaque material.

Category 1 restricted publications cannot be sold in Queensland. Titles of Category 1 restricted publications classified by the Board during 2012–13 include *Club International*, *The Picture Premium*, *Razzle* and *Hustler*.

Category 2 restricted



During the reporting period, of the total of 243 publications classified (including 40 serial publication declarations), 22 single issue publications and four serial publications were classified Category 2 restricted.

Category 2 restricted publications may include realistic depictions of actual sexual activity involving consenting adults. They may also include descriptions and depictions of stronger fetishes than those which can be accommodated at the Category 1 restricted classification.

Category 2 restricted publications can only be sold to persons 18 years of age and over and can only be displayed in restricted premises. Category 2 restricted publications cannot be sold in Queensland. Titles of Category 2 restricted publications classified by the Board during 2012–13 include *The Australian Rosie*, *Harmony XXX* and *The Australasian Sexpaper*.

RC Refused Classification

Publications classified RC cannot be sold or displayed in Australia. During the reporting period, of the total of 243 publications classified (including 40 serial declarations), one publication was classified RC.

Serial classifications for publications

On application, the Classification Board can issue a serial classification declaration. This means that a classification (and conditions, if applicable) given to one issue of a periodical will apply to a specified number of future issues of the same periodical. Publishers must ensure that the future issues do not have content at a higher level than the serial declaration allows.

During the reporting period, 40 periodicals were granted a serial classification declaration. All of these declarations were granted for a 12-month period.

The Classification Board audits publications covered by serial classification declarations. During the reporting period, 41 audits were undertaken.

After failing an audit, one publication had its serial classification revoked during 2012–13.

Once a serial classification is revoked, the audited issue and all future issues become unclassified. The publisher must then submit each issue for classification, or apply for another serial classification declaration, before they can sell the publication.

If the Classification Board revokes the serial classification of a title, law enforcement agencies are notified as it is generally an offence to sell an unclassified submittable publication in the Australian states and territories.

FILMS AND COMPUTER GAMES

During the first half of the reporting period, decisions for films and computer games were made using the combined *Guidelines for the Classification of Films and Computer Games*.

From 1 January 2013, decisions for films were made using *Guidelines for the Classification of Films* and decisions for computer games were made using *Guidelines for the Classification of Computer Games* (the guidelines).

Both sets of guidelines explain the different classification categories and the scope and limits of material suitable for each category. A number of principles underlie the use of the guidelines, including interactivity, the importance of context and assessing the impact of the six classifiable elements (themes, violence, sex, language, drug use and nudity).

The guidelines also provide a single set of symbols for both films and computer games to help consumers decide what they and those in their care will watch and play.



Films

Out of the total of 3,457 commercial films classified in 2012–13, 469 films were classified G.

The G classification is for a general audience. While many films at the G classification are targeted towards children, it does not necessarily mean that children will enjoy all films classified G. Some material that is classified G may be of no interest to children such as some documentaries or particular music DVDs. Popular G films classified during the reporting period include *Monsters University*, *Cirque Du Soleil: Worlds Away*, *A Monster in Paris* and *Finding Nemo 3D*.

The computer-animated film *Monsters University* was classified G by the Classification Board. The film is a light-hearted comedy about two monsters named Mike and Sully who have to join together to compete in a series of challenges called the Scare Games in order to regain their places in Monster University. In the Classification Board's view, the film contains themes that have a very low sense of threat and/or menace and which are justified by context. For example, when Mike and Sully are trapped in the human realm, they devise a number of pranks to scare human police officers in order to generate enough energy from human screams to power the door which links the human and monster realms. The film also contains infrequent use of very mild coarse language. Both 2D and 3D versions of the film were classified by the Classification Board. It is a requirement under the Classification Act to have both formats classified.

The Classification Board also classified 2D and 3D versions of the film *Cirque Du Soleil: Worlds Away*. The film follows the adventures of a girl who falls in love with a circus performer. They fall into the magical world of Cirque Du Soleil and are separated, and so search for each other through various magical lands until they are reunited. There is no dialogue or commentary in the film, which tells its story through music and dazzling gymnastic and aerialist displays. The film contains depictions of themes and violence which, in the view of the Classification Board, do not exceed a very mild level of viewing impact. Examples include stylised 'fight' sequences told through balletic and gymnastic displays and depictions of high leaps and stick-twirling accompanied by rhythmic drumming. The film was therefore classified G by the Classification Board.

Another computer-animated film classified by the Classification Board was *A Monster in Paris*. The film, set in Paris in the early 20th century, tells the story of a kind-hearted giant flea who is accidentally released into the streets of Paris. In the

Classification Board's view, the film contains depictions of animated violence that can be accommodated within the G classification.

Although not mandatory at G, the Classification Board may include consumer advice in order to assist consumers and parents to make more informed choices for themselves and those in their care. In the case of *A Monster in Paris*, the Classification Board classified the film G with consumer advice of 'very mild violence'.

In the reporting period, the Classification Board classified a modified 3D version of the popular 2003 computer-animated film *Finding Nemo*. The film follows a timid clownfish who sets off to find his son Nemo who was captured by a diver on the Great Barrier Reef and is stuck in a fish tank in a dentist's surgery in Sydney. The modified version of the film also contains a short animated feature titled *Partysaurus Rex*. The original version of *Finding Nemo* was classified G by the Classification Board in 2003 with consumer advice of 'some scenes may frighten young children'. In the Classification Board's view, the 3D format of the modified version of the film and other modifications to the film do not contain any classifiable elements that alter the classification and therefore this version was also classified G with consumer advice of 'some scenes may frighten young children'.

Series of television programs released on DVD that were classified G in the reporting period included *My Little Pony: Friendship is Magic*, *Puppy in My Pocket* and *Hi-5*.

Computer Games

The G classification is the largest classification for computer games. Out of a total of 695 computer games classified during 2012–13, 291 computer games were classified G.

Computer games classified G are suitable for a general audience. The classifiable elements should be very mild with little threat or menace. Examples of computer games

classified G during the reporting period were *Animal Crossing: New Leaf*, *Fashion Tycoon*, *3D Sonic The Hedgehog* and *Grid 2*.

Animal Crossing: New Leaf is a 'life simulation' game in which the player must collect items, help other residents of the town and make the town prosperous. The Classification Board classified the computer game G with no consumer advice assigned.

Fashion Tycoon is a click-and-point computer game in which the player, as a sales assistant at a fashion store, helps customers find clothes they want and, in doing so, earns in-game income and scores points. In the Classification Board's view, this computer game contains no classifiable elements and therefore warrants a G classification.

3D Sonic The Hedgehog is a side-scrolling platform game for the 3D handheld console Nintendo 3DS. The player assumes the role of a hedgehog named Sonic who must run through each of the six brightly-coloured zones in the shortest time possible while collecting rings and avoiding hazardous obstacles to rescue caged animals from being turned into evil robots by Dr. Eggman. The graphic environment of the game is highly stylised and colourful with a cheerful tone in a game suitable for young children. In the Classification Board's view, this computer game contains no classifiable elements and therefore classified this game G.

Grid 2 is a driving game in which the player attempts to become the world's greatest racing driver by defeating regional race clubs in different racing events. The Classification Board notes that the computer game contained classifiable elements that are very mild in impact and can be accommodated at the G classification level. The Classification Board classified the computer game G and assigned a consumer advice of 'caution: gaming experience may change online'.



Films

Out of the total of 3,457 commercial films classified in 2012–13, 721 films were classified PG (Parental Guidance).

Parental guidance for persons under 15 is recommended for films in this classification, as some children may find the material confusing or upsetting and may require the guidance of parents or guardians. Films classified PG in the reporting period include *Life of Pi*, *Satellite Boy*, *Wreck-It Ralph* and *Despicable Me 2*.

Life of Pi was submitted for classification in both 2D and 3D formats. The film tells the story of an Indian boy named 'Pi' Patel who, upon leaving India, loses his family in a shipwreck and becomes marooned on a lifeboat on the Pacific Ocean with a Bengal tiger as his only companion. The film details Pi's struggles to survive at sea while sharing the lifeboat with the large, predatory animal. The Classification Board notes that the impact of the themes is mitigated by the film's magical visuals and storyline that generally leads to positive resolutions. The Classification Board considered the themes to be mild in impact and therefore classified the film PG with consumer advice of 'mild survival themes'.

Satellite Boy is an Australian drama which follows Pete, a 10 year old Aboriginal boy living with his grandfather, Jagamarra, in an abandoned outdoor cinema on the outskirts of Wyndham. When their home is threatened with demolition, Pete and his friend, Kalmaln, travel through the Kimberley outback to confront the company responsible. Along the way, Pete utilises the traditional bush skills taught to him by Jagamarra and learns the value of country and the old ways. In the view of

the Classification Board, the film contains mild themes, mostly in the form of the boys engaging in dangerous and unlawful behaviour such as throwing petrol bombs and using a stolen handgun to threaten other characters. The film also contained infrequent use of mild coarse language. The Classification Board classified the film PG with consumer advice of 'mild themes and coarse language'.

The Classification Board classified 2D and 3D versions of two computer-animated features titled *Wreck-It Ralph* and *Despicable Me 2*. In *Wreck-It Ralph*, a computer game villain inadvertently causes mayhem in the video game universe when he attempts to become a hero. Violence occurs in an adventure context as characters from videogames engage in battle and one-on-one fisticuffs. In *Despicable Me 2*, former villain Gru and his three adopted young girls are leading a quiet, suburban life until Gru is recruited by the Anti-Villain League to help capture a new villain and save the world. Animated violence occurs mostly in a comedic or adventure context. Both versions of both of these films were classified PG by the Classification Board with consumer advice of 'mild animated violence'.

Series of television programs released on DVD that were classified PG in the reporting period included *Modern Family*, *Mythbusters*, *Teenage Mutant Ninja Turtles* and *Ice Road Truckers*.

Computer Games

Parental guidance for persons under 15 is recommended for computer games in this classification as the games may contain material which some children find confusing or upsetting, and may require the guidance of parents or guardians. The impact of classifiable elements should be no higher than mild. Out of the total of 695 computer games classified during 2012–13, 203 computer games were classified PG. Examples of computer games classified

PG during the reporting period were *Guacamelee!*, *Sing Party* and *Big Sky Infinity*.

Guacamelee! is a Mexican themed, side-scrolling game, with players assuming the role of Juan Aguacate. The player traverses twelve different environments, in two parallel worlds, battling enemy characters with punches, kicks, strikes and blows in an attempt to locate and save the El Presidente's daughter who has been kidnapped by the evil Charro Skeleton. The Classification Board classified this computer game PG with consumer advice of 'mild violence'.

Sing Party is a music game in which the player can sing Karaoke solo or as a duet. The game features 50 songs and four different game modes. The Classification Board classified the computer game PG with consumer advice of 'mild sexual references; gaming experience may change online'.

In the reporting period, the Classification Board classified two versions of the computer game *Big Sky Infinity*, one version designed for the Playstation 3 console and the other for the handheld Playstation Vita. The computer game is a side-scrolling, arcade-style shooter in which players navigate a small spacecraft through an array of nebulae, debris, planets and stars as they blast their way through space escaping enemy attacks across 13 modes. In the view of the Board, the game contains infrequent mild violence, in a science fiction setting, that is justified by context. Players control a small spacecraft that blasts its way across a stylised outer-space environment shooting at enemies and using its 'drill' ability to drill through planets. Impact to enemies is accompanied by bright colour flashes and explosions. Enemies range from asteroids to futuristic machines and include seven boss characters, each with a unique attack style, requiring a different set of skills to defeat. Both versions of the computer game were classified PG with consumer advice of 'mild science fiction violence and coarse language'.



Films

The M classification is the largest classification category for films.

Out of the total of 3,457 commercial films classified in 2012–13, 1,087 films were classified M.

Films classified M are not recommended for persons under 15 years of age. Accordingly, they require a mature perspective. There are no legal restrictions on access and ultimately, it is the responsibility of parents or guardians to make decisions about appropriate entertainment material for their children and to provide adequate supervision.

Films classified M by the Classification Board during the reporting period included *Zero Dark Thirty*, *Beasts of the Southern Wild*, *Argo* and *Skyfall*.

The feature film *Zero Dark Thirty* chronicles the decade-long hunt for al-Qaeda terrorist leader Osama bin Laden and his death at the hands of the Navy S.E.A.L. Team 6 in 2011. The Classification Board classified the film M with consumer advice of 'mature themes, violence and coarse language'. The themes and violence, which the Classification Board considered were inextricably linked, relate to depictions of implied torture of terrorism suspects and to the final raid on bin Laden's compound in Pakistan.

In the Classification Board's view, the environmental-themed fantasy feature film *Beasts of the Southern Wild*. The story centres on a young girl's existence within a small town which, after a storm, is swallowed by rising waters related to rapidly melting ice caps. There are a number of visuals showing blood detail and scenes

of decay. The Board decided such themes and associated violence were moderate in viewing impact, and the film was classified M with consumer advice of 'mature themes'.

Argo, a political thriller based on real events which took place in 1979 during the Iranian Revolution and an attempt to rescue six Americans, was classified M by the Classification Board. In the view of the Classification Board, the film contained moderate-level coarse language and depictions of themes and violence related to scenes of civil unrest and violent rioting. The film was, at times, cut with archival news footage, reports and images of real events in Iran during the revolution. The Classification Board assigned the consumer advice of 'coarse language, mature themes and violence'.

Skyfall, the latest film in the long-running James Bond franchise, was classified M by the Classification Board with consumer advice of 'violence and infrequent coarse language'. The film contains depictions of characters engaging in lengthy action sequences which occasionally contains some blood or wound detail as a result of gun battles. The film also includes use of coarse language which does not exceed a moderate impact.

Series of television programs released on DVD that were classified M in the reporting period included *Packed to the Rafters*, *The Big Bang Theory*, *The Newsroom* and *Top Gear*.

Computer Games

Computer games classified M are not recommended for persons under 15 years of age. The impact of classifiable elements should be no higher than moderate and playing is recommended for mature audiences. Out of the total of 695 computer games classified during 2012–13, 114 computer games were classified M.

Computer games classified M during the reporting period included *The Sims Island Paradise*, *Pacific Rim*, *Halo 4* and *War of the Roses*.

The Sims 3 Island Paradise is an expansion pack for *The Sims* 'life simulation' game in which players create their own characters, stories and homes. Additional material includes activities related to beaches and islands such as scuba diving, boating, swimming and meeting mermaids as well as management of island resorts and living on houseboats. The Classification Board classified this computer game M with consumer advice of 'sexual references'.

The Classification Board classified the computer game *Pacific Rim* M with consumer advice of 'fantasy violence'. In the game, the user controls a giant robot which is used to battle large reptile-like alien creatures in a range of environments including ocean and urban environments. The alien creatures have sharp crocodile-like teeth and large claws which they use to strike their opponent. The player engages in one-on-one combat, hitting, punching and kicking. The player has the use of weapons such as built-in arm blades and the ability to throw balls of energy. The Classification Board notes that the game also contains online capability in the form of leader boards and therefore the Classification Board assigned the additional consumer advice of 'gaming experience may change online'.

The Classification Board classified the computer game *Halo 4*, a first-person shooter game in the Halo series. Set in a science fiction setting, the player controls a soldier who battles against an array of alien creatures using a variety of real-world and futuristic gun based weapons. Player attacks on human and alien enemies produce multi-coloured blood effects and 'goo'. Human characters emit small blood sprays when shot and blood spatter and stains are viewed momentarily on surrounding structures. Post-mortem attacks can result in small amounts of blood

spray and 'ragdoll' effects but no wound detail or dismemberment occurs. The game also features online communication and multiplayer capabilities that may cause the in-game classifiable elements to increase in impact. The Classification Board classified the game M with consumer advice of 'science fiction violence; gaming experience may change online'.

War of the Roses is a strategy and war game set in the battle-ravaged, dynastic civil war era of 15th century England. The Classification Board classified this computer game M with consumer advice of 'battle violence; gaming experience may change online'.



Films

Films classified MA 15+ are not suitable for persons under 15 years of age. It is a legally restricted category, which means that people under 15 years of age must be accompanied by a parent or adult guardian to attend or hire a MA 15+ film. MA 15+ films contain themes, violence, sex, language, drug use or nudity that have a strong impact.

Out of the total of 3,457 commercial films classified in 2012–13, 844 films were classified MA 15+. Films that were classified MA 15+ during the reporting period included *Django Unchained*, *Killing Them Softly* and *Trance*.

Django Unchained by director Quentin Tarantino was classified MA 15+ by the Classification Board, with consumer advice of 'strong bloody violence and themes'. Django, a former slave and now a successful bounty hunter, attempts to rescue his wife from a brutal Mississippi plantation owner. In the Classification Board's view, the film contains themes that have a strong sense

of threat and menace and strong bloody violence that is justified by context. The film contains themes of slavery, subjugation and murder that are strong in viewing impact together with depictions of gun violence that feature 'over the top' wound detail and blood effects, which are highly stylised and unrealistic in nature.

In *Killing Them Softly*, mafia enforcer, Jackie Cogan, is sent to investigate a poker game heist in New Orleans and to eliminate the culprit. In the Classification Board's view, the violence in the film consists of brutal fist fights and stylised gunshot violence that results in generous blood effects and wound detail. Scenes of violence also include special effects such as extreme slow motion and bullet-point-of-view with impact and blood effects that are strong in impact. The violence is contextualised and mitigated by the film's noir setting and the stylised nature of the violence mitigates the impact, such that it can be accommodated at an MA 15+ classification. The Classification Board determined that the film also contains drug use, sexual references and coarse language that is strong in impact. The film was classified MA 15+ with consumer advice of 'strong violence, drug use, sexual references and coarse language'.

The Classification Board classified the British psychological thriller *Trance* MA 15+ in the reporting period. The film deals with an art dealer named Simon who undergoes hypnotherapy in order to remember where he hid a stolen painting. In the Classification Board's view, the film contains themes and violence that are strong in viewing impact. During Simon's psychotherapy sessions, his increasing paranoia is revealed in surreal sequences, one of which includes a depiction of exaggerated violence. These are interspersed with depictions of violence in both flashback and real-time sequences which, in the Classification Board's view, builds into a strong sense of threat and menace as the film progresses. The film also contains nudity, implied sexual activity and sexual references that are strong in impact.

The Classification Board assigned consumer advice of 'strong themes, violence, nudity and sex scenes' to the film.

Series of television programs released on DVD which were classified MA 15+ during the reporting period included *Homeland*, *Hannibal*, *The Walking Dead* and *Sons of Anarchy*.

Computer Games

Computer games classified MA 15+ are not suitable for persons under 15 years of age. It is a legally restricted category which prevents the purchase or hire by persons under 15 years of age unless they are accompanied by a parent or adult guardian. Out of the total of 695 computer games classified during 2012–13, 68 computer games were classified MA 15+.

Computer games classified MA 15+ during the reporting period included *Tomb Raider*, *Far Cry 3*, *Bioshock Infinite*, *Dishonored* and *The Walking Dead*.

The computer game *Tomb Raider* is a third person, action-adventure game that is based around a survival storyline. The main character, Lara Croft, engages in combat with various enemy characters with weaponry including bows and arrows, shotguns, grenade launchers, pistols, stylised axes and a customised ice axe. When characters are shot with guns, rifles or arrows, blood splatter obscures wound detail. The Classification Board classified this computer game MA 15+ with consumer advice of 'strong violence'. The Classification Board also notes that the computer game contains coarse language and themes that can be accommodated within a lower classification.

Far Cry 3 is a first-person shooter action-adventure game in which players assume the role of Jason Brody, whose main aim is to rescue his friends from pirates and survive a hostile island environment. The gameplay contains violence that is strong

in impact, and includes the use of weapons such as guns, machetes, flame-throwers and explosives against humans and animals (such as tigers and wild boars). The game also contains drug use that is strong in playing impact and justified by context. The drug use in the game generally acts to impede the character's abilities. Strong implied sexual activity, sexual references and frequent coarse language are also present in the computer game. The Classification Board classified the computer game MA 15+ with consumer advice of 'strong violence, drug use, sex scenes, sexual references and coarse language'.

Bioshock Infinite is a first-person action adventure game that takes place in a fantasy world with the player taking on the role of Booker De Witt, an agent with a shady past, who must battle against villains. The game contains depictions of strong violence which, in the Classification Board's view, are mitigated by the stylised and unrealistic attacks that occur within a futuristic fantasy world setting. The Classification Board classified this computer game MA 15+ with consumer advice of 'strong fantasy violence'.

Dishonored is a first-person stealth action-adventure/role-playing game. The player assumes the character of Corvo, a former royal bodyguard of the Empress, now turned assassin after being framed for her murder. Violence in the game involve use of both supernatural and real world weaponry including swords, daggers, crossbows, and guns, including powerful but slow pistols and muskets. Corvo's supernatural powers include the ability to freeze time for a certain period, create powerful gusts of wind, possess living creatures and summon plague animals such as rats. The depictions of violence include large blood bursts and blood spatter. The Classification Board classified the computer game MA 15+ with consumer advice of 'strong bloody violence'. The Classification Board also notes that the game contains sexual references, coarse language and themes that can be accommodated within a lower classification.

Based on the original comic book series of the same name, *The Walking Dead* is a linear, narrative-driven, role playing, horror-adventure computer game. Assuming the role of Lee Everett, a convicted murderer who helps to rescue and subsequently care for an orphaned girl, the player uses the mouse and keyboard to manoeuvre through a post-apocalyptic world infested with zombies. The player's aim is to ensure Lee's survival and gameplay involves making choices, frequently morally ambiguous choices, which affect that outcome. Once the player has selected an action, predetermined scenes play out and within this context themes and violence are depicted. Examples include Lee, after having been bitten on the wrist by a zombie, having to decide whether to cut his own arm off or have another character do it for him, or the user having to decide the method in which Lee has to kill a young boy zombie. The game is rendered with stylised, comic book graphics and a focus on narrative with the pace of gameplay slow and involving relatively minimal player interaction which significantly mitigates the impact of violence and themes depicted. The Classification Board classified this computer game MA 15+ with consumer advice of 'strong themes and horror violence'.



Films

The R 18+ classification category is wide in scope giving effect to the Code principle that adults should, with limited exceptions, be able to read, hear and see what they want. The R 18+ classification is legally restricted to adults. Children under 18 are not permitted to view R 18+ films in cinemas, or to rent or buy them on DVD. The impact of material classified R 18+ should not exceed high. Some material classified R 18+ may be offensive to some sections of the adult community.

Out of the total of 3,457 commercial films classified in 2012–13, 68 films were classified R 18+.

Films classified R 18+ during the reporting period included *Evil Dead*, *Father's Day*, and *American Mary*.

In *Evil Dead*, five young adults stay in an isolated cabin to help Mia overcome her drug addiction. When Mia is possessed by a satanic demon, the members of the group find themselves fighting not just for their lives but for their souls. This horror genre film maintains a sense of threat and menace throughout and includes scenes that contain explicitly detailed acts of violence such as mutilation and dismemberment. In the Classification Board's view, the violence in the film is high in viewing impact and therefore the film warrants an R 18+ classification with consumer advice of 'high impact horror violence'.

Father's Day is a Canadian black comedy which tells the story of Ahab, a man obsessed with exacting revenge on the man who brutally raped and murdered his father. The Classification Board originally classified this film RC Refused Classification on 31 October 2012 as it contains actual sexual violence and sexualised violence that exceeds a high impact, including depictions of rape, sexualised torture, sexual activity with body parts and cannibalism. A modified version of the film was also classified RC by the Classification Board on 22 February 2013 as the version submitted for classification contained an explicit depiction of sexual violence in a scene of sexualised torture that exceeded a high impact. On 27 February 2013 the Classification Board viewed a further modified version of the film, this time with all depictions of explicit sexual violence removed. The Classification Board classified this version of the film R 18+ with consumer advice of 'high impact violence, blood and gore, themes and sex scenes'.

This horror film *American Mary* follows Mary Mason, a young woman who drops out of medical school after being raped by one

of her instructors and who, whilst exacting her revenge, sets up an underground body modification surgery in the basement of a seedy burlesque bar. In the Classification Board's view, the film contains violence and themes concerning surgical procedures, body modifications and torture that are inextricably linked and cumulatively high in viewing impact. The Classification Board classified the film R 18+ with consumer advice of 'high impact themes and violence'.

Series of television programs released on DVD which were classified R 18+ during the reporting period included *Spartacus: Vengeance* and *Strike Back*.

Computer Games

The R 18+ category for computer games was introduced on 1 January 2013. This category contains content that is only suitable for adults. Only people aged 18 or over can buy or rent R 18+ computer games. It is against the law to sell or rent computer games that are classified R 18+ to people under 18. Since 1 January 2013, 17 computer games have been classified R 18+ by the Classification Board.

The first computer game to be classified R 18+ during the reporting period was *Ninja Gaiden 3: Razor's Edge*. Other computer games classified R 18+ included *The Last of Us*, *Chivalry: Medieval Warfare*, *Spartacus Legends*, *Mortal Kombat Komplete Edition* and *Dead Island Riptide*.

Ninja Gaiden 3: Razor's Edge was the first computer game to be classified R 18+ in Australia. The computer game is an action-adventure game in which players assume the role of Ryu Hayabusa, a cursed ninja, battling a terrorist organisation. Players engage in repetitive hack-and-slash style gameplay, using katanas, bows, shurikens, and special attacks to kill demon creatures and human enemies. The melee-style combat is highlighted by slow-motion effects and exaggerated blood splashes as enemies are frequently impaled, decapitated and

dismembered, and some attacks end with close-up camera angles on bloodied foes. In the Classification Board's view, the violence in the game is high in playing impact due to its frequency, high definition resolution and emphasis on blood effects. The Classification Board therefore classified the computer game R 18+ with consumer advice of 'high impact bloody violence'.

The Last of Us is a survival horror/shooter game. The player controls a middle-aged man, Joel, who has to transport a 14 year-old girl, Ellie, from a quarantined zone to a sector where a group of survivors is located. At times, the player is able to play as Ellie. The game can also be played in multiplayer mode. During general gameplay, the character is armed with melee weapons and a variety of guns. The character is set upon, sometimes frenetically, by waves of human and zombie enemies. When enemies are injured, they emit large sprays of blood and often display wound detail. Some weapons cause dismemberment and/or decapitation, which are accompanied by spurts of blood. In the opinion of the Classification Board, the impact of the game is heightened by the frequency of explicitly detailed and realistic depictions of violence, the ability to inflict post-mortem damage and the sustained sense of threat and menace. The Classification Board notes that the computer game also contains discreet references to sexual violence. The Classification Board classified the game R 18+ with consumer advice of 'high impact violence'.

Another computer game classified R 18+ by the Classification Board was *Chivalry: Medieval Warfare*. Set in a fictional Middle Ages kingdom, the game contains violence that is high in impact in the view of the Classification Board. The violence in the game is seen from both a first-person and third-person perspective as the player engages in relentless and realistic combat scenarios against realistically depicted human opponents using a wide array of medieval weaponry that results in graphic and detailed injuries. Consumer advice

of 'high impact violence' was assigned to this game.

Spartacus Legends is a third-person combat game where the player controls and customises gladiators who fight in pitched arena-style battles to achieve fame and power. The player engages in one-on-one gladiator battles in a variety of arenas and uses fists, swords, shields, tridents, hammers, daggers and spears to maim and kill opponents. Combat results in graphic and realistically depicted wounding, dismemberment and decapitations accompanied by copious blood effects, flesh and bone detail. The Classification Board classified this computer game R 18+ with consumer advice of 'high impact bloody violence'.

The Classification Board also assigned an R 18+ classification to the computer game *Mortal Kombat Komplete Edition*. The game is set in a dystopian fantasy realm and its cast of playable fighters includes humans, humanoids, creatures and robots. These characters are each able to perform punches, kicks and signature moves during a bout. Signature moves often involve a character's particular weapon or supernatural ability. Fights are depicted in side-view and presented in high definition resolution. The 'fatality' moves, whilst highly stylised and difficult to execute, include numerous depictions of dismemberment, decapitation, disembowelment and other gory forms of slaughter. The exaggerated conceptual nature of these fatalities and their context within a fighting game set in a fantasy realm mitigates impact to a degree. The Classification Board classified this computer game R 18+ with consumer advice of 'high impact violence, blood and gore'.

In *Dead Island Riptide*, characters find themselves trapped on an island which has been overrun with zombies. In single or online multiplayer modes, players navigate their way across a jungle environment battling against hordes of attacking zombies with the main objective being to survive

and flee the island as a group. The highest impact violence contained in the game occurs during attacks on enemy zombie characters which are frequent throughout. As well as hand-to-hand combat, players have a range of weapons at their disposal including firearms, explosives and blunt and bladed weapons, which all have a range of possible upgrades and modifications. Injury to enemy characters is accompanied with generous blood effects and dismemberment. The game does contain violence against human characters however damage to a human enemy character is only accompanied by blood effects and does not include dismemberment. The Classification Board classified this computer game R 18+ with consumer advice of 'high impact violence'.



The X 18+ classification applies to films only. It is a special and legally restricted category which contains only sexually explicit material. That is, material which contains real depictions of actual sexual intercourse and other sexual activity between consenting adults. X 18+ films are restricted to adults 18 years and over and are available for sale or hire only in the Australian Capital Territory and parts of the Northern Territory.

Films classified X 18+ can contain real depictions of actual sexual activity between consenting adults, but does not allow violence, sexual violence, sexualised violence or coercion. Nor does it allow consensual depictions which purposefully demean anyone involved in that activity for the enjoyment of viewers.

Out of the total of 3,457 commercial films classified in 2012–13, 257 films were classified X 18+.

Films classified X 18+ during the reporting period included sexually explicit parodies of *The Dark Knight* and *Bring It On*.

RC Refused Classification

Films

Out of the total of 3,457 commercial films classified in 2012–13, 11 films were classified RC.

Films that are classified RC cannot be legally sold, hired, advertised or exhibited in Australia. Films will be classified RC if they depict, express or otherwise deal with matters of sex, drug misuse or addiction, crime, cruelty 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 not be classified. Films containing descriptions or depictions of child sexual abuse or any other exploitative or offensive descriptions or depictions involving a person who is, or appears to be, a child under 18 years, will also be classified RC; as will films depicting gratuitous, exploitative or offensive depictions of violence with a very high degree of impact, including sexual violence. The majority of films that are classified RC are sexually explicit films containing these prohibited elements.

Computer Games

In 2012–13, out of the total of 695 computer games classified, two computer games were classified RC.

Computer Games that are classified RC cannot be legally sold, hired, advertised or demonstrated in Australia. Computer games will be classified RC if they contain content that has a very high impact.

The computer games that were classified RC during the reporting period were *Saints Row IV* and *State of Decay*.

In the computer game *Saints Row IV*, the player controls the leader of the gang called the Third Street Saints. Players navigate open world environments and complete missions with the main objective being to destroy the Zin alien empire. In the view of the Classification Board, the game contains a visual depiction of implied sexual violence that is interactive and not justified by context. The game also contains an optional mission which involves the player obtaining and smoking drugs referred to as 'alien narcotics' which has the effect of increasing the player's in-game abilities. In the Classification Board's opinion, there is insufficient delineation between the 'alien narcotics' available in the game and real-world proscribed drugs. At the R 18+ classification, the guidelines state:

- 'Implied sexual violence that is visually depicted, interactive, not justified by context or related to incentives or rewards is not permitted'; and
- 'Drug use related to incentives and rewards is not permitted'.

As such, the Classification Board classified this computer game RC.

State of Decay is a third-person survival shooter computer game set in a small American town during the aftermath of a zombie apocalypse. Players navigate open-world environments, battling zombie attacks, as they scavenge for supplies and collaborate with other survivors to ensure survival of the human race. The game contains the option of self-administering a variety of 'medications' throughout the gameplay which act to restore a player's health or boost their stamina. These 'medications' include both legal and illicit substances such as methadone, morphine, amphetamines, stimulants, acetaminophen, 'trucker pills' and painkillers. Of these, methadone, morphine, and amphetamines are proscribed drugs and the term 'stimulant' is commonly used to refer to a class of drugs of which several are proscribed. In the Classification Board's opinion, the game contains drug use related

to incentives or rewards and therefore *State of Decay* was also classified RC.

OTHER DECISIONS

Internet Content

During the reporting period, the Classification Board classified 58 internet content items. These applications were made by the ACMA. In the reporting period, the Classification Board Refused Classification to 22 items of internet content. The majority of these decisions contained content that was refused classification under items 1 (a) and 1 (b) of the National Classification Code (see page 39 for breakdown of statistics).

The following items are examples of internet content that was classified by the Classification Board during the reporting period.

The first item consisted of what appeared to be a page from a website advocating physical violence against women. The content included ten close-up images of women, some of whom appear to be actually bruised, bloodied, cut and/or swollen about the face, as well as a stylised depiction of a woman cowering on the floor as a partially obscured male looms over her with his fist clenched. The *Guidelines for the Classification of Films* state that a film will be refused classification if it contains:

- 'Detailed instruction or promotion in matters of crime or violence'; and
- 'Gratuitous, exploitative or offensive depictions of... cruelty or real violence which are very detailed or which have high impact'

The Classification Board therefore classified the content RC.

Another item that was submitted for classification was a mobile phone game and what appeared to be a page from a related website. The simple mobile phone game involves training and feeding a dog and then

fighting it in dogfights, while the webpage provided information about the game. In the Classification Board's view, the material contained themes and drug references that are strong in impact. The Classification Board classified this material MA 15+.

A website page containing a description of how to surreptitiously gain basic information to embarrass or blackmail people was also submitted for classification. In the Classification Board's view, the website does not provide detailed instructions on how to commit blackmail and appears to be tongue in cheek. The Classification Board classified this material PG.

Exemptions To Show Unclassified Films and Computer Games

During 2012–13, the Director finalised 609 applications for exemption to publicly exhibit unclassified films and computer games at film festivals and special film and computer game events. The Director refused an exemption for four films in the reporting period. One film was refused an exemption to be exhibited at two separate film festivals. The other three films were refused exemptions to be exhibited at different film festivals. There were 475 applications finalised in the previous reporting period.

Fee Waivers

The Director granted 18 fee waivers during the reporting period.

Advertising Assessments

The Classification Board made 24 assessments of the likely classification of films and one assessment of the likely classification of a computer game for the purpose of advertising those products with classified material.

Advertising Approvals

No decisions were made to approve or not approve advertisements under section 29 of the Classification Act.

Exemption Certificates

No decisions were made to certify films or games exempt from classification under section 28B of the Classification Act.

Revocation Decisions

One publication had its serial classification declaration revoked under subsection 13(5) of the Classification Act during this reporting period.

Call Ins—Publications

The Director called in 12 publications for classification during the reporting period. The publications were called in from eight different distributors. One distributor submitted one publication for classification. The other seven distributors did not comply with the Director's call-in notice. The matters were referred to the relevant enforcement agencies in the states in which the distributors were based.

Call Ins—Films

The Director called in 150 films for classification during the reporting period. The films were called in from five different distributors. Four distributors did not respond to the call-in notice. The matters were referred to the relevant enforcement agencies in the states in which the distributors were based. Advice was received that one of the distributors was closing its operations in Australia.

Call Ins—Computer Games

No computer games were called in for classification during the reporting period.

CORRESPONDENCE



COMPLAINTS

The Classification Board seeks to reflect current community standards in its decision-making and feedback from the community is informative and helpful.

During the reporting period, the Classification Board received 1,001 complaints. There were:

- 21 complaints about decisions for publications
- 122 complaints about decisions for films
- 795 complaints about decisions for computer games
- seven complaints about other associated classification matters
- three complaints received about advertising
- 53 complaints about matters relating to film festivals

Some titles received several complaints and other titles only single complaints. Some complaints referred to several titles.

The films which attracted the most complaints were *I Give It a Year*, *Life of Pi* and *Django Unchained*. The computer games which attracted the most complaints were *Saints Row IV* and *State of Decay*.

Publications

The Classification Board made 243 classification decisions for publications in the reporting period (this included 40 serial publication declarations). Twenty-one complaints were received about publications during 2012–13. This compares with 12 complaints about publications in 2011–12

Twelve complaints were received in the reporting period about the Australian magazine *Zoo Weekly*. Most of the complaints referred to an edition of the magazine containing a pictorial spread titled 'Hottest Asylum Seeker'. The Classification Board examined this publication and determined that this edition of the magazine

was not a submittable publication, therefore the publication has not been classified by the Classification Board.

Films

The Classification Board received 122 complaints about the classifications of films. This compares with 145 complaints in 2011–12. The complaints were about a small number of titles which comprised the 3,457 classification decisions relating to films in 2012–13.

There were 14 complaints about *I Give It a Year*. The majority of the complainants were of the view that the M classification with consumer advice of 'nudity, coarse language and sexual references' was too low. The majority of complainants were concerned about the film's depictions of nudity and sexual references.

The film *Life of Pi* received seven complaints in the reporting period. The film was classified PG with consumer advice of 'mild survival themes'. The complainants were all of the opinion that the film's classification was too low due to the depictions of violence in the film, particularly those involving animals.

The film *Django Unchained* attracted five complaints in the reporting period, with complainants believing the film's MA 15+ classification with consumer advice of 'strong bloody violence and themes' was too low. Two of the complainants were concerned that young children were present in the audience during the screening of the film.

Computer games

The Classification Board received 795 complaints about computer games. The Classification Board made 695 classification decisions for computer games in 2012–13. Seven hundred and seventy-seven of the complaints were about the RC classifications of the two computer games *Saints Row IV* and *State of Decay*.

Some other titles received more than one complaint while one title received only a single complaint. Overall, the complaints were about a small number of titles. This compares with the 35 complaints received about computer games classifications in 2011–12.

There were 507 complaints about the classification of *Saints Row IV*. The Classification Board classified the game RC due to a visual depiction of implied sexual violence that is interactive and not justified by context and depictions of illicit or proscribed drug use related to incentives or rewards. The overwhelming majority of the complainants did not want the computer game to be refused classification.

The Classification Board also received 270 complaints about the computer game *State of Decay*. The Classification Board classified the computer game RC as it contains illicit or proscribed drug use related to incentives or rewards. Again, a majority of the complainants did not want the computer game to be refused classification.

There were eight complaints about the computer game *Atelier Totori Plus: The Adventurer of Arland* which is classified R 18+ with consumer advice of 'references to sexual violence'. Some of the complainants questioned why this game was classified R 18+ while another computer game in the *Atelier Totori* series was classified PG.

Other Complaints

There were also other complaints that covered a broad range of classification issues. These included complaints about insufficient consumer advice and the belief that that animated films are classified too high.

Advertising for films

Three complaints were received about advertising for films in the reporting period. All of these complaints related to the

advertising trailer for the film *Paranorman*, with all of the complainants of the opinion that the film should not be advertised at screenings of popular children's films such as *Wreck-It Ralph* as the content of the trailer may scare children.

Film festivals

During 2012–13, the Director finalised 609 applications for exemptions to publicly exhibit unclassified films and computer games at film festivals and special film and computer game events. Fifty-three complaints were received in relation to film festivals in the reporting period. Twenty-nine complaints were about the film, *I Want Your Love*. This film was not granted an exemption to be screened at the Sydney Mardi Gras Film Festival and the Melbourne Queer Screen Festival as it was the view of the Director that to grant an exemption from classification for it to be shown would be in breach of the Film Festival Guidelines.

Nineteen complaints were also received in relation to the film *Donkey Love*. Two separate film festivals, The Melbourne Underground Film Festival and The Sydney Underground Film Festival, were both granted exemptions to screen this unclassified film. The majority of the complaints believed that the film should not have received the exemptions to be screened at the festivals and that the film should 'be banned'.

Table 15: Complaints

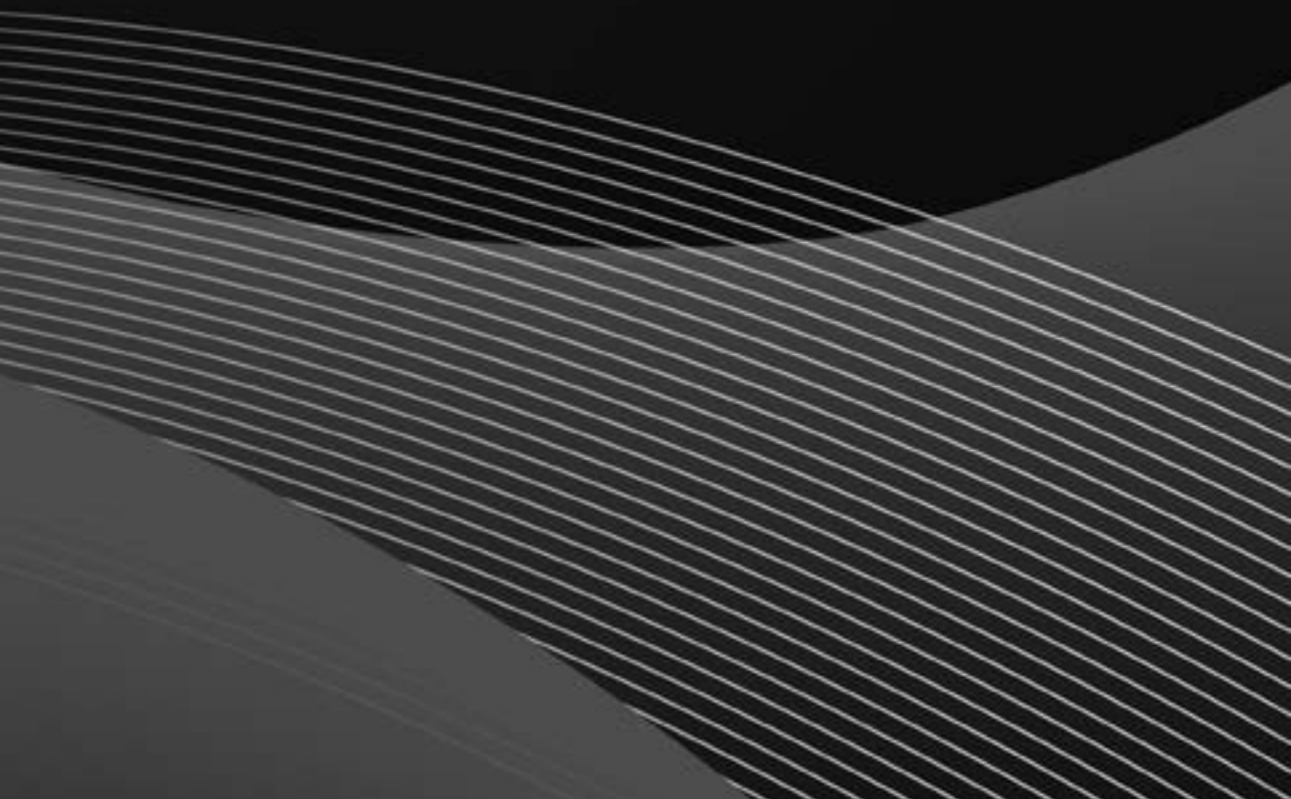
	Number of complaints
Publications	21
Films	122
Computer games	795
Other complaints	7
Advertising for films	3
Films at festivals	53
Total	1,001

Enquiries and other assistance

The Attorney-General's Department responds to a range of other enquiries which are related to classification policy matters.

This includes requests for general classification information, requests for reasons for classification decisions and enquiries about the classification of specific products. Other requests are about how to get material classified, how to obtain exemptions and requests for information on the determined markings for films and computer games. A number of requests concern the importation of publications, films and computer games and clarification about the enforcement of classification decisions.

CLASSIFICATION
REVIEW BOARD
ANNUAL REPORT
2012-13



CONVENOR'S
**LETTER OF
TRANSMITTAL**



*The Hon Jason Clare MP,
Minister for Home Affairs,
Minister for Justice*



Australian Government
Classification Review Board

The Hon Jason Clare MP
Minister for Home Affairs
Minister for Justice
Parliament House
CANBERRA ACT 2600

Dear Minister

In accordance with subsection 85(1) of the *Classification (Publications, Films and Computer Games) Act 1995*, I am pleased to submit a report on the management of the administrative affairs of the Classification Review Board for the period 1 July 2012 to 30 June 2013.

Your sincerely

Victoria Rubensohn AM
Director

9 August 2013

Locked Bag 3, HAYMARKET NSW 1240
Telephone 02 9289 7100 Facsimile 02 9289 7101 www.classification.gov.au

INTRODUCTION

The Review Board is an independent statutory body that reviews, on application, decisions of the Classification Board. The Review Board makes its decisions in accordance with the *Classification (Publications, Films and Computer Games) Act 1995* (the Classification Act), the National Classification Code and the classification guidelines.

This report includes an overview of the work of the Review Board in 2012–13.

The Review Board receives secretariat support from the Classification Branch of the Attorney-General's Department.

CONVENOR'S OVERVIEW



This is my fifth report as Convenor of the Review Board and it was a quiet year for the Review Board with only one application being made for review. Certain members of the Review Board convened for one day to make this decision.

The classification of *Behind the Candelabra* was reviewed during the reporting period. The distributor of the film applied for the review. On 20 June 2013, the Review Board overturned the MA 15+ classification decision of the Classification Board and classified the film M with consumer advice of 'drug use, coarse language and sex scenes'.

I also note with interest that the Standing Council on Law and Justice met in Darwin in April 2013 where the ministers responsible for classification from the Commonwealth, states and territories agreed to implement the first instalment of reforms arising from the Australian Law Reform Commission's review of the National Classification Scheme.

Although there was only one application to consider during the reporting period, I would like to thank the Review Board members for their professionalism during 2012–13 and I look forward to continuing our work together.

I would also like to offer my thanks to the Minister for Home Affairs and Justice, the Hon Jason Clare MP, for his support during 2012–13.

Finally, I would like to thank members of the Classification Branch of the Attorney-General's Department who have provided comprehensive secretariat support and valuable advice to the Review Board and its members over the past year.

Victoria Rubensohn

Convenor

CLASSIFICATION REVIEW BOARD PROFILES



VICTORIA RUBENSOHN AM

Convenor

APPOINTED: 6 February 2009

REAPPOINTED: 6 February 2012

APPOINTMENT EXPIRES: 5 February 2015

Victoria Rubensohn AM holds a Master of Arts degree, a Master of Human Rights degree, a Bachelor of Laws degree, and has been a Member of the Order of Australia since 2004. She has worked in radio and television in Australia and the USA—and more generally in communications, especially in communications regulatory policy, for most of her professional life. Victoria has been a Member of the Australian Broadcasting Tribunal, a Member of the Immigration Review Tribunal and Chairman of the National Film and Sound Archive. She has chaired Australian Government committees in the communications and intellectual property areas. Victoria also chaired the Telephone Information Services Standards Council for fifteen years and was a Consumer Member of the Mobile Premium Services Code Review Committee in 2011–12. She is Consumer Director of Communications Compliance Ltd, a member of the Standing Advisory Committee on Consumer Affairs of the Australian Communications Consumer Network and is the Independent Reviewer of the Advertising Standards Bureau. Victoria runs an international communications consultancy, specialising in regulatory policy, is a Director of the Communications Law Centre and is the founding Director and Secretary of Media Access Australia.



FIONA JOLLY

Deputy Convenor

APPOINTED: 7 December 2011

APPOINTMENT EXPIRES: 6 December 2014

Fiona Jolly, 45, resides in Wamboin NSW and works in the ACT. She is currently the Chief Executive Officer of the Advertising Standards Bureau and previously held numerous positions with a number of Australian Government agencies. Fiona has also held positions on numerous Boards including as Director of the Australian Business Volunteers (current), the Ministerial Advisory Council for Women (ACT), Majura Primary School Board and as National President of the Young Women's Christian Association (YWCA) of Australia.

Fiona holds a Bachelor of Laws and a Bachelor of Arts (ANU) and a Master of Laws (Melb.) specialising in communications and international trade law. She is a graduate of the Australian Institute of Company Directors. Fiona is the parent of four children aged five to thirteen years and has been actively involved in her local community through her children's school and sporting commitments as well her volunteer work with the YWCA over a period of 15 years.



HELENA BLUNDELL

APPOINTED: 17 September 2009

APPOINTMENT EXPIRES: 16 September 2013

Helena Blundell has a Bachelor of Arts and a Bachelor of Laws awarded by the University of Queensland. She has worked as a Senior Investigation Officer for the Commonwealth Ombudsman in both Sydney and Darwin. She spent a number of years as an adventure tour guide in the Northern Territory's Top End. Helena has worked for the North Australian Aboriginal Legal Aid Service as a policy lawyer and is currently employed with the NT Legal Aid Commission as a criminal barrister and solicitor. Helena has been a board member on the Board of the YWCA Darwin up until April 2011 and is on the Youth Justice Advisory Committee, which is a body set up pursuant to the Youth Justice Act in the Northern Territory.



MELISSA DE ZWART

APPOINTED: 17 September 2009

APPOINTMENT EXPIRES: 16 September 2013

Melissa de Zwart is an Associate Professor in Law at the University of Adelaide. She has a PhD in law (which examined the law of fair dealing) and a Bachelor of Arts (Hons). Melissa has practised as a lawyer in both private practice and government, having been Legal Manager at CSIRO. She has published numerous articles on legal and social issues affecting copyright, particularly in the digital and popular culture context, convergence technologies, social networking and virtual worlds. In 2008 she contributed to the ENISA (European Network and Information Security Agency) Virtual Group of Experts on Security Issues in Virtual Worlds and Gaming (EU).

As the mother of two small children, Melissa has served as the president of a community childcare centre and has a keen interest in children's entertainment as both a parent and consumer. In her recreational time, she enjoys books, manga, movies and computer games, and exchanging views on these with her students, extended family and friends both face-to-face and via social networking. Melissa lives in Adelaide.



JANE SMITH

APPOINTED: 7 December 2011

APPOINTMENT EXPIRES: 6 December 2014

Jane Smith, 55, lives in Ballarat, Victoria. She is currently the inaugural Director of the new Museum of Australian Democracy at Eureka, a technology rich interactive museum. Her previous role was as Director of theshinyshinyworld Pty Ltd, an organisation providing strategic advice on a range of communications issues and creating artwork and projects that express concern for the environment and human interaction. Jane's previous positions include senior roles with the ABC from 1990 to 1997, Chief Executive Officer with the NSW Film and Television Office from 1997 to 2006 and Vice President of Seed Productions, a film production company in 2007. Jane was the inaugural Head of the Centre for Screenwriting at the Australian Film Television and Radio School 2009-10.

Jane is currently Chair of the Committee for Revision of Mobile Premium Services (MPS) Codes and a member of the Digital Media Thought Leadership Group for the Australian Centre for Broadband Innovation. She has also represented on a number of other Boards including Ausfilm, Screen Finance Group, the Australian Children's Television Foundation, and the Broadcasting Council. Jane holds a Bachelor of Arts (Flinders) majoring in psychology and history and a Post Graduate Diploma in Criminology (Melb). She is actively involved in the community through her extensive career in both the public and private sectors as well as her involvement in the arts and film community.



PETER ATTARD

APPOINTED: 7 December 2011

APPOINTMENT EXPIRES: 6 December 2014

Peter Attard, 45, lives on the Mornington Peninsula, Victoria. He is the Director of Sound 4 Your Space Pty Ltd, a company that designs and supplies in-store music solutions to businesses and industries throughout Australia. He is also director of Atelier Imports, importing and selling gourmet food, wine and beer from Malta. He has created and taught Media, Visual Literacy, Visual Arts and Photography curriculum in both Secondary and TAFE education, as well as serving as Co-ordinator of these studies at various colleges in Victoria. Peter has been a committee member of the Australian Teachers of Media (ATOM), judged ATOM student film awards and is a member of the Victorian Institute of Teaching.

Peter holds a Bachelor of Education (Visual Arts) from the University of Melbourne. He is the father of three teenage children, is a regular user of social media and is actively involved in his local community through his children's sporting commitments as well as through his work as director of his own companies.

LEGISLATIVE BASE

The Review Board is established under the Classification Act. The Classification Act provides that the Review Board is to consist of a Convenor, a Deputy Convenor and at least three, but no more than eight, other members.

The Governor-General appoints members of the Review Board. Under the Classification Act, the minister must, before recommending an appointment, consult with state and territory ministers with responsibility for classification. The Classification Act also requires that regard is to be had to the desirability of ensuring that membership of the Review Board is broadly representative of the Australian community.

DECISIONS OF THE REVIEW BOARD

In the reporting period, the Review Board received one application for the review of a classification of a film.

The Review Board determined a lower classification than the Classification Board for the film *Behind the Candelabra*.

The review was completed within the statutory timeframe.

The report for the Review Board's decision is published on the Australian Classification website at www.classification.gov.au.

Table 16: Decisions of the Review Board

Title	Media	Review applicant	Review Decision	Original classification	Review classification
<i>Behind the Candelabra</i>	Film	Roadshow Film Distributors	20 June 2013	MA 15+	M

ATTENDANCE AT REVIEW BOARD MEETINGS

The Review Board convened for 1 day in 2012–13 to deal with one application.

Table 17: Attendance at Review Board meetings

Review Board member	Meetings 2012–13	Number of meeting days 2012–13
Victoria Rubensohn (VR), Convenor, NSW	0	0
Fiona Jolly (FJ), Deputy Convenor, ACT	0	0
Melissa de Zwart (MDZ), SA	1	1
Helena Blundell (HB), NT	0	0
Jane Smith (JS), NSW	1	1
Peter Attard (PA), VIC	1	1

Table 18: Composition of panels in 2012–13

Title	Number of meeting days	Panel members
<i>Behind the Candelabra</i>	1	MDZ, JS, PA

COMPLAINTS

The Review Board received no complaints about its decisions in the reporting period.

Judicial Decisions

Aspects of a Review Board decision can be reviewed, on application, by the Federal Court under the *Administrative Decisions (Judicial Review) Act 1977* (Cth). In the reporting period, no application for review of the Review Board's decisions was lodged with the Federal Court.

APPENDICES



APPENDIX

NATIONAL CLASSIFICATION CODE

NATIONAL CLASSIFICATION CODE

1. 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.

Publications

2. Publications are to be classified in accordance with the following table:

Item	Description of publication	Classification
1	Publications that: <ul style="list-style-type: none"> (a) describe, 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 not be classified; or (b) describe or depict in a way that is likely to cause offence to a reasonable adult, a person who is, or appears to be, a child under 18 (whether the person is engaged in sexual activity or not); or (c) promote, incite or instruct in matters of crime or violence 	RC
2	Publications (except RC publications) that: <ul style="list-style-type: none"> (a) explicitly depict sexual or sexually related activity between consenting adults in a way that is likely to cause offence to a reasonable adult; or (b) depict, describe or express revolting or abhorrent phenomena in a way that is likely to cause offence to a reasonable adult and are unsuitable for a minor to see or read 	Category 2 restricted
3	Publications (except RC publications and Category 2 restricted publications) that: <ul style="list-style-type: none"> (a) explicitly depict nudity, or describe or impliedly depict sexual or sexually related activity between consenting adults, in a way that is likely to cause offence to a reasonable adult; or (b) describe or express in detail violence or sexual activity between consenting adults in a way that is likely to cause offence to a reasonable adult; or (c) are unsuitable for a minor to see or read 	Category 1 restricted
4	All other publications	Unrestricted

Films

3. Films are to be classified in accordance with the following table:

Item	Description of film	Classification
1	<p>Films that:</p> <p>(a) 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 not be classified; or</p> <p>(b) describe or depict in a way that is likely to cause offence to a reasonable adult, a person who is, or appears to be, a child under 18 (whether the person is engaged in sexual activity or not); or</p> <p>(c) promote, incite or instruct in matters of crime or violence</p>	RC
2	<p>Films (except RC films) that:</p> <p>(a) contain real depictions of actual sexual activity between consenting adults in which there is no violence, sexual violence, sexualised violence, coercion, sexually assaultive language, or fetishes or depictions which purposefully demean anyone involved in that activity for the enjoyment of viewers, in a way that is likely to cause offence to a reasonable adult; and</p> <p>(b) are unsuitable for a minor to see</p>	X 18+
3	Films (except RC films and X 18+ films) that are unsuitable for a minor to see	R 18+
4	Films (except RC films, X 18+ films and R 18+ 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	MA 15+
5	Films (except RC films, X 18+ films, R 18+ films and MA 15+ films) that cannot be recommended for viewing by persons who are under 15	M
6	Films (except RC films, X 18+ films, R 18+ films, MA 15+ films and M films) that cannot be recommended for viewing by persons who are under 15 without the guidance of their parents or guardians	PG
7	All other films	G

Computer Games

4. Computer games are to be classified in accordance with the following table:

Item	Description of computer game	Classification
1	Computer games that: <ul style="list-style-type: none"> (a) 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 not be classified; or (b) describe or depict in a way that is likely to cause offence to a reasonable adult, a person who is, or appears to be, a child under 18 (whether the person is engaged in sexual activity or not); or (c) promote, incite or instruct in matters of crime or violence 	RC
2	Computer games (except RC computer games) that are unsuitable for viewing or playing by a minor	R 18+
3	Computer games (except RC and R 18+ computer games) that depict, express or otherwise deal with sex, violence or coarse language in such a manner as to be unsuitable for viewing or playing by persons under 15	MA 15+
4	Computer games (except RC, R 18+ and MA 15+ computer games) that cannot be recommended for viewing or playing by persons who are under 15	M
5	Computer games (except RC, R 18+, MA 15+ and M computer games) that cannot be recommended for viewing or playing by persons who are under 15 without the guidance of their parents or guardians	PG
6	All other computer games	G

GLOSSARY

Term/ abbreviation	Explanation
2D	Two dimensional
3D	Three dimensional
ACMA	Australian Communications and Media Authority
ACA Scheme	Additional Content Assessor Scheme
Advertising Scheme	The Advertising of Unclassified Films and Computer Games Scheme
APS	Australian Public Service
ATSA Scheme	Authorised Television Series Assessor Scheme
BSA	<i>Broadcasting Services Act 1992</i> (Cth)
Call in	<p>The Director of the Classification Board may call in publications if he/she has reasonable grounds to believe they are submittable publications and that they are being published in an Australian state or territory</p> <p>The Director of the Classification Board may also call in films and computer games if he/she has reasonable grounds to believe they are not exempt and that they are being published in an Australian state or territory</p>
Censorship ministers	Commonwealth, state and territory ministers with responsibility for classification; meetings are held in conjunction with SCLJ
Classification Act	<i>Classification (Publications, Films and Computer Games) Act 1995</i> (Cth)
Classification Board	Statutory body established under the Classification Act. The Classification Board classifies computer games, films and certain publications
Classification Board member	A statutory appointee to the Classification Board established under the Classification Act
Classification Branch	The Classification Branch of the Attorney-General's Department. Classification Branch officers provide administrative support to the Classification Board and Classification Review Board
Classification guidelines	Guidelines on the application of the National Classification Code, approved by ministers with responsibility for classification. There are the <i>Guidelines for the Classification of Films</i> , the <i>Guidelines for the Classification of Computer Games</i> and the <i>Guidelines for the Classification of Publications</i>
Classification Review Board	Statutory body established under the Classification Act. The Classification Review Board is a part-time statutory body convened, as required, to review decisions made by the Classification Board

Term/ abbreviation	Explanation
Classification Review Board member	Statutory appointee to the Classification Review Board under the Classification Act
Classification Liaison Scheme (CLS)	A scheme that assists retailers and distributors of publications, films and computer games to comply with their legal obligations under the National Classification Scheme
Code, the	The National Classification Code
Computer games classifications	
G	General
PG	Parental guidance recommended
M	Recommended for mature audiences
MA 15+	Not suitable for people under 15. Under 15s must be accompanied by a parent or adult guardian
R 18+	Restricted to 18 years and over
RC	Refused Classification
Consumer advice	The Classification Board and Classification Review Board determine consumer advice for films, computer games and certain publications. Films classified PG, M, MA 15+, R 18+ and X 18+, and computer games classified PG, M, MA 15+ and R 18+, must be assigned consumer advice. Consumer advice gives the principal elements that contributed to the classification of the product and indicates the intensity and/or frequency of those elements. The Classification Board and the Classification Review Board may also provide consumer advice to films and computer games classified G, and publications classified Unrestricted
Convenor	Member of the Classification Review Board who is responsible for the management of the Classification Review Board's business
Customs	Australian Customs and Border Protection Service
Deputy Convenor	Member of the Classification Review Board who may exercise some of the Convenor's powers in the Convenor's absence
Deputy Director	Full-time member of the Classification Board who may exercise some of the Director's powers in the Director's absence
Determined markings	Classification symbols, descriptions and consumer advice lines, as determined by the Director as set out in the <i>Classifications (Markings for Publications) Determination 2007</i> , the <i>Classification (Markings for Films and Computer Games) Determination 2007</i> , and the <i>Classification (Markings for Certified Exempt Films and Computer Games) Determination 2007</i>
Director	Full-time member of the Classification Board responsible for the management of the Classification Board

Term/ abbreviation	Explanation
Exemptions to show an unclassified film at an event	An organisation may apply to the Director of the Classification Board for exemption from state and territory classification enforcement legislation to screen an unclassified film at an event. A person may also apply for an exemption
Exempt computer game	A computer game exempt from classification requirements as defined by section 5B of the Classification Act
Exempt film	A film exempt from classification requirements as defined by section 5B of the Classification Act
Fee waiver	The waiving of classification application fees by the Director in specific circumstances, as provided by the Classification Act
Film (including video, DVD and other media storage devices) classifications	
G	General
PG	Parental guidance recommended
M	Recommended for mature audiences
MA 15+	Not suitable for people under 15. Under 15s must be accompanied by a parent or adult guardian
R 18+	Restricted to 18 years and over
X 18+	Restricted to 18 years and over
RC	Refused Classification
FOI Act	<i>Freedom of Information Act 1982</i> (Cth)
FOI	Freedom of information
Guidelines	Legislative instruments which provide direction on the application of the National Classification Code, approved by ministers with responsibility for classification. Separate guidelines exist for the classification of films, computer games and publications
Industry assessors	<p>Persons authorised by the Director to make recommendations to the Classification Board on the classification and consumer advice for:</p> <ul style="list-style-type: none"> • computer games that are likely to be classified G, PG or M; or • additional content accompanying previously classified or exempt film/s on DVD or other media storage devices; or • certain television series released on DVD or other media storage devices. <p>There are also industry assessors who are authorised to assess the likely classification of unclassified films and/or computer games for advertising purposes</p>
National Classification Scheme	A cooperative Commonwealth, state and territory regulatory Scheme for classification of films, computer games and certain publications
National Classification Code (the Code)	A code that sets out how films, computer games and certain publications are to be classified
Prohibited Exports Regulations	<i>Customs (Prohibited Exports) Regulations 1958</i> (Cth)

Term/ abbreviation	Explanation
Prohibited Imports Regulations	<i>Customs (Prohibited Imports) Regulations 1956</i> made under section 50 of the <i>Customs Act 1901</i> (Cth); Regulation 4A relates to the importation of publications (including films and computer games and other goods)
Publications classifications	
Unrestricted	Unrestricted
Category 1 restricted	Not available to persons under 18 years
Category 2 restricted	Not available to persons under 18 years
RC	Refused Classification
Senior Classifier	Full-time senior member of the Classification Board
Serial classification declaration	A declaration issued by the Classification Board on the classification and any conditions that apply to issues of a periodical for a specified period
Standing Council on Law and Justice (SCLJ)	Committee comprising Commonwealth, state and territory ministers with responsibility for classification. In most jurisdictions this is the Attorney-General, except in the Commonwealth where the minister is the Minister for Justice.
Submittable publication	An unclassified publication that is unsuitable for a minor to see or read, and likely to cause offence to a reasonable adult to the extent that the publication should not be sold or displayed as an unrestricted publication

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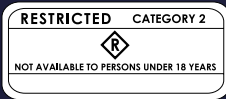
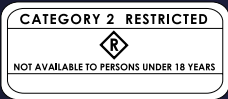
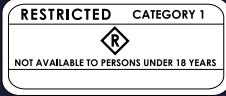
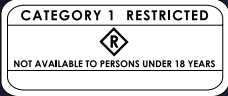
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