



Classification (Publications, Films and Computer Games) (Approval of Classification Tools) Guidelines 2014

I, Michael Keenan, Minister for Justice, make the following instrument under subsection 22CA(4) of the *Classification (Publications, Films and Computer Games) Act 1995*.

1 Name of instrument

This instrument is the *Classification (Publications, Films and Computer Games) (Approval of Classification Tools) Guidelines 2014*.

2 Commencement

This instrument commences on 1 December 2014.

3 Definitions

In this instrument:

Act means the *Classification (Publications, Films and Computer Games) Act 1995*.

Branch means the Classification Branch of the Commonwealth Attorney-General's Department.

classification tool means a tool that may be approved under section 22CA of the Act for the purposes of classifying one or more of the following (the **relevant material**):

- a) publications;
- b) films;
- c) computer games.

National Classification Database means the register, known as the National Classification Database, maintained by the Department, or any replacement register.

Note: For the definitions of **Board**, **decision** and **publish**, see section 5 of the Act.

4 Guidelines

For subsection 22CA(4) of the Act, the guidelines are as set out in the Schedule.

Michael Keenan
Minister for Justice

Dated 2014

Schedule Guidelines for the approval of classification tools

Note: See section 4

In deciding whether to approve a classification tool under subsection 22CA(1) of the Act, the Minister must have regard to the following matters:

1 Australian community standards

- (1) The classification tool's capacity to produce classifications and determine consumer advice that are broadly consistent with:
 - (a) Australian community standards; and
 - (b) classification decisions made by the Board.
- (2) The tool's capacity to produce decisions that give effect, as far as possible, to the following principles:
 - (a) adults should be able to read, hear, see and play 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.

2 Refused Classification (RC) material

The classification tool's capacity to refuse classification to relevant material that:

- (a) depicts, expresses or otherwise deals with matters of sex, drug misuse or addiction, crime, cruelty, violence or revolting or abhorrent phenomena in such a way that it offends against the standards of morality, decency and propriety generally accepted by reasonable adults to the extent that it should not be classified; or
- (b) describes or depicts 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) promotes, incites or instructs in matters of crime or violence; or
- (d) advocates the doing of a terrorist act.

3 Reputation of classification tool

- (1) The use, approval or endorsement of the classification tool by other classification bodies or industry.
- (2) The level of industry and consumer confidence in the classification tool, if known.
- (3) If the classification tool has previously been approved under subsection 22CA(1) of the Act—the history of the classification tool, including:
 - (a) the number of complaints (excluding frivolous or vexatious complaints) made to the Branch or the Board about the classification tool's decisions;
 - (b) the proportion of the classification tool's decisions that have been revoked by the Board under section 22CH of the Act;
 - (c) any industry comments, consumer feedback or media articles in relation to the classification tool's operation or decisions.
- (4) The transparency of the classification tool's decision-making processes.

4 Programming of classification tool, technical concerns and accessibility

- (1) The degree of administrative control that the Minister or the Branch may exercise over the programming or development of the classification tool.
- (2) The ability of the classification tool to be responsive to changes to the National Classification Scheme.
- (3) The capacity of the classification tool to output data that can be efficiently included in the National Classification Database.
- (4) The accessibility, reliability and ease of use of the classification tool.
- (5) The amount of any fees charged for use of the classification tool.

5 Material to be classified by the classification tool

- (1) If the relevant material that may be classified by a classification tool is not being submitted to the Board for classification—whether it is likely that the approval of the classification tool will encourage classification of that material.
- (2) If the relevant material that may be classified by a classification tool is being submitted to the Board for classification—whether there is a community expectation that the Board should continue to classify that material.