

A REVIEW OF THE CLASSIFICATION GUIDELINES FOR FILMS AND COMPUTER GAMES

ASSESSMENT OF PUBLIC SUBMISSIONS ON THE
DISCUSSION PAPER AND
DRAFT REVISED GUIDELINES

Prepared for the
Office of Film and Literature Classification



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This report was prepared by Dr Jeffrey E Brand, Co-director Bond University Centre for New Media Research and Education for consideration by Classification Ministers as part of the Review of the Classification Guidelines for Films and Computer Games. The paper does not represent the views of Classification Ministers, the Classification Board, or the Office of Film and Literature Classification.

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EXECUTIVE SUMMARY

The current review of Classification Guidelines was framed in the Discussion Paper with two particular purposes in mind:

1. To ensure that the Guidelines for the classification of films and computer games reflect current community standards, and
2. To examine issues arising from the convergence of entertainment media.

The consultant was contracted to the review to provide expert and constructive analysis of the Draft Combined Guidelines by:

- Assessing 372 submissions received from the public by the OFLC;
- Identifying matters covered in the submissions for inclusion in the Draft Revised Guidelines;
- Making suggestions for change(s) to the Draft Revised Guidelines afterwards to ensure that the proposed revisions are balanced and appropriate in reflection of submissions; and
- Providing recommendations in a written report on the Draft Revised Guidelines.

Seven constituencies were apparent from the submissions to the review including: individuals, media industry organisations, government agencies, community organisations, religious organisations, consumers of adult video content, and computer game players. Across these, community standards do not support a general decision about Classification Guidelines. Instead, they suggest that community standards need to be used in relation to particular classification issues, categories and elements.

Submissions focusing on classification categories were modest except in relation to the “R” Classification for computer games and the “X” classification for films owing to the respective petition and campaign for each. In all, 61 submissions specifically addressed the issue of changing classification categories. There is a general view that three unrestricted classifications—“G”, “G8”, “G13”—and only one legally restricted “M” category, will provide clearer advice about relative appropriateness of content for minors that is easier to understand for carers and individuals. There is strong support for an “R” Classification for computer games both in terms of quantity and quality compared with opposition to it. However, the case for the “X” classification is less clear and requires further research into national community values.

Views about combining the Guidelines in response to media convergence were divided by constituencies. Yet they made clear that the difficulties of classification in a dynamic media environment need to be addressed—if not now, then in the very near future. They also made clear that in order to achieve this, the classification environment will need to become less restrictive. It was also clear that the Draft Combined Guidelines should not be introduced in their current form for two reasons: They are too restrictive and they lack clarity.

Submissions were divided over the question of whether films and computer games should share the same classification categories. However, it was clear that individual members of the public seek clear and easily understandable categories and that the differences in categories between film and computer games (indeed those used in television as well) are confusing. Direct opposition to uniform symbols and markings was essentially non-existent. The majority of submissions, most of which were by individuals, argued that films and computer games should share one set of classification symbols and that these should contain more consumer advice about classifiable elements.



Submissions tended to be general rather than specific when they discussed matters related to the treatment of classifiable elements within the Guidelines. Violence was most frequently the existing classifiable element of concern while interactivity was most frequently the element of new concern raised in the submissions. Both of these should be monitored and assessed as part of the ongoing process of considering entertainment content and public education programs about these and other classifiable elements would help the public in its understanding of classification issues.

The main recommendations resulting from the review of submissions and the Draft Revised Guidelines are these in order of the issues presented in the Discussion Paper:

Issue 1: It is recommended that the review process proceed in developing single classification standards for films, videos, DVDs and computer games. The revised Guidelines should be clear and simple and be capable of application as far as possible to other entertainment media including new and emerging media.

Issue 2: It is recommended that the review process proceed in developing a consistent set of classification symbols and categories, incorporating adequate and informative age-related categories; certainly including the “G8” classification for film and the “R” classification for computer games and perhaps “G”, “G8” and “G13” with consideration for dropping either “M15+” or “MA 15+” so that there is only one category, legally restricted, for age 15. The result of doing so should be functional tools with which parents and carers can make decisions about content appropriate for their children.

Issue 3: The new concepts, definitions and explanations, while adding some specificity, also confuse and contradict. It is recommended that the concepts, definitions and explanations be streamlined and simplified. Subsequent education programs will be a necessary part of this process.

Issue 4: It is recommended that the standards in the Guidelines be less restrictive than those in both the Draft Revised Guidelines and the existing Guidelines. The standards should promote the classification of films and computer games in like ways and support the combination of categories and symbols.

Issue 5: To ensure the effective operation of the Guidelines in the future, it is recommended that consideration be given to the following additional matters arising from submissions in the review process. It should be noted however that most of these proposals fall outside the scope of the current review:

- The need for consumer research and consultation to ensure that classification symbols and markings are better recognised and understood;
- Subsequent to the review, further development of consumer advice to include reference to the classification elements of most concern to consumers;
- Further consultation with industry and the ABA as co-regulator towards
 - (a) more consistent classification of entertainment media in the future, and
 - (b) the development of consistent symbols and meanings across media;
- Further work to improve compliance with the classification system by industry including the retail sector and cinema operators; and
- The development of educational programs for all sectors to improve the understanding and operation of the classification system.



INTRODUCTION

The Classification Guidelines (the Guidelines) are the tool with which the Commonwealth Classification Board (the Board) applies the purpose and the spirit of the *Classification (Publications, Films and Computer Games) Act 1995* (the Act) including the National Classification Code (the Code). The Act, one may argue, is only as robust as the Code and the Guidelines allow in their application by the Board. The Guidelines, being the specific tools with which the Board makes classification decisions, are more prescriptive than the Code and thus may be more sensitive to the evolution of media forms to which they apply and prevailing community standards for which they serve. The Guidelines are also the tools with which the publication, film and computer game industries are guided in the production and distribution of content and these industries hold interest in their substance and application. They also serve as an important source of guidance for the wider Australian community as it makes decisions about consumption of media products and are used as the base tool for television classification by the ABC and SBS and through the codes administered by the Federation of Australian Commercial Television Stations (FACTS). The community, too, therefore, has purchase on the substance and application of the Guidelines. For these reasons, the Guidelines require routine revision and consideration to ensure they function well for the Board, the industry and the Australian community in general. This is the challenge before the Ministers, the Office, and the Australian people: To review the Guidelines and ensure the vitality of the spirit of the Act.

To approach this task, the current review has been framed with two particular purposes in mind:

1. To ensure that the Guidelines for the classification of films and computer games reflect current community standards, and
2. To examine issues arising from the convergence of entertainment media.

As well as the Guidelines the Board must take into account the Code and Section 11 of the Act. These read:

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.

11. The matters to be taken into account in making a decision on the classification of a publication, a film or a computer game include:

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



In the main, public submissions for the review of the Guidelines demonstrate that the classification scheme is robust and serves Australian society well; notwithstanding the fact that it has detractors who—in about equal measure—seek either less or more restrictions and it enjoys a healthy body of supporters who argue the scheme works as it should. However, this review of the Guidelines also demonstrates that for the classification of film, video, DVD and computer games, the present Guidelines for films and the present Guidelines for computer games:

- May give insufficient weight to the principle established in the Code that “adults should be able to read, hear and see what they want” in relation to other Code principles;
- Need modification to ensure they keep pace with the rapid change of media channels, particularly in relation to digital delivery in all its forms;
- Generally lack simplicity, transparency and clarity.

Additionally, the scheme itself may not adequately assist parents and caregivers of children by providing advice that is simple to understand, and that gives parents and caregivers assurance that their children will be protected from content that is inappropriate for their values and tastes.¹

Thus on the whole the scheme works well. However, the Guidelines have become more difficult to apply over time and there are matters arising from public submissions to the review that suggest other elements of the scheme, outside the Guidelines, may need examination. The present limitations of the Guidelines appear to be less a function of changes in community standards since the last review of the Guidelines, and more a result of the development and complexity of media form, content delivery and industry evolution. At the margins, then, the Guidelines clearly need reconsideration to ensure that the scheme continues to serve all the constituencies of the Australian population affected by the regulation of media content and reflects the reality that convergence has begun.

A contemporary example of such convergence can be observed in the recent release of a computer game by EA Sports: “SSX Tricky.”¹ This snowboard sports “game” published for the PlayStation2 (PS2) console by Sony Computer Entertainment, is much more than a game. It is also a filmed documentary. Upon loading the DVD into the PS2, the audience member is presented with two options: Game play and DVD content. The former is the bulk of the product, the latter is a series of lengthy full-motion video (FMV) with sound, music and a wide range of classifiable elements featuring the game designers, artists and fans who comment on the culture surrounding the game, as well as video clips of game play. Although this product is easily understood to be a computer game, it represents an early implementation of a film-game form. Indeed, many games like “Final Fantasy IX”² (a role-playing game) that feature many long sequences of FMV around the game play are often reviewed by popular game magazines as 40-hour movies.³ Further understanding of this trend is available from a prescient book by UK writer Stephen Poole.⁴

These points raise compelling questions about how (or perhaps whether) the Guidelines should be revised to account for converging media while reflecting community standards of a wide range of

¹ Classification Number: 74140265

² Classification Number: 70041363

³ See the review published by the video games e-zine “GameSpot” available online: <http://gamespot.com/gamespot/stories/reviews/0,10867,2832771,00.html>

⁴ Poole, S. (2000). *Trigger Happy: Videogames and the Entertainment Revolution*. New York: Arcade Publishing



constituencies. Consideration of these questions should be given with reflection to the strengths and weaknesses of the submissions to the review and the review thus far.

STRENGTHS OF THE SUBMISSIONS AND REVIEW

There were 372 submissions to the review, a number that far exceeds those to the previous review of film guidelines in 1996. These submissions were given from a wide cross section of the Australian population. Many individuals, particularly parents and grandparents, provided comment. Peak industry bodies submitted considered remarks. Community and religious organisations were motivated to contribute their observations to the review. One of these submissions represented over 600 individuals responding to an online petition.

In addition to their volume, the submissions contributed meaningfully to the review in their diversity of arguments as well as variety of ideas, expressive qualities and tone. Many submissions attempted to address all the issues emphasised in the discussion paper; many others focused on only one issue.

The review in general also benefits from the work *Computer Games and Australians Today* published by the OFLC in 1999.⁵ This well organised, well researched and accessibly written study is not only important in the Australian context, but contributed substantively to the world-wide literature on the social implications of computer games where the publicly available academic (if not proprietary industry) literature is scant compared with that available for other media.

The Discussion Paper proved to be a useful document, particularly in its ability to attract comment and spark debate. The document was well written, logically structured, detailed in content and widely distributed (some of the authors of submissions indicated that they obtained a copy on-line, for example).

LIMITATIONS OF THE SUBMISSIONS AND REVIEW

While the Discussion Paper was constructive for the public comment phase of the review, it is clear that the Draft Combined Guidelines contained in Appendix A of the Discussion Paper may have skewed many comments to the review. This is particularly so for a wide range of industry and community groups who articulated concern that a more restrictive milieu would evolve from adoption of the Draft Combined Guidelines.

The absence (either communicated or real) of empirical research in relation to the issues identified in the Discussion Paper may have constrained the way in which some submissions were framed. For example, the long-held concern about the impact of interactivity on behaviour is not well studied and, therefore, limits the quality of debate. The absence of an empirical, quantitative indicator of “a public standard” in relation to Classification in general and classifiable elements in particular also demonstrates a deficiency for this or any Classification Guidelines review process.

Individual submissions to the review may represent mainstream Australia, but not particularly silent groups such as Aboriginal peoples and Torres Strait Islanders and recent migrants, particularly those who do not speak English. The current review process is unlikely to capture these groups. That this concern cannot be established empirically is the point: we do not know with any degree of certainty the representation of our nation in this review. Also making the present task more cumbersome is the quality of submissions which often demonstrated a limited understanding of the classification scheme, the nature of the Guidelines and the scope of the review. For example, many submissions focused particularly on:

⁵ Durkin, K. & Aisbett, K. (1999). *Computer Games and Australians Today*. Sydney: OFLC.



- The role of the Board in classifying television programs (even though it has no such role);
- The national classification scheme, (the review is focused on the Guidelines, it is not a first principles review discussing whether there should be a censorship scheme at all in Australia);
- Enforcement of classification restrictions for MA15+ to those under 15; (an issue in relation to the Act, not the Guidelines);
- The Guidelines for the existing classification categories (such as G films containing coarse language, nudity and so on).

It is noteworthy that many submissions expressed the view that the approach of the consultation process was flawed because it did not allow for their views, then expressed in the submissions, to be heard. The consultant noted these and is hopeful that their representation in this report serves to discredit such claims that important views are not being heard.



REPORT STRUCTURE

The remainder of this report is devoted to elaborating the observations presented in this introduction. It proceeds with the methodology used to compile this report, the constituencies represented in the public submissions to the review, an evaluation of current community standards, an examination of submissions that address classification categories, a discussion of issues raised in submissions with respect to converging media, a look at community views about combining the Guidelines for films and computer games, a look at calls for greater consumer advice with determined markings and symbols, and a review of points raised about classifiable elements in the submissions. The report ends with a series of concluding recommendations.



METHODS

CONSULTANT'S ROLE

The consultant through the Centre for New Media Research and Education was contracted to the review to provide expert and constructive analysis of the Draft Combined Guidelines by:

- Assessing 372 submissions received from the public by the OFLC;
- Identifying matters covered in the submissions for inclusion in the Draft Revised Guidelines;
- Making suggestions for change(s) to the Draft Revised Guidelines afterwards to ensure that the proposed revisions are balanced and appropriate in reflection of submissions; and
- Providing recommendations in a written report on the Draft Revised Guidelines.

APPROACH

The goal of the consultant was to serve as a “fulcrum” for the views of the community as they were presented in submissions to the review. The consultant also sought to consider the Discussion Paper and the Draft Combined Guidelines in the context of community views. To achieve this, the consultant identified key constituencies, determined their composition, the nature of their concerns, their central arguments and the cogency of their arguments. In general, the consultant considered, particularly in reference to key recommendations, three key constituencies: The public, the industry, and the Classification Board. Classification Ministers were also considered, being the target audience for this report.

Thus, the generalised goal of the method was to research and prepare a report that was tightly constructed but generous in its representation of the depth and breadth of submissions to the review which filled over 2,000 pages of text. One hopes that as a result, readers of the report will have a clear sense of the public submissions and the issues they raise.

FIDELITY TO DISCUSSION PAPER AND SUBMISSIONS

The discussion paper highlighted five issues, and sub-issues, for comment by contributors to the review. It is clear upon perusal of them that very few submissions were organised by these five issues. Rather, most submissions articulated a point of view with respect to one or a few of the issues for comment. The consultant determined that the structure of this report, while presenting feedback on all issues in the review, should not adhere in structure as closely to the issues for comment as to the frequency and cogency of issues on which the Australian community chose to focus its attention.



CONSTITUENCIES

Seven constituencies are apparent from the submissions to the review. These include individuals, media industry organisations, government agencies, community organisations, religious organisations, consumers of adult video content, and computer game players. Each of these constituencies will be introduced in turn.

INDIVIDUALS (INCLUDING PARENTS AND GRANDPARENTS)

WHO THEY ARE

This group is diverse. Individuals, including many parents and grandparents constituted 53 percent (or 206) of the 372 submissions to the review. Quite a few individual submissions were by computer game players, presumably adults. Others appeared to be advancing personal views based on traditional Judeo-Christian sentiments and values. The remainder appeared to have no particular affiliate identity.

THEIR CONCERNS

The dominant themes in individuals' submissions tended to be the presence and degree of violence in films and computer games married with the limitations of the present determined markings and symbols. In other words, most submissions sought restrictive classification of violence. Additionally, many submissions described the difficulty of using the determined markings: their differences across media and their lack of specific advice in relation to classifiable elements. One third of individuals sought protection of children from harmful or disturbing material. Greater restriction of classifiable elements was often the preferred solution. For example, one third of those seeking protection of minors called for greater restriction of sex, violence, drug use and coarse language.

By comparison, the individuals who identified themselves as computer game players uniformly sought an "R" Classification for computer games. They sought generally reduced restrictions for game content, although their interest in combining the film and computer game guidelines was mixed.

THEIR MOST SALIENT ARGUMENTS

Parents and grandparents argued generally in terms of principles "b" and "c" of the Code:

- (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.*

Computer game players argued, often in specific terms quoting principle "a" of the Code:

- (a) adults should be able to read, hear and see what they want.*

COGENCY OF THEIR ARGUMENTS

Some submissions expressed extreme views across the spectrum about classification. These often evinced a strong relationship between intensity of view and lack of understanding about the Scheme, the Guidelines in particular, and the scope of the review. Indeed, submissions from individuals that expressed in determined language their desire for more restrictive guidelines appeared not to argue from the issues raised in the Discussion Paper, but from fear and misunderstanding about these issues. Be that as it may,



their core views are no less real or valid; rather, that they are less informed than they should otherwise be in an ideal circumstance. In some respects, this point of reflection provides some guidance about public information, education and advice with respect not only to Guidelines, meanings for Classifications and determined markings and symbols, but also for the Classification process.

Also problematic in the submissions is what might be called “The 11th of September Effect.” A few submissions by individuals made reference to the present climate in the wake of the terrorist attacks in the United States on 11th September 2001. For example one contributor from NSW wrote, “In this present age of violence and terrorism, you have the responsibility to classify material in such a way as to protect our youth from unnecessary exposure.” Similarly, another wrote by hand from Queensland, “I don’t approve of the violence, coarse language, drug use and sex in films and computer games. Surely there is enough violence after what happened in America on September the 11th?” To the extent that The 11th of September Effect is real, it may have contributed to excessively emotional remarks in relation particularly to violence in media content.

PRELIMINARY RECOMMENDATIONS BASED ON THIS CONSTITUENCY

Given the composition of the “individuals” group, its concerns and its arguments, the evidence does not point to greater restriction of violence as a classifiable element, but does suggest that the interests of children need to be protected by better communication with caregivers about the content of films and computer games. This recommendation, although sitting outside the immediate scope of the review, should be explored by virtue of the angst and confusion evident in so many submissions by parents and grandparents in particular. It is also apparent from the submissions that individuals who play computer games have identified the part of the code that supports their interest in the introduction of the “R” Classification for computer games and consideration should be given to introducing it.

MEDIA INDUSTRY ORGANISATIONS

WHO THEY ARE

The media industry, including peak industry bodies, contributed 15 submissions to the review. These groups included one from the computer games industry, six from film, four from television, and four from others, including the adult film industry. The list includes:

- Australasian Visual Software Distributors Association (AVSDA)
- Buena Vista International (Australia)
- Potential Films
- Screen Producers Association of Australia (SPAA)
- The Eros Foundation
- Blue Diamond Services
- Australian Independent Distributors Association (AIDA)
- AXIS (A division of Adultshop.com Ltd.)
- SBS Corporation
- Federation of Commercial Television Stations (FACTS)
- Australian Broadcasting Corporation (ABC)
- Australian Subscription Television and Radio Association (ASTRA)
- Australian Recording Industry Association (ARIA)
- Australian Computer Society (SA)
- IT Council for South Australia



THEIR CONCERNS

In the main, the industry is seeking stability in the Guidelines over time and reliability of their application. They want technical application and precision in the Guidelines so they are able to predict the classification a film, video, DVD or computer game will attract while they are planning and producing the product. Most want no change in the Guidelines. One industry group argued that the review seemed superfluous in light of the Community Assessment Panels (CAPS) research. Underlying their resistance is their concern that the Guidelines will be tightened, leading to a more restrictive environment.

THEIR MOST SALIENT ARGUMENTS

The industry referred to its own studies and OFLC reports indicating that the Guidelines reflect community standards. For example, Potential Films wrote:

The general consensus from all Theatrical Film distributors point of view is that there is no evidence to support change to the guidelines. The reality is that complaints regarding theatrical releases are relatively low, and it is our view that both the film industry and public appear to be satisfied with the way the current guidelines are being applied.”

COGENCY OF THEIR ARGUMENTS

It appears that industry conservatism is centered around their reaction to the Discussion Paper and the Draft Combined Guidelines which, on the face of it presented the appearance of a more restrictive position by the OFLC in relation to the classification of films. Moreover, the focus of industry submissions is heavily one-sided in relation to community standards and it neglects matters of media convergence usually by making reference to this issue only in passing and only in relation to existing differences in forms rather than potential future blending of forms. In particular, it is apparent from the industry submissions that the film industry fears the present review may deliver application of the Guidelines for computer games, generally viewed to be more restrictive, to films. The submission by Buena Vista International, essentially states this: “In addition to the issue of the ‘convergence of entertainment media’, the reality is that a much more restrictive and harsh classification system for film will result from the proposed changes.” If this is the basis of their concerns, it is an unfortunate, and perhaps an unintentional function of the Discussion Paper and the Draft Combined Guidelines. On this basis, their arguments should be viewed with sympathy, yet skepticism.

PRELIMINARY RECOMMENDATIONS BASED ON THIS CONSTITUENCY

The industry is clearly concerned that a more complicated and restrictive environment will result from the Draft Combined Guidelines. These concerns exist for peak bodies whose market knowledge and depth of experience with producing entertainment content needs to be accounted for in any review of the Guidelines. The industry should be engaged on the matter of convergence and the review of the Guidelines should be continued into a “second round.” This process should produce what every constituency needs: Revised Classification Guidelines that are more simple, more transparent and more clear than the present Guidelines.

GOVERNMENT AGENCIES

WHO THEY ARE

Seven submissions came from government offices or agencies. Three of these represent either the regulation, finance or production elements of the Australian broadcast and film industries in which the



Commonwealth or state and territory governments are involved. Government agencies submitting to the review included:

- Australian Broadcasting Authority (ABA)
- Australian Film Finance Corporation (FFC)
- Department for Women (NSW)
- Screensound Australia
- The Australian Children's Television Foundation
- Tobacco Control and Drugs Prevention Strategies Group (Commonwealth Department of Health and Aged Care)
- Victorian Community Council Against Violence (Victorian Justice Portfolio)

THEIR CONCERNS

Government agencies are concerned with the efficacy of the legislation and with the duty of the government to classify prudently in the face of a rapidly changing media landscape. They tend to sit on both sides of the fence in terms of support for the Draft Combined Guidelines, but generally reject a move toward more restrictive Guidelines; although two agencies sought greater restrictions of classifiable elements related to their agency research or function.

THEIR MOST SALIENT ARGUMENTS

Agencies generally in favour of the Draft Combined Guidelines cite the increased precision of terms, language and fit with other areas of legislation. The ABA submission, quoted on page 36 of this report, is representative of the focus on legislative precision.

However, those who are critical of the proposed Guidelines argue that they are unworkable, too prescriptive and harmful to diversity. The Australian Film Finance Corporation is representative of the critical group:

...the FFC is opposed to a uniform set of classification guidelines for films and computer games because ... The effect of introducing combined guidelines would be a tightening of the current guidelines for film classification. This has the potential to reduce the diversity of programs watched by Australian audiences and the creative freedom of Australian filmmakers.

COGENCY OF THEIR ARGUMENTS

Government agency submissions tended to be compact, precisely written and tightly argued. They tended to cite evidence in support of their points. Their focus on the workability of different elements of the Draft Revised Guidelines such as level of detail, application of concepts and their definitions, intersections with other legislation and so on are highly valuable to the review. Concerns about restrictive tendencies of the Draft Revised Guidelines were well argued as well.

PRELIMINARY RECOMMENDATIONS BASED ON THIS CONSTITUENCY

The technical contributions of the government agency submissions point to a "second round" of drafting and consultation for the review process. In particular, the Guidelines need to be more carefully crafted for precision and detail, while simultaneously being less prescriptive and providing for a less restrictive classification environment.



COMMUNITY ORGANISATIONS

WHO THEY ARE

Community organisations contributed 13 submissions to the review. These organisations included:

- Arts Law Centre of Australia
- Australian Council on Smoking and Health
- Australian Library and Information Association
- Communications Law Centre
- Electronic Frontiers Australia Inc. (EFA)
- Federation of Parents and Citizens Associations of New South Wales (P&C Federation)
- Freedom International
- National Viewers and Listeners Association of Australia
- RSPCA Australia
- South Australian Liberal Party – Hallett Cove / Sheidow Park Branch
- The Film Critics Circle of Australia (FCCA)
- Watch on Censorship Inc.
- Young Media Australia (YMA)

THEIR CONCERNS

This constituency varies considerably from one organisation to another. This makes unifying them for the purpose of this analysis particularly vulnerable to failure. Nevertheless, weighing the collection of submissions by these organisations, their concerns generally fall into two classes which also divide the submissions into two groups. In the one group are libertarians or free speech organisations concerned that the freedom of adults' access to entertainment is protected. In the other group are the social responsibility organisations concerned that youth are well served by the Guidelines and, more broadly, that enforcement of restrictions has teeth.⁶

THEIR MOST SALIENT ARGUMENTS

Libertarian organisations like Watch on Censorship, Freedom International, Electronic Frontiers Australia and the Communications Law Centre particularly addressed adults' right to read, hear and see what they want.

Social Responsibility organisations like Young Media Australia, South Australian Liberal Party (Hallett Cove / Sheidow Park Branch), and the P&C Federation specifically highlighted the need to protect children from material likely to harm or disturb them.

COGENCY OF THEIR ARGUMENTS

The quality of these submissions varied widely. However, they tended toward lengthy, but well researched and supported documents that contribute meaningfully to the review. Both the libertarian and social responsibility groups tended to present support for their point of view in greater volume. Both groups tended also to acknowledge the arguments of others against their point of view and then dismiss

⁶ For a coherent examination of political theories of the media from which the author borrows these notions of libertarian and social responsibility, see Nordenstreng K. (1997). Beyond the four theories of the press. In J. Servaes and R. Lie (Eds), *Media and Politics in Transition*. Leuven: Acco.



these. The social responsibility organisations tended to exceed the traditional restrictiveness argued by social responsibility theorists.

PRELIMINARY RECOMMENDATIONS BASED ON THIS CONSTITUENCY

The concerns of the libertarian group indicates the Draft Combined Guidelines require further consideration to ensure they are not more restrictive than the present guidelines for films. The concern of the social responsibility group advocates care to ensure that revised Guidelines are cautious to protect minors. Outside the Guidelines, mechanisms for education and control access to restricted material for minors need to be explored.

RELIGIOUS ORGANISATIONS

WHO THEY ARE

Eleven submissions came from religious organisations. It is compelling that the entire body of these submissions represent Christian organisations. These included:

- Australian Catholic Bishops Conference (Bishops' Committee for the Media)
- Australian Christian Lobby
- Baptist Churches of Tasmania
- Catholic Women's League Australia Inc.
- Christian Reformed Churches of Australia
- Festival of Light (South Australia)
- NSW Council of Churches
- Revesby Presbyterian Church
- Salt Shakers Inc.
- Society of Traditional Catholics
- The Woman's Christian Temperance Union

THEIR CONCERNS

This group represents the most conservative of the constituencies submitting to the review and, as such, generally seeks a more restrictive environment for the classification of content. They evince particular concern for specific classifiable elements such as blasphemy. Six specifically requested the introduction of more restrictions on coarse language; two supported greater restriction of sex and one greater restriction on drug use. Five opposed an R classification for computer games, four specified opposition to the X classification for film.

THEIR MOST SALIENT ARGUMENTS

Uniformly, religious organisations cite the relationship between media content and moral decay, human dignity and the sanctity of the family. Mainly they attend to particular classifiable elements primarily to protect children from harm. Most suggested or hinted at the need for fundamental changes to the scheme. For example, the Festival of Light ministry wrote:

The first principle of the National Classification Code, adults should be able to read, hear and see what they want, needs qualification. No reasonable adult believes that all adults should have this unfettered right, and neither do the Commonwealth or State governments – since child pornography and other perversions are refused classification.



Similarly, the Australian Catholic Bishops Conference submitted:

All censorship is a failure of sorts, attending to the fact that some producers in the name of free speech and in pursuit of financial benefit will make and distribute material that has graphic representations of violence, sex, nudity, drug taking and other material that debases humanity. The right to free speech and access to material chosen by a reasonable adult must be weighed up against the protection or promotion of human dignity (even that of the adult viewing the material) and the common good.

COGENCY OF THEIR ARGUMENTS

Religious groups uniformly advanced arguments consistent with principles of Christian morality. In doing so they often explored matters beyond the scope of the review. For example, changing the first principle of the Code. To argue this point, the Festival of Light ministry noted the limitation of libertarianism advanced by John Stuart Mill in *On Liberty*. They highlighted Mill's paternalism in his reference to the exercise of power over dangerous or debilitated adults to suggest there are necessary limitations to using Mill's argument for free speech.

PRELIMINARY RECOMMENDATIONS BASED ON THIS CONSTITUENCY

Although Christian organisations believe the Scheme should be made more restrictive generally, this task is outside the scope of the review. Thus, their call for more restrictive Guidelines particularly in relation to classifiable elements, should be explored as part of the ongoing review process.

CONSUMERS OF ADULT VIDEO CONTENT (ONE LETTER-WRITING CAMPAIGN)

WHO THEY ARE

Nearly 120 form letters came from a campaign of consumers of adult video content. Most of these submissions were made using a photocopied form letter, although a small number were reproduced in an e-mail or re-written submission. Some of the signatures were not legible although many did indeed present both a signature and printed name and some a telephone number and/or address. Most, but certainly not all of these were signed by males although the mix of submissions ranges from single signatures of individuals to those of couples, to those of representatives of the adult retail industry. Where discernable, state or territory of the sender was assessed to determine geographic representation. Many come from New South Wales and Victoria, however many were sent from Western Australia, Queensland, the Northern Territory and Tasmania.

In addition to the letter campaign, more detailed submissions were made by industry organisations, most notable among them the Eros Foundation. These were well documented and organised.

THEIR CONCERNS

Consumers of adult video content and the adult industry want repeal of the restrictions introduced on 18 September 2000 for films with an X classification. In general, they call for relaxation of the Guidelines to allow for representations of sexual behaviour that may be practiced legally by consenting adults. Specifically, the points of the letter were:

- The removal of sexual practices from the X category is at odds with the legality of these practices;
- Consumers of adult products support the removal of violence and degradation to men and women in adult films;



- Fetish Sex should be reinstated to the X category; and
- Non-violent adult video games and interactive DVDs be given a distinct classification category.

THEIR MOST SALIENT ARGUMENTS

This constituency is distressed over what it perceives is an absence of credible assessment of community standards. It also argues that the increased restrictions within the “X” classification passed as an amendment to the Code and Guidelines in 2000, make illegal in video representation what is legal in practice. The form letter stated:

I remain concerned that in developing these guidelines, neither the OFLC or the State and Commonwealth Attorney-Generals [sic] investigated or researched what a reasonable adult, who enjoy [sic] non-violent erotica consume [sic].

The removal of several categories [of sexual acts] that were formerly permissible in the X classification....are [sic] at odds with the legality of these practices in real life.

The Eros Foundation submitted., “We reject the present guidelines as being out of step with community attitudes on the depictions of explicit sex and adult erotica.” As evidence of this claim, the Eros Foundation claimed that 95 percent of the adult erotica market is grey, referring “to the sale and manufacture of adult erotica that differs in its legal status depending on jurisdiction,” or black, referring to “material that is not classified and would be refused classification if it were submitted to the OFLC.” In essence, the Eros Foundation argues that the restrictions introduced in 2000 for the “X” Classification go beyond the intent of the Act and the Code.

COGENCY OF THEIR ARGUMENTS

Notwithstanding the problems of expression in the letter campaign, the argument that consumers of adult erotica and sexual content are (a) restricted from viewing otherwise legally practiced consensual sexual behaviour and (b) therefore likely to source material through grey and black markets is persuasive, particularly given the growing role of online delivery of media content generally and the apparent size of the adult video market. The Eros Foundation submission provides empirical research including a national survey by AXIS of 2,837 adults who are consumers of adult videos to give weight to its arguments.

PRELIMINARY RECOMMENDATIONS BASED ON THIS CONSTITUENCY

This constituency appears to be a sizeable one that is clearly motivated to convey the legitimacy of its values and tastes. Their views suggest that the Draft Revised Guidelines in relation to the “X” Classification need to be reconsidered to ensure that they are faithful to the first principle of the Code.

COMPUTER GAME PLAYERS (ONE PETITION)

WHO THEY ARE

An online campaign entitled, “Campaign for the Introduction of an R (Restricted/18+) Category for Computer Games in Australia” with more than 637 unverified signatures informs one submission in the form of a petition spearheaded by an individual who built a Web site for this purpose:

<http://www.PetitionOnline.com/ozgamers>.



Signatories to the petition, with only a few exceptions claimed to be adults, in a few instances were identified with video game developers, publishers and distributors, and in a few cases were lodged from the United States, Canada, the United Kingdom and other countries. Thus, this group appears to be comprised mostly of Australian adults.

THEIR CONCERNS

Computer game players seek an “R” Classification for computer games. They also seek combined Classification Guidelines so that computer games are classified consistent with films. Underlying their concerns is that many games produced for the Australian market are “watered down” to attract a market-sustaining classification. The petition begins:

We, the undersigned, consider the current Office of Film and Literature Classification (OFLC) guidelines for the classification of computer games to be inconsistent with community standards. Like many Australians, and indeed many individuals the world over, we view the first principle set out in the National Classification Code - which states that "adults should be able to read, see and hear what they want" - as a fundamental civil right. Therefore, we wholeheartedly support proposed reforms that would subject computer games to the same classification criteria as films. Furthermore, we demand that any necessary amendments be made to the Classification Act so as to facilitate the introduction of an R (Restricted 18+) category for computer games.

As adults, we wish to dispel the widespread misconception that only children play computer games, and draw the Honourable Ministers' attention to research statistics which prove that a substantial percentage of Australians who play computer games are over the age of 18.

THEIR MOST SALIENT ARGUMENTS

Computer Game players advance two arguments: (1) The first principle of the Code should be represented in the Classification Guidelines for computer games in the way that it is for films; and (2) it is increasingly the case that the majority of computer game players are adults. Other arguments advanced by this group are that a black market is created for games that are not available legally in Australia, and that games are a form of expression and are worthy of unaltered exhibition. The players also refer to the availability of computer games online where they are not routinely caught by the classification scheme.

COGENCY OF THEIR ARGUMENTS

Adult computer game players are focused in response to this review. This constituency did not address other aspects of the Discussion Paper or the Draft Combined Guidelines. The group did not provide empirical evidence of claims (such as the average age of game players), however it did allow open-ended comments from its signatories. Indeed, comments written along with the digitally submitted names ranged from insightful to glib. For example, a 32-year-old Victorian wrote: “As an adult, I am quite capable of determining what I find offensive.” Similarly, a 21 year old Victorian wrote: “Supporting my right as an adult to play any game I want, for I feel mature enough to know where simulation ends and reality begins.” A glib and succinct 18-year-old from Queensland wrote: “Please. And thank you.”

PRELIMINARY RECOMMENDATIONS BASED ON THIS CONSTITUENCY

The singularity of its focus, the clarity of its arguments and its attempt to present the views of its membership suggests that the adult computer game playing constituency is emerging with sophistication.



Their views suggest that the Draft Revised Guidelines in relation to the “R” Classification for computer games need to ensure that they are faithful to the first principle of the Code.



COMMUNITY STANDARDS IN GENERAL

Community standards may best be understood in reference to the Code which requires that classification decisions ... “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.” It is also invoked by Section 11 of the Act, “The matters to be taken into account in making a decision on the classification of a publication, a film or a computer game include: (a) the standards of morality, decency and propriety generally accepted by reasonable adults.”

However, it may be most accurate to represent that there does not exist a single community standard, but rather a range of standards depending on the particular sub-community one considers. It is likely that the general community standard is not represented in the public submissions to the review on the basis that methodologically, a volunteer selection for a sample is limited by the motivation extant in the contributors. The most engaged and motivated parties will be compelled to respond to calls for public comment. Having noted this, one gets the sense that in the approximately 2,000 pages of submission material that the breadth and diversity, of community views has been observed. What one may question is the quantity of one view in relation to an opposing view.

Moreover, standards clearly vary according to subject matter. There appears, for example, more concern about violence than for nudity; there was more expressed concern among the submissions about the Guidelines in relation to “R” and “X” (which are, after all, restricted) than about the Guidelines in relation to G, G8, PG, and M combined (which are not restricted and apply to most content and, therefore, perhaps ought to be the focus of most debate).

COMMUNITY STANDARDS CONVEYED IN SUBMISSIONS

The best way to assess the apparent prevailing community standard across Australia from the 372 submissions to this review is to assess other substantive sections of this report. For example, standards in relation to classification categories are explored from page 23 of this report. They suggest a community standard tolerant of a less restrictive environment, particularly for some classification categories. Similarly, standards on classifiable elements including violence, sex, nudity, drug use, and coarse language are examined in detail from page 43 of this report. In general, these and other elements of the submissions suggests that the community standard does not favour a particularly restrictive approach to classification. Indeed, views expressed in the submissions ranged from requests that there be no classification of entertainment content to requests for all violence and sexual references to be excluded from all entertainment media. Clearly neither extreme presents a workable approach, particularly in light of the Code.

Unfortunately, many submissions demonstrate limited understanding about the scope of the review. Many individuals and religious organisations expressed their views in extreme terms. Moreover, some of the submissions calling for more restrictions came from persons who did not appear to be regular consumers of the entertainment products about which they wrote.

Concern about whether community standards require a more restrictive classification environment was raised in a number of submissions. The Communications Law Centre, for example, wrote:

Statistics included in the Appendix to the Discussion Paper document complaints to the OFLC in the three years from 1996/97 to 1999-2000. These figures show a total of only 277 complaints relating to all aspects of classification of cinema releases and video releases. There appears to be no basis for further restrictions, and no justification for the view that the scheme currently administered by the OFLC is failing in this respect.



By way of comparison, research by the ABA on the concerns of television viewers suggests that an overly narrow approach to classification of issues like sex and nudity is out of step with contemporary community attitudes. The ABA established a national representative sample of viewers and asked them to nominate issues of offence or concern about content on free-to-air television. The responses indicate that sex scenes and coarse language were each of concern to only 5% of the population.

Other organisations have argued that community standards could not be assessed adequately in the time provided. The Festival of Light Ministry complained about time for response over capacity of respondents::

The issue this time is particularly complex, and many members of the public have contacted us to say that they have found the Discussion Paper long and confusing. It has been hard or impossible for them to make a detailed response.

Before providing with its submission a detailed assessment of the standards of its constituents, The Eros Foundation wrote that it:

Rejects the current methodology [emphasis theirs] employed by the OFLC in gauging community standards on the basis that it is [bullet points] unrepresentative, empirically flawed, biased, devoid of any investigation into the adult consumers, inconsistent.

PRELIMINARY RECOMMENDATIONS ON THE BASIS OF COMMUNITY STANDARDS

No decision in relation to this review of Classification Guidelines can be defensibly followed from a generalised view of community standards. Rather, decisions in the review will be most convincing when they are determined specifically in relation to the community standard for the particular classification issue, category or element under consideration.



CLASSIFICATION CATEGORIES

Attention in the public submissions to both the existing Guidelines and Draft Combined Guidelines with particular focus on the classification categories was modest in general. This was particularly the case for all existing and proposed categories with the exception of the “R” Classification for computer games and the “X” classification for films owing to the respective petition and campaign for each. In all, 61 submissions specifically addressed the issue of changing classification categories.

AN AGE-BASED SYSTEM

Over half (34) of the submissions proposing changes to the classification categories, supported age-based classifications on the basis that doing so would give greater guidance to viewers on program content and suitability. Seven expressly opposed doing so primarily on the basis that maturity often varies within age groups.

SUPPORT FOR AN AGE-BASED SYSTEM

Individuals informed two-thirds of those supporting an age-based approach. For example, a New South Wales submission suggested without detail:

The classifications I suggest are:- “C” for young children; “G” for general viewing; “PG8+” for children over 8 years; “PG12+” for children over 12 years; “PG15+” for children over 15 years; “M18+” for adults over 18 years; “R18+” legally restricted to adults over 18 years.

A South Australian mother of two children wrote:

I think it would be a good idea to replace the current PG rating to G8+ for games and films. The PG rating is ambiguous and unhelpful. The only way for a parent to assess a PG film is to view the whole film without the child and then decide if they will return with the child. This is unreasonable and impractical. A G8+ rating gives a clear indication that the film or game is not considered appropriate for a child under 8.

Young Media Australia highlighted the system used in the Netherlands which divides classification into four groups of children: up to age 7, between 7 and 12, between 12 and 16, then 16 and over. The basis of that system is established developmental psychology bands and factors such as the distinction between fantasy and reality.

YMA believes that an age based system which indicated broadly which age groups of children would be likely to cope with the film without harm or disturbance, would be much more understandable to parents.

They proposed the classifications “G”, “G8”, “G13”, “MA15+” (Restricted) and “R18+” (Restricted) with the removal of “PG” and “M” for being confusing to parents and caregivers. Other organisations suggested an age-based approach would reduce confusion. For example, the ABA wrote:

The ABA supports a move to an age-based approach to classification categories as a means of providing greater guidance to viewers on program content and suitability, particularly if it is combined with systematic provision of consumer advice for all categories above G. ...In the ABA’s experience, some television viewers do not fully understand the G or PG (particularly PG) classifications, and are not aware of the parental role envisaged by the PG classification.



REJECTION OF AN AGE-BASED SYSTEM

The industry (in the main) did not support an age-based system on the basis that the maturity of young people at a particular age can be so varied. For example, AVSDA wrote: “We question the usefulness of a narrowly age-based ratings, as the maturity of young people at a particular age can be so varied.” ASTRA applied a more difficult test:

...In particular this makes it difficult to further divide the G classification and determine the watershed at which material is suitable for or not suitable for a child of a particular age. ...As the discussion paper suggests parents are likely to be in a much stronger position to assess whether the content is suitable for their child.

We must also remember that, although there are particular legal restrictions on access to certain classifications, the system as a whole is essentially consumer advice.

The P&C Federation rejected the US and UK approaches to classification by age categories:

The use of an aged-based model of classification is not preferable as it is based in a developmental model that may not be appropriate for all children. The assumption on the part of parents and children, in the case that an age based model be implemented may encourage the idea that classification categories are universal rather than contingent on the needs of the consumer.

NEW CLASSIFICATION: C

Twenty-nine submissions from across the constituencies submitting to the review supported the proposed category “C” for children. Most of these came from individuals. Industry and government groups were more likely to oppose a “C” classification and to prefer the existing categories. This was true for different reasons, depending on the industry or government group. For example, the ABA argued that the “C” classification for television is used to indicate particular programming features (such as the designing such programs specifically for young audiences) which would be confusing for audiences when they attempted to compare the television content with that of film. In the case of film, the “C” classification would not necessarily indicate that the product was specifically “designed for” young children, rather that the content was “suitable” for young children.

Representing the subscription television industry, ASTRA, claimed that the film classification system was:

...designed to deliver consumer advice, not to make judgments about the artistic quality of the content or its entertainment value. Consequently films or programs of vastly different artistic merit attract the same classification.

The fact that some parents consider that the G classification is an indication that all G classified material will be enjoyed by children is not an argument to change the classification system so that it imports elements of a quality/entertainment value rating system. Rather, it is an argument for improvement in the communication of the meanings behind the classification categories.

However, it is clear that parents struggle with the present classification categories, no matter how they are communicated. Indeed, if the television industry group’s argument is explored in relation to individual, particularly parent submissions, one finds that the present categories fail to communicate readily to parents. In other words, they are not intuitive as this comment from one mother’s e-mail submission demonstrates:



...there should be a children's "C" category as I have recently been let down by the current film classifications...I took my 6 year old daughter along to see the only "G" rated movie in the October school holidays, namely 'The Princess Diaries'. I was appalled and disgusted at the level of sexual references in the language and the acts of the teenagers in the movie...

Another parent wrote by hand from Victoria:

...when a video is "G" it's not always suitable for all children, and as an extremely busy parent I can't possibly preview all the "G" videos to see what's suitable for my little boys. I am a responsible parent but would really appreciate a further sub-division of the "G" classification.

G CLASSIFICATION

Few submissions made detailed comments on the current Guidelines with respect to the "G" classification. The great majority of those submissions that did so for current Guidelines with respect to "G" did not go on to provide detailed comment on the Draft Combined Guidelines. It is difficult to determine whether the Draft Combined Guidelines meet the concerns expressed in those submissions.

Among individuals, interest in restricting sex, violence, drug use and coarse language for the protection of minors was often expressed in relation to the "G" classification. Few Community or industry groups addressed this issue. Twenty-eight submissions, then, called for greater restriction of classifiable elements for the "G" classification. Of these, 75 percent sought greater restriction on language, half asked for more restriction on sex and about one third sought greater restriction of violence, nudity and drug use for "G". A submission from a Western Australian couple argued:

It should be obvious that if some people are offended by a particular programme, then the programme cannot be truthfully classified as "G", which is supposed to mean General Exhibition. The "G" classification should offend nobody. [Emphasis theirs.]

G8 CLASSIFICATION

Twenty-five submissions directly addressed the "G8" Classification. Of these 12 supported it for both film and computer games while four opposed this classification in general. Nine called for more restrictions of classifiable elements for "G8". Many of the submissions unfortunately stated their position without providing an argument to support it. However, one submission that explained their support for G8 in both films and computer games, "'G' for ages 0 to 14 is far too diverse and should be divided to cater for varying interests, abilities, understandings, attitudes." A parent from New South Wales agreed, "A G8+ category and a C category are a very good idea as the Guidelines assist parents like myself to make a judgment about the video/game on offer."

Industry was mixed in its support, but SPAA wrote, "Notwithstanding the varying development levels of children, the addition of a G8 Category would help Parents make choices for their children." Some support for G8 was qualified. For example, the Catholic Women's League wrote:

We agree with the consistent set of symbols and categories with an age based approach but one which is understandable. ... Could mean young children up through 7 years, G8+ eight years and older, so an extra category C would not be needed. ... The Inclusion of "Drug Use" in G8+ (Computer Games only) is unacceptable.

PG CLASSIFICATION

"PG" attracted little direct comment. Seventeen submissions called for greater restriction of classifiable elements at "PG". Ten of these supported greater restriction of coarse language, seven of sex



and five of drug use. Only one submission expressly supported less restriction. Contributions are reflected by this passage from a hand-written submission by an individual in Victoria who collected five additional signatures:

...we as parents, and concerned citizens, do not believe that the current classifications in place adequately protect our children and teens from harmful material that is pervading our society today. Tighter restrictions on violence, sex, and course [sic] language in G, PG, and M areas of films and specially [sic] violence in computer games need to be addressed.

M CLASSIFICATION

Ten submissions called for greater restrictions of classifiable elements at “M”. Two submissions from individuals specifically supported less restriction. A hand-written submission from New South Wales in favour of greater restriction at “M” was typical:

As a very concerned Australian, mother of 6 – ranging in age from 25 to 7 years ...I don't think youth aged between 15 & 18 years, especially boys should be allowed to legally view some of the films rated M15+, MA15+. At this age many youth are more open to persuasion and illicit use/sex etc., as they are often in a very aggressive, anti-establishment and experimental mood.

However, sentiment for less restriction was expressed in a submission from Victoria in these terms:

The M classification guidelines are not an accurate reflection of community views, and in particular the views of the age group that this category primarily effects [sic] – the 15-18 year olds. ...Restricting coarse language to the degree indicated under this [sic] guidelines should inhibit the depiction of people whose everyday language involves of [sic] a high level of coarse language. The guideline should be “if the coarse language depicted is a reasonably accurate reflection of the way that type of person would normally speak then it may be used.”

MA CLASSIFICATION

Ten submissions sought greater restrictions of classifiable elements at “MA.”. Eleven more asked for removal of this classification for computer games. An individual from Queensland wrote about MA “The movements of sexual intercourse should be classified R.”

Demonstrating the 11th of September Effect in relation to computer games, a South Australian grandmother of 11 children wrote, “We don't need any more trained terrorists in the world. So, MA, R and X-rated computergames & DVDs should never be released, but always banned!”

AN “R” CLASSIFICATION FOR COMPUTER GAMES

The question of whether there should be an “R” classification for computer games drew a large response. The greatest volume was in the form of a petition by game players. In addition to these, just over 90 submissions (24 percent of the total) addressed this issue. The timing of this review coincides with a controversial and benchmark decision by the Board and the Review Board to refuse classification in mid-December 2001 to a computer game entitled, *Grand Theft Auto (GTA) 3*. Given the consequent public reaction to the “RC” classification for this title, one could argue with certain merit that had the decision to refuse classification for *GTA3* been determined before the close of submissions to the review on 31st October, the volume of submissions to the review in general would have been substantially larger. Given the attention to this issue in the submission and the *GTA3* decisions, perhaps more evidentiary material informs this section than others.



OPPOSING AN R CLASSIFICATION FOR COMPUTER GAMES

Forty-two of 51 submissions opposing an “R” classification for computer games were received from individuals. Six religious organisations opposed the “R” classification, as did three community groups. Notable among the community groups were the Victorian Community Council Against Violence (VCCAC) which focused its submission on the matter, and Young Media Australia (YMA).

A hand-written submission from a New South Wales resident argued in its entirety:

I wish to request that the Classification Act be not amended to allow for X or R rated computer games, as changes would be a further source of grave scandal to the community – especially the vulnerable children!

Another from Sydney said:

I strongly object to the introduction of ‘R’ rated video games into Australia. I have five young children and, given the potential effect it will have on Australian children, I ask the government to act responsibly and assist parents through appropriate guidelines classification.

The Festival of Light Ministry (South Australia) wrote:

Our own informal surveys of primary school-aged children show that many have watched R and MA rated films; almost all have watched M films. If R and MA [sic] computer games were to be legally sold or hired, they would inevitably fall into the hands of many children, potentially damaging them and others.

Similarly The Presbyterian Women’s Association of Australia in New South Wales wrote obliquely:

There should certainly not be an R classification. There is nothing to “update” since 1994. ...An MA category should satisfy any “adult”. There is no need for games to exceed the described MA(15+) category. The law should be changed and the (15+) removed from the games classification and be simply MA. This would allow the adults to feel they were not being treated as children. The levels allowed in the MA (15+) rating are not in the best interests of 15 year olds and those under 18 years would be better without them.

Young Media Australia is a community organisation that has been vocal about media violence for many years. Its submission expressed two main concerns about the proposal for an “R” Classification for computer games: (1) that children will gain access to a more extreme category of material; and (2) that the interactive nature of computer games is harmful to children.

Clearly YMA’s first point, while a good one, bears less upon classification per se than enforcement—a matter they address at some length in their detailed submission. Their second point may be problematic given that little evidence exists to suggest interactivity, per se is a source of greater media effect. Clearly many interactive games, in fact, present children with greater prosocial learning benefits than traditional linear approaches. To be fair, many individual submissions also carried the banner to suggest that interactivity is by definition more likely to cause harm.

The Victorian Community Council Against Violence (VCCAV) expressed concerns similar to those stated by YMA, however its argument differs. The VCCAV does not support the introduction of an “R” classification for computer games on the basis that the restriction of adults’ use of computer games is to the wider benefit of children and those who wish to limit the availability of violent and sexually explicit



material in circulation in the community. The VCCAV is also concerned that if an “R” classification is introduced, games attracting this classification would become more widely accessible by children.

The VCCAV’s case, however, presents a pernicious problem. One could extend their argument in relation to computer games to one about films. If generally, the VCCAV is concerned about the general harm of violence in one medium, surely they would admit their argument applies to other media in the absence of clearly demonstrated qualifications. Moreover, if their argument is that violent media content, consumed by adults leads to violence against children, surely it is conditional upon other factors and does not apply generally to the community at large. If this is so, and violent media do not generally cause adult violence on children, then we must return to the spirit of the Act.

SUPPORTING AN “R” CLASSIFICATION FOR COMPUTER GAMES

Considerable volume was created in the body of submissions supporting an “R” classification by the online petition of 637 individuals. In addition to these, 41 independent submissions supported an “R” classification for computer games. These included community organisations, religious organisations and industry bodies.

Submissions in favour of an “R” classification mainly reasoned that the current system assumes children, not adults, play computer games. Indeed, many individual submissions that were independent of the online petition appeared to come from adults who play computer games such as this one by e-mail:

As an adult gamer, I am very concerned about the absence of an adult only rating. I appreciate, and agree that certain content in computer games should be restricted to minors [sic] ... computer games are moving faster and faster towards a legitimate form of mass media ... and should be regulated accordingly.

Compellingly, a content creator identified as “Forager” submitted an e-mail to the review. Forager claimed:

...I make content including multimedia, film, and games. I consider myself a convergence artist, as I have the multiskills needed to design and create all manner of content based upon digitised resources of one shape or another.

I have written prototypes of a few different “computer games”, ... after gaining skills, I managed to write a really potentially fun “computer game”, ... Suddenly I was as an artist captured by the building of this thing, this R-rated cheap trashy five minute, briefly thrilling, game. A game perfectly suited for adults with a sense of humour, but definitely not a product one would imagine young Johnny having access to. ... I would have loved to have released it, however, I checked out the laws that apply to “computer games” and decided that if I personally as a responsible creator wanted to release my prototype game to the world, I would prefer it go out rated R.

I wanted an R rating because some art that is made, by artists, may not really be suitable for young people, I think the artists should be able to explore all avenues in order to make interesting works for the public, but it should be possible to classify fully “Computer Games” and other digital materials, so that product that has been made for “grown ups” can actually be released.

My cheap nasty prototype, would have made me money, and probably a fair amount, should I have been able to release it in a manner and with the classification, it deserved, however, since such a classification did not exist, this program remains un-published.



Another individual wrote by e-mail:

I am writing to express my views with regards to current proposals to ban interactive games containing medium to high level violence. I can understand the reasons behind this, obviously it is not responsible to allow minors to play such games due to the psychological impact they may cause on impressionable minds. I would suggest however that if a [sic] adult Australian wishes to spend approximately a hundred dollars on a game they should be able to do so. As such I would suggest that rather than banning such games R and MA ratings should be placed on these games and enforced so that selling them to minors would be illegal. Perhaps a license of some sort could be created for those wishing to sell such games.

In closing as an avid fan of computer games, some of them being of a violent nature, I would be disappointed to see them taken away from the entire population.

Similarly, a 24-year-old from Queensland wrote in the petition:

...many of the games you are supposedly targeting, everything from Quake to StarCraft, are NOT designed for children, but adults. If children do get to play these games on their home computer, surely it is the fault of the parents, whose legal responsibility it is to watch and take care of them, not the government and classification bodies.

The AVSDA noted that research by Sony Computer Entertainment shows that the average age of its game players is 22 years and that one third of its players are aged 30 or over. Although the consultant has seen similar figures for other manufacturers and distributors published by the industry, it is unfortunate the AVSDA did not provide the location and publication details of the research they cited.

AVSDA dismissed the argument that an “R” Classification for computer games would place children at risk on the basis that “adults should be able to read, hear and see what they want.” One may argue however that these are independent matters and the one principle does not negate the other principle. Although the Code provides for adult liberties, it also clearly seeks to protect minors from harm. AVSDA’s argument may better have been framed in terms of the mechanisms of care that could be exercised to allow for adult liberties while achieving reliable protection of minors. Indirectly, it did so by articulating support for better education about the classification scheme to dissipate concerns about material attracting an “R” classification.

More persuasively, the EFA wrote:

The current system is clearly outmoded and was apparently based on fear of new technologies rather than evidence that the system was warranted. Australia is the only country of those studied that has such a highly restrictive system for computer game classification, that is, with an upper limit at the MA15+ level. Other countries have long recognized that it is not only “children” who are consumers of such material and that the classification system needs to accommodate the entire spectrum of users in the community.

The Communications Law Centre argued that adults have the capacity to choose and should have the right to access “R” games:

Accordingly, we regard as overly paternalistic the presumption that adults who seek out such material are not able to make their own judgements. As with X rated videos, such material is not available on an unsolicited basis and is therefore not likely to offend those sections of the community who would not wish to use it.



It is notable that by virtue of their call for more restrictions on some content, the Australian Catholic Bishops Conference also supported the “R” classification for computer games:

Some computer games and interactive programmes on the Internet contain disturbing and shocking material. If a film contained similar material it would attract a restricted classification. While cinema media is a public entertainment forum and DVDs, computer games, are essentially private, it is desirable to have a consistency that is transparent for consumers, particularly parents of young and maturing children. Notwithstanding our encouragement to do more [to limit the availability of harmful material through the Internet to children] anything the guidelines can do to limit access through points of sale and rental must be enacted.

Some parents also advanced the ACBC’s argument.

It is an interesting aside that the majority of individual submissions opposed to an “R” classification for computer games were hand-written while nearly all those who supported an “R” for computer games were type-written and e-mailed. The point in raising this is not to disparage either group but to demonstrate the variability in culture between them.

X CLASSIFICATION

The “X” Classification drew considerable comment both for and against. Of the 152 submissions supporting the “X” Classification for film, 116 were in the form of standard letters produced by a campaign centered in the adult film and sex industry. The “X” classification was also mentioned in reference to computer games in six supporting submissions. Twenty submissions opposed the “X” classification generally and of these 18 expressed opposition to the category for computer games.

OPPOSING THE “X” CLASSIFICATION

The main argument used in submissions opposing the “X” classification is that of harm. In particular, opponents to the “X” believe that adult sexual content debases individuals and leads to violent offences. For example, an e-mail submission from Victoria by an individual representing the Endeavour Forum argued:

We believe that the RC (Refused Classification - ie banned) category should be expanded to include all films currently rated X. Such films demean women and men, and have been linked with an increase in rape and incest in recent decades.

A hand-written submission from a male in South Australia included the passage:

The X classified films etc. should be destroyed and that means the A.C.T. and Northern Territory will have to cease providing such videos, in fact there will not be any available. This should render most of the perverts of our society less of a menace.

A submission in series of bullet points included these (bullets removed for space):

Pornography is degrading and dehumanising. Pornography destroys kids’ innocence, and is even more harmful to adults. The viewer of pornography loses respect for people, who are presented as mere ‘objects’; and is de-sensitised to people being portrayed in a demeaning manner, deprived of their dignity. Pornography makes people think of sex only as pleasure, removed from marital love, and it encourages unnatural fantasy, often leading to fornication, etc.



In addition to the individual submissions, some organisations also were represented in opposition to the “X” classification. The Christian Democratic Party wrote:

There is no justification for the X category. There is no evidence that films and videos of high-level gratuitous explicit sex acts are genuinely helpful to singles or couples. Films of a genuine sex education nature are able to convey important information without the titillating explicit simulations now shown on X videos, and could be rated R if they comply with the pro-social and restrained limits recommended for this category. There is evidence (documented, for example, in Vol 1, Chapter 13 of the Report of the Federal Parliamentary Joint Select Committee on Video Material) that so-called "non-violent erotica" can stimulate violence against and exploitation of women.

SUPPORTING THE “X” CLASSIFICATION

The arguments most commonly used in submissions supporting the “X” classification were consistent with the first principle of the Code and with arguments that non-violent sexual portrayals of a wide variety represent the complex tapestry of human sexuality as it is practiced. The form letter campaign arguments are discussed on page 17 of this report and will not be repeated here. Instead, supporting submissions from other individuals and groups will be presented.

A visual artist (who provided his CV) from the ACT wrote:

I am unable to see any rational reason for this curtailment of my freedom. I accept and understand that my personal code of conduct must be such that I do not injure or force my will on others [sic] members of society.

From New South Wales, an e-mail submission included:

... the current guidelines are ludicrously at variance with the legislative intention of censoring articles offensive to a reasonable adult. In particular, it appears that any and all forms of sexual bondage are prohibited. Judging by the paraphernalia [sic] available in sex shops, mild forms of bondage are an increasingly popular form of real-life sexual expression. Furthermore, its frequent depiction on television and in art galleries does not seem to produce many howls of outrage. I cannot speak for the average adult, but to be offensive to me, a bondage scene would have to be accompanied by severe violence, such as cutting or branding.

A detailed individual submission from New South Wales suggested that the “X” classification was necessary for both films and computergames to circumvent the black market: “What is unfortunate when anything potentially R or X is not legally available, it will be mixed with highly offensive materials, such as child pornography and bestiality, on the black market.

Perhaps the most emotional plea in support of the “X” classification came from a 47-year-old male in New South Wales who, because of a genetic illness has been on disability support and unable to work or engage in physical activity for nearly a decade. He wrote by hand, “I have been purchasing X Rated videos since 1987...I may be an invalid but I am still a sexual being and being restricted to autoerotism [sic] I use adult videos for stimulation.”

An individual writing on behalf of the Rationalist Association of New South Wales wrote in support of the “X” classification:

We also agree that it is desirable in this communications age to standardise classification in the various states and territories, and to apply the more liberal X classification beyond Canberra and the Northern



Territory. We do however note an anomaly whereby 16- and 17-year-olds are unable to see depictions of sexual activities that at least in some states and territories they can legally engage in themselves.

Taken together, there appears remarkable difference between and remarkable consistency within the views of opponents and proponents of the “X” Classification. The opponents clearly cite harm to individuals and society, the proponents suggest benefits while citing the first principle of the Code.

PRELIMINARY RECOMMENDATIONS FOR CLASSIFICATION CATEGORIES

Considering the range of issues raised across the categories and the sentiments weighed in the public submissions, the following recommendations are offered:

The suggestion (by YMA) of three G classifications–“G”, “G8”, “G13” and only one “M” category, namely “MA15+” (Restricted), strikes a middle-line for clearer and easier to understand advice for carers and individuals about relative appropriateness of content for minors. It avoids conflict with the present broadcast system, and it assists in the integration of films and computer games guidelines either now or in the future. It also solves some of the confusion identified with the PG and M. classifications. Moreover, this proposal responds to concerns in the community about restricting material to older consumers.

There is strong support for an “R” Classification for computer games both in terms of quantity and quality compared with opposition to it; as such this classification should be introduced with restriction to those aged 18 years or older. Matters of enforcement are important but should be separately addressed outside the review process.

The case for the “X” classification is less clear. Both proponents and opponents of “X” offered a wide range of submissions of varying depth and reason. The case for more research on national community values with respect to adult video content was made persuasively and should be considered for inclusion in the ongoing review process.



Community views appeared to be divided over combining the Guidelines in response to the convergence of entertainment media. These views tended to differ depending on the constituency. For example, the film and television industry submissions were critical of the proposal to combine the classification Guidelines on the assumption that media are converging. ASTRA, for example wrote:

There are sufficient differences between the methods of delivery and the means of consumption for films, television and computer games to warrant the continuation of the present system where the uniform approach is modulated to take account of these differences.

ASTRA also disputed that community demand supports a single classification standard.

As noted on page 13 of this report, without further consultation with industry it is hard to determine whether this is a genuine view (particularly given that every sector of the industry is faced with practical problems of convergence) or whether this is a view being expressed on the basis of fear that the direction of the review is to impose more restrictive computer game guidelines on films.

Problematically, very few submissions demonstrated an appreciation for the effect of merging technologies on the classification process. Two submissions that did comment on the practical effect of media convergence on classification processes in detail were the ABA and AVSDA.

The ABA, for example, cited the co-regulatory scheme administered by the ABA to classify online content and extended their views in this context to other media like computer games:

Schedule Five of the Act currently governs the regulation of online material and, as some computer games can be played online, they fall within the scope of the online scheme.

The current online scheme permits material that would be classified R18+ under the OFLC's film guidelines to be made available as long as there is a system in place to limit access to persons 18 years of age and over. As a result, were an R18+ Classification for computer games to be adopted, this change could be accommodated within the current online scheme system without the need for legislative amendment.

Having justified combining the Guidelines for film and computer games and calling for the use of consistent classification symbols and categories earlier in their submission AVSDA wrote:

There is some concern about how the OFLC determines whether a product is a game or an interactive film. This has significant implications for the cost of classification of the product. With the convergence of media these decisions are obviously becoming more difficult and can appear to be arbitrary. We would therefore strongly support a move to a similar system for film product of trained company assessors which currently applies for games. This system has been highly successful both in streamlining the classification process for the OFLC and enabling the distributors to most effectively manage their businesses.

The EFA argued:

In the near future, it may be necessary to consider whether the term "computer game" is still appropriate in today's world. Perhaps the term "digital entertainment media" might be a more appropriate and wider term to describe the full range of material that is currently described as computer games.



In the process of considering converging media, it is inevitable that we may examine the inclusion of media other than films, videos, DVDs and computer games. Very few submissions, however, addressed this point. Fourteen advanced the view that music should be subjected to classification. Typical of these submissions is this one from an individual by e-mail:

I would also like to see classification on lyrics of songs as they are a very destructive influence on people. Numbers of songs make illegal activities sound the best way to go eg [sic] illicit drug taking, murder, rape should be put into the RC classification as should songs promoting suicide as a viable option etc.

ARIA, the music industry body, was not surprisingly opposed to applying film guidelines to music. The relevance of the ARIA submission is clearly in the realm of the inclusion of multimedia content on consumer audio CDs – so called “Visually Enhanced CDs” – and music videos:

Whilst it is apparent that there is potential for significant growth in the market for visually enhanced material, risks remain due to the current classification mechanisms. Music industry participants believe that a more efficient system that recognises the nature of the industry is necessary to enable further product development and expansion. These initiatives are essential to satisfy consumer demand for the many new products made available by technological advances.

Online media also attracted a few comments that can be considered in the context of converging media. Of course, this matter is already addressed to some extent in the co-regulatory regime that exists between the ABA and the OFLC. The IT Council for South Australia (representing 12 IT associations in SA) wrote:

The IT Council believes that it is impossible for the States or Commonwealth to regulate and control the Internet in a global context. International treaties are the appropriate means of establishing a legal regime that will operate effectively. One of the more successful of these treaties is the Convention on the Rights of the Child that is used to protect children from exploitation including child pornography.

In particular, the IT Council opposed classification of online products and content noting the breadth of the term “On line”:

... “on line” content is NOT entertainment media. “On line” content is used world wide for many business applications including sales, marketing, public relations etc.”

PRELIMINARY RECOMMENDATIONS ABOUT CONVERGING MEDIA

It is important that the difficulties of classification in a dynamic media environment are addressed. The range of comments with respect to convergence suggest that if not now, then in the very near future the Guidelines for media forms will need to be combined. Importantly, the fear of many who submitted comments to this review appears to be that the practice will result in a more restrictive environment. This should not be the case by default. Therefore, ensuring that the classification environment is less restrictive during the progress to account for converging media, should be a priority of the Ministers.



COMBINING THE CLASSIFICATION GUIDELINES

A wide range of opinion is found in the submissions about whether the Draft Combined Guidelines should be introduced at all, but there seemed widespread agreement that the Draft Guidelines should not be introduced in their current form. The overriding sentiment of the submissions addressing the Draft Combined Guidelines was that they lacked clarity. Many comments on the concepts in the draft suggested impenetrability, contradiction and confusion. The overwhelming majority of submissions—notably represented by those of community organisations and the industry, adult video content campaigners and petitioners for an “R” classification for computer games—indicate that the Draft Combined Guidelines are too restrictive.

In some cases, public comment drew alternative approaches and ideas, but these did not tend toward consistency across those submissions. Moreover, very few of the submissions in which comment addressed the Draft Combined Guidelines provided detailed analysis. Indeed, many submissions—particularly those by individuals—tended to state simply whether they supported or opposed the Draft Combined Guidelines without further comment.

CRITICS

Industry organisations who were critical of the Draft Combined Guidelines were: Arts Law Centre of Australia, SBS, FACTS, ABC, ASTRA, FCCA, Buena Vista International (Australia), Potential Films, FFC, ARIA and SPAA. Many other organisations were generally critical of the Draft Combined Guidelines including the Communications Law Centre, the EFA, Watch on Censorship.

Critics of the Draft Combined Guidelines most frequently were concerned about the clarity of the Guidelines and the applications of terms and concepts. Comparatively, television classifiers and FACTS were critical of the Guidelines on the ground that they are more restrictive and difficult to understand. The EFA is typical of both groups in its submission:

The guidelines are becoming increasingly prescriptive, complex and driven by fine distinctions in the definitions and meanings of words. EFA considers this is an alarming trend that is moving away from the fundamental purpose of the classification system.

EFA is of the view that the guidelines need to be made simpler rather than more complex. We note that the guidelines used by other countries are far simpler than the existing Australian system.

Similarly, the Communications Law Centre argued:

If combining the guidelines would result in any further limitations on the content currently available to adults, then the desire for consistency should take second place to the rights to freedom of speech and artistic expression.

SBS stated that the Draft Combined Guidelines are convoluted, far too long, and are more conservative than prevailing community standards:

These guidelines are much longer and more prescriptive and serve to complicate rather than simplify the practice of classification. Lists of qualifiers have been added to most classification elements at every level, and a number of new elements have been included without, it would appear, sufficient consideration of the upward pressure on classification decisions.



Drafting is particularly problematic and reading the guidelines in conjunction with the glossary reveals undesirable complexity, overlap, internal inconsistency and contradiction, and frequently mandates the conferring of conservative ratings inappropriate to the nature and content of the film.

For the OFLC the glossary is intended simply as an assistance to readers' understanding of the guidelines. It fails even in that process. For SBS and the ABC, however, it is an integral part of the regulatory process and plays a pivotal role in the ABA's adjudication of code breaches. It is vital that the conjunction of the glossary and the guidelines produces sensible outcomes.

Similarly, individuals and community groups were concerned that the language in the Draft Revised Guidelines is vague. A submission from the Rationalist Association of New South Wales concluded:

... libertarians are alert to the appearance of "offensive". Sometimes this is an unsatisfactory alternative to "obscene": unsatisfactory because, though "obscene" can be highly subjective in common parlance, over the years it has acquired definitions in both common and statute law. "Offensive", however, has no such limitations. ... As to offending sections of the adult community, practically nothing is immune from censure.

The ABC wrote:

The attempt to merge various media into a single set of guidelines is confusing, inappropriately detailed and does not adequately address the impact of each medium.

SPAA's submission called for consultation:

SPAA would like to consult further with the OFLC over the new standards. A number of members are very concerned that while the new guidelines give very detailed standards for making classification choices and may make the decision-making process clearer, these detailed standards make the decision-making prescriptive, and less open to the judgment of the Board.

They also wrote earlier in their submission:

SPAA believes the OFLC fulfils its function when it is supplying the public with clear and easily-understandable classification guidelines. There is a strong view within SPAA that the film industry is capable of self-regulation in the manner of classification.

PROponents

Organisations tending toward general support of the Draft Combined Guidelines included Department for Women, NSW Council of Churches, Victorian Community Council Against Violence, ABA, AVSDA and the Australian Catholic Bishops Conference. The ABA, for example, wrote:

The ABA supports the increase in detailed explanation, the increase in information / guidance provided under each classification element, and notes that the new classification concepts, definitions and explanations make the assumptions used by classifiers more explicit. In the ABA's view, this is likely to promote more consistent classification decisions (with a flow on benefit to consumers).

The Australian Catholic Bishops Conference argued in favour of a uniform approach on the basis that consumers would be better informed:



We note the growing convergence between DVDs and computer games and that the line between all audiovisual media is blurring. For the sake of easier consumer identification, consistent recognition, understanding of the categories and their meanings and easier administration we support this proposition.

However, in addition to rejecting differential ACT and Northern Territory approaches to material with an “X” Classification and rejecting any delays in creating unified national standards in deference to overseas developments, the ACBC also argued:

We believe this new national approach needs to have more categories, be more descriptive of the material and have, as an essential part of its strategy, an ongoing community education programme about its content and meaning.

The Discussion Paper for the review stated that convergence of media forms necessitates reconsideration of the separate Guidelines. This point is addressed only modestly by the submissions. Moreover, submissions tend to avoid demonstrating the inconsistencies between the existing distinct Guidelines for films and computer games. These inconsistencies also demonstrate the limitations of the present approach. In the main, an important limitation of the present Guidelines for films appears to be that they are too complex. By comparison, a limitation of the present Guidelines for computer games appears to be that they are too lean.

Problematically, the Draft Combined Guidelines are clearly an attempt to marry the two distinct Guidelines mechanistically, rather than conceptually. As a result, the Draft Combined Guidelines appear to have caused confusion about concepts and fear about restrictiveness.

COMBINING THE CLASSIFICATION CATEGORIES

Submissions were divided over the question of whether films and computer games should share the same classification categories. Of the 56 submissions that specifically addressed the issue, 33 were in favour of convergence of categories while 22 were not. Almost two-thirds of those in favour of the convergence of categories were individuals. This suggests that individual members of the public are seeking clear and easily understandable categories and that the differences in categories between film and computer games (indeed those used in television as well) are confusing. Unfortunately, many of these submissions did not comment specifically on the Draft Combined Guidelines. Even so, that many individuals are seeking simplicity and clarity in symbols and categories may suggest that they would better engage with and understand the classification system if the Guidelines were combined.

SUPPORTING THE CONVERGENCE OF CLASSIFICATION CATEGORIES

“Video games distributors believe that there is no logic to retaining a different approach in classifying the same content in a game differently to that in a film,” wrote AVSDA, which represents most distributors of computer games (such as Disney Interactive, Electronic Arts, Microsoft, Nintendo, Ozisoft, Sony Computer Entertainment and others) argued that the increasing sophistication of the graphics used in games means that they are becoming more detailed and cinematic in feel and visual quality. Thus, AVSDA supported the same classification categories and specifically supported a move to the film categories on the basis that there is better public understanding of those categories compared with the markings used for computer games:

Arguments canvassed in the discussion paper opposing a uniform approach refer to community familiarity with the current ratings scheme. Our own research shows that there is less familiarity with the games ratings system than for the film ratings. Additionally, the increasing sophistication of the



graphics used in games means that they are becoming more detailed and cinematic in feel and visual quality.

Games distributors believe that the classification categories should be the same for all products. The use of different classification category names for different products is needlessly confusing and hinders the public's understanding of the system.

The ABA also supported the convergence of classification categories and placed particular focus on two points in which the review perhaps should place merit. The first point the ABA argues is that it may not be appropriate or necessary for all categories to be used in all media. The second point is that by using the same symbols and categories, there should be a reduction in the level of confusion for consumers:

...the ABA would support a single, consistent set of classification symbols and categories, while not mandating that all categories would necessarily apply to all media (for example, the scheme for Internet content only covers R18+, X and RC). As with consistency across all classification guidelines, the consistent use of symbols and categories would reduce the potential for misunderstanding by consumers.

The ABA also noted, however that confusion may arise if the combined Guidelines are introduced, for example, the "C" category because under the Broadcasting Services Act 1992, "C" television programs are made specifically for children and meet a series of other standards that reflect production requirements, not classification standards and, as such, would introduce confusion about the meaning of the classification.

In some cases, support for converged classification was conditional. Uniformly, the condition was that classification NOT become more restrictive. For example, the Communications Law Centre wrote:

It is only desirable to develop a single consistent set of symbols and categories if this can be achieved without imposing any further limitations on freedom of expression.

It is entirely appropriate that the community is provided with a classification scheme that gives guidance to parents and carers of children; it is not, however, appropriate for those guidelines to evolve to the point where the state intervenes to deny adults access to a range of films, programs, games and publications.

OPPOSING THE CONVERGENCE OF CLASSIFICATION CATEGORIES

Opposition to the convergence of classification categories came from FACTS, ABC, ASTRA, SPAA, The Film Critics Association of Australia, Buena Vista International (Australia), the Australian Computer Society (South Australia Branch), Watch on Censorship, and the Australian Film Finance Corporation. Many of these groups were concerned at the apparent restrictions which might result from convergence of categories. This appears to be a result of the content of the Draft Combined Guidelines and a presumption that the more restrictive computer games classification standards would be applied to films.

Buena Vista International commented that films and computer games should be classified separately because they have different and unique characteristics. How these bear on classifiable elements at the heart of the classification process was not articulated. They argued, "Films with their elements of themes, narrative, character, music, technological aspects and many other factors, are much more complex in nature and impact than computer games." However, it is clear the author of the Buena Vista International submission is unaware of game content and common academic and popular discourse on games. The submission included this response to the discussion paper suggestion that "the boundary between films and computer games is not as clear as it used to be. Does this warrant new combined guidelines for both media?":



We do not believe so and in our view Computer games and movies are completely different in almost all respects. Apart from their mode of delivery, there are issues relating to engagement with the audience and with the interaction with the consumer. ...Games are often characterised as entertainment media with little social value and devoid of any ideological content.

Perhaps a more compelling argument against combined classification Guidelines, the Australian Film Finance Corporation argued that the theatrical screening of films compared with the individual play experience with games is an argument against comparing the two. On this point many agree. Although both films and computer games share many content characteristics and tend to experiment with adopting elements common to their counterparts, films continue to provide content for spectators while games have always provided content for players. Importantly, however, the FFC argument neglects DVD exhibition and the attempt to make film titles more “interactive.” Of some value to this discussion might be an exploration of the proportion of the audience that views films in cinemas versus viewing them on video or DVD playback devices in their homes.

ASTRA, focusing on its concern about different levels of restriction between films and television wrote:

There is already a robust national framework for the classification of audio-visual content which allows for the differences in the nature of the audience, the methods of delivery and the context of consumption to be accounted for by appropriate modifications to the relevant guideline or criteria.

This does not appear to be creating significant confusion in the community. On the other hand, a single system might create confusion if it required either television to meet the slightly more liberal standards applied for films or for films to become more restrictive in some of their depictions to be consistent with television.

However, on the point of whether interactive products such as DVDs, computer games and online content should be classified the same way as cinema films and video tapes, ASTRA wrote:

The research conducted for the OFLC suggests that there are some strong arguments to liberalise the more restrictive classification applied to computer games, so that if it is available, adults could access the same level of material they can with film and video.

ASTRA, FFC and Buena Vista International curiously advanced arguments that demonstrated little or no evaluation of the convergence of media forms and, importantly the growing delivery of content over digital networks. The ABA, by comparison provided evidence of the impact of media convergence. The ABA claims that in its experience with the classification of online material, as administrator of the co-regulatory scheme for Internet content under Schedule 5 of the Broadcasting Services Act 1992, it finds difficulty using Film Guidelines for the Classification of online textual material. However, the ABA supports a single set of classification Guidelines.

In opposing the convergence of categories the industry falls back on the apparent success of the system to date (rather than in the future). However, their fall back position is expressed in terms of community standards, not in terms of media convergence. The FFC submitted:

As reported in Appendix F of the Discussion Paper, the Classification Board has undertaken research, through the use of Community Assessment Panels, to test views on the classifiable elements of violence, drug use, adult themes, sex and coarse language. The research shows that the Classification Board's decisions – based on the current film guidelines – can be considered to represent community standards. This is a highly significant endorsement for maintaining the current guidelines.



Similarly, Buena Vista International wrote:

The General consensus from all Theatrical Film distributors point of view is that there is no evidence to support change to the guidelines. The reality is that complaints regarding theatrical releases are relatively low, and it is our view that both the Film industry and the public appear to be satisfied with the way the current guidelines are being applied.

With regard to the issue of “convergent media”, we are unaware of any significant new evidence that would indicate that substantial changes to the Code are required or would address any problems in a more satisfactory manner.

UNIFORM CLASSIFICATION SYMBOLS AND MARKINGS

Direct opposition to uniform symbols and markings was essentially non-existent. The majority of submissions, most of which were by individuals, addressing the proposal that films and computer games should have the same classification symbols agreed that one set of symbols should be applied. Importantly, industry submissions which were opposed to combining the classification categories nevertheless agreed that a common set of symbols would be helpful. Among the organisations supporting the use of the same symbols for films and computer games were: Arts Law Centre, Australian Library and Information Association (ALIA), ABC, P&C Federation (NSW), ABA, EFA, Screensound Australia, and AVSDA.

The Australian Catholic Bishops Conference argued in favour of uniform symbols and markings by highlighting:

The principle of Informed Consent makes explicit the contract between the producer, distributor, OFLC and the consumer/spectator. It holds that the consumer has every right to expect the OFLC to give them as much information as possible so that he or she can make an informed decision about viewing a film, video, DVD or computer game.

While in general we welcome some of the developments in regard to consistent and more developed censorship categories contained in this review, we argue that even more can be done to alert the consumer/spectator to what he or she may be choosing to watch. ... Four values underpin the Principle of Informed Consent:

- *The value of openness and transparency on the part of the censor;*
- *A duty of care to the spectator;*
- *Censorship decisions are made in the light of the virtue of charity that attends to motivation: why are we classifying this film in this way? what are we saying or not saying about it in the classification we are giving it?*
- *The consumer makes his or her decision in the light of the virtue of prudence: looking to make the best decision in the short term (what I see/hear/play right now) with an eye to the longer-term ramifications (what impact will this have on me and society later?)*

They also cogently represented what so many submissions from individuals and organisations argued:

Parents are at the vanguard of decisions taken in regard to the guidelines. Any assistance the guidelines can give them in terms of being stronger, clearer, more descriptive and consistent in the symbols and categories, the better. Parents need support in their task of protecting their children from material they judge to be harmful.



This view is repeated across constituencies and presents the strongest indication of a community standard about classification: It should be clear and simple. To achieve this outcome a single, consistent set of classification symbols and categories is desirable. This is achievable in the first instance with films and computer games. The ABA's recommendations and those of ASTRA make clear that the system applied by the films and computer games symbols and categories will necessarily be at variance to those used in broadcast.

CONSUMER ADVICE

The ABA provided considered support for improving consumer advice through better information in markings and labels and through a consistent, uniform national approach to classification:

The ABA supports the move towards a uniform national approach to the classification of entertainment media. The ABA is of the view that a consistent approach to the classification of broadcast and online material is most likely to provide consumers with the advice they need to make informed choices about viewing requirements for themselves and for those in their care.

For similar reasons, the ABA also supports a single set of classification symbols and the wide use of consumer advice notices. The ABA is of the view that a uniform national approach to classification and to classification symbols will avoid inconsistency and confusion and will promote better consumer choice.

ALIA echoed the ABA's main point:

A single meaning for each classification category will assist consumer understanding and would make it much easier for consumers to make decision on the suitability of material for minors.

Board members have commented that: "Consumer advice alerts viewers to the presence and strength of classifiable elements. The consumer advice system is a guide, particularly to parents, of how often, how intensely and in what sort of context, a particular classifiable element occurs. Although there is no specific research on this area, there are indications that the public want more, not less consumer advice."

The P&C Federation wrote, "Placing responsibility in the hands of the consumer and expanding the system of consumer advice warnings is a better way to deal with alerting the consumer to the content of a film, computer game or multimedia product."



PRELIMINARY RECOMMENDATIONS ON COMBINING GUIDELINES, CATEGORIES AND SYMBOLS

Working backward from symbols to guidelines may be useful. It is clear that uniform symbols and markings are supported, indeed promoted, by most members of most constituencies. These should contain more advice about classifiable elements than they do at present. A single, consistent set of classification symbols will make understanding the categories and guidelines much easier for consumers. Given this “logic” of symbol convergence, there are some in the community (but not all) who also believe that behind the symbols should be consistent classification categories for all media. To achieve this consistent guidelines are required. While the present Draft Combined Guidelines are clearly too complex and unworkable, the review process should progress with the aim of combining the Guidelines, categories and symbols; however, the result should NOT be a more restrictive classification environment.



CLASSIFIABLE ELEMENTS

Given the number of classifiable elements that submissions could address combined with the number of submissions to the review, one might conclude that nearly every view would receive considerable treatment. This is not so. Submissions tended to be general rather than specific in their focus on classifiable elements and the aspects of the elements to which attention should be paid. For example, one submission from individuals who gave no return address contained in its entirety:

We do not consider that the current classification guidelines are adequate enough to protect our children and teenagers from material shown in films and computer games. We would appreciate it if all sex, coarse language, drug use and violence was removed completely from the material that is under your authority. Thank you for noting our request.

Certain classifiable elements, particularly violence, attracted large numbers of comment. The degree of restriction proposed, in general, for classifiable elements was determined by group. Individual submissions tended toward increased restrictions while industry, campaign and petition submissions called for relaxed restrictions.

EXISTING ELEMENTS

VIOLENCE

Seventy-nine individual submissions were received in which violence was discussed as a classifiable element. Of these 68 percent supported greater restriction or opposed it in films and computer games altogether. It was rare when a submission defined or elaborated on the meaning of violence or, distinguished between types of violence. Indeed, violence was often generalised and grouped with other classifiable elements. An email from a father and grandfather in SA demonstrates the point:

I am appalled at the amount of sex, nudity, offensive language, and violence that is now in films, television, videos and video games. It is so hard to see a film or hire a video which as a father I can sit comfortable [sic] with children and grandchildren.

Many concerns about violence were focused on its classification in content classified “G”. For example, an email from a couple in SA included, “We have been upset about too much swearing, sex or [sic] violence in films, videos and computer games. ... There should be a clear, logical age scale such as: G: all ages; no ‘adult’ themes.” Another individual making reference to “G” was from a SA submission, hand-written:

After reading what is allowed in the various classifications I am absolutely appalled. Why are violence, sex, bad language and nudity allowed? They are not necessary, films can be made without them. Even the G classification is at the extreme for a full [sic] adult audience.

A lengthy submission by a couple in Western Australia argued,

...one would expect that if a film has a “G” classification, then it would have nothing offensive in the way of sex, violence, swearing etc., and would be perfectly suitable for the whole family to watch. This, unfortunately, is not the case. Nor is it true that nobody minds if a bit of “offensive” material is in these programmes.

An interesting contribution to this element of the review was that by the Campaign by consumers of adult video content. In the standard letter, the signatories endorsed:



The amount of violence that is allowed and encouraged to be shown in mainstream films and on television and in computer games however is horrific and disturbing. These are areas that need to be reviewed desperately, not the well regulated and tightly controlled adult industry.

Community group submissions attempted to make a link between media violence and violent behaviour. Although individuals were more inclined than community groups, for example, to state that violent media caused violent behaviour two groups made violence the cornerstone of their submission:

Young Media Australia's (YMA) submission was primarily concerned with the effect of media violence. YMA argued against the use of the Durkin and Aisbett study commissioned by the OFLC and instead offered a lengthy appendix containing empirical studies and references to other studies to support their arguments. Another example of attempting to demonstrate the link between violence in media content and violence and aggression in society was the submission by the Victorian Community Council Against Violence. "The VCCAV supports any changes [to the Guidelines] which have the potential to reduce levels of violence and the fear of such violence in the community." In particular, the VCCAV "...does not support the introduction of an R rating for computer games on the basis that the restriction of adults' use of computer games is to the wider benefit of children and those who wish to limit the availability of violent and sexually explicit material in circulation in the community." The VCCAV used a review of the literature, non-scientific surveys and interviews to make their arguments.

SEX

The viewers of adult video content supported less regulation of sex in adult films but rejected sexual violence. Forty-two of 46 submissions calling for greater restrictions on sex were by individuals. They typically included sex along with reference to other classifiable elements. Reflective of their tone is these comments, the first from Melbourne the second from Queensland:

As [sic] the last few years many Movies on TV are very much Sex oriented as well it seems coarse Language seems to be very natural. Those Movies should be left in their country of origin – mainly USA and Asia [sic].

I would like to say that I don't think any film or computer game needs to contain any filthy language, sex or nudity scenes, violence or drug use. In my opinion it's letting people think that this is acceptable in our society. Whatever happened to common decency and family values?

NUDITY

Only six submissions, all by individuals, expressly supported greater restriction of nudity; another individual expressly opposed nudity in particularly in film. Generally, as with the other classifiable elements about which public commented, nudity was listed along with others in a series without specific attention to particular dimensions or contexts of its use. The comments of the SA father and grandfather under violence above stand as an example of submissions in which the classifiable element of nudity was mentioned.

DRUG USE

Twenty-eight submissions called for greater restrictions in classifying drug use or allowing depictions of drug use; of these, 25 were by individuals. As with other comments about classifiable elements from individuals, those in relation to drug use tended to include drugs in a list, rather than to speak directly about that element. This comment from a couple in Western Australia is typical: "We wish to express our



concern at the increasing exposure of the public to sex, coarse language, drug use and violence in films and computer games.”

Three submissions were received by government agencies or community groups in relation to tobacco and two groups specifically addressed alcohol in the context of drug use. For example, The Tobacco Control and Drug Prevention Strategies Group was among the three submissions in this area not from individuals. “The Drug Strategy and Population Health Social Marketing Branch is keen to ensure that the Classification Guidelines for Films and Computer Games adequately address [sic] issues related to the portrayal of drug use, both licit and illicit...” The submission addressed Tobacco and Alcohol exclusively. It concluded for each in turn:

...the branch is concerned that the draft guidelines for films and computer games do not specifically cover the issue of smoking or tobacco use or include measures to reduce the exposure of the public, particularly children and young people, to such portrayal of smoking ... tobacco products would not be covered by [the definition of ‘Drugs’] in the glossary of terms

There is concern that the draft classification guidelines for films and computer games aimed at youth audiences do not specifically make reference to high-risk alcohol use. Further, the definition for ‘drugs’ is not inclusive of alcohol and should be expanded to include alcohol.

This group wants the definition of “drug” to reflect the National Drug Strategic Framework definition by including “any substance that produces a psychoactive effect, including alcohol, tobacco, pharmaceutical drugs and illicit drugs.”

The Australian Council on Smoking and Health (ACOSH) extends the discussion by arguing that tobacco use in films should not be harmful, gratuitous or excessive and proposed that there be a specific mention of tobacco use at each of the classification levels. It also suggests, “where tobacco is used in a film it will attract a higher classification.”

Resistance to the Draft Revised Guidelines’ focus on drug use to include “the inappropriate use of substances that damage health or are legally restrictable to adults” was received from one industry and one community organisation. The industry submission from Potential Films, objected:

It would be quite absurd for vintage films perhaps submitted for video classification for the first time, to receive much higher ratings than originally purely because characters of decades ago smoke or drink in a less aware manner than their contemporary counterparts.

The Film Critics Circle of Australia placed a wider context on its concern about classification in relation to smoking and alcohol use:

We are completely opposed to conscripting film, video and computer games as health education tools. We would point out that a huge proportion of the film heritage would have to be bowdlerised, or access to it restricted, to remove references to smoking for example. Can you imagine Groucho Marx without his cigar, or James Bond and the Thin Man series of films without the martinis? This clause would also be culturally restrictive, limiting access to films and videos from cultures which do not share Australian health concerns.

COARSE LANGUAGE

Fifty-six submissions addressed coarse language; 43 supported more restrictions, predominantly in film. Thirty-seven of these were made by individuals and the remainder came from religious organisations. Individuals referred to coarse language in conjunction with other classifiable evidence as



demonstrated by the submissions under other elements above. Of particular concern to religious organisations and some individuals was blasphemy. Indeed, 13 submissions raised this as an independent or conjoint concern with coarse language. Uniformly, these submissions usually argued for the removal of blasphemy at all levels and for its inclusion in the definition of coarse language, although one in particular cautioned against its inclusion in the Guidelines.

The Christian ethics group “Salt Shakers” wrote: “Increased blasphemy in films...reduces the respect for religion in the community.” The New South Wales Council of Churches wrote:

Blasphemies, or religious profanity, occur regularly in television programs, films and theatre. The continual use of phrases spoken in reference to deities and people of religious significance, we believe are offensive to many people in the community who hold religious convictions. The Council would like to see such language included in classification guidelines relating to Coarse Language [sic] and would like to discourage such language from being accepted as normal speech patterns.

An individual writing on behalf of the Rationalist Association of NSW submitted:

The issue which most concerns the RANSW is “blasphemy”. We are pleased to note that it no longer features as a classification criterion, and we trust it will never re-emerge. ... With the rise of religious fundamentalism there is concern that blasphemy – which remains in common law and in statute law in some states – may be resurrected. Moreover, Appendix G of your Discussion Paper notes that in the past five years the overwhelming bulk of complaints – some 17,750 – resulted from a campaign of protest against the film Dogma “because of its blasphemous content”. These campaigns...are not only attempts to curb the entertainment of those with other views but are attacks on the principle of free inquiry...

THEMES

Two submissions supported the restriction of themes, however one of these was focused not on film or computer games, but television. The individual submission that treated themes did so by classification category. For example, it included for Adult Themes under “PG”: “No changes required if and when guidelines are adhered to, but sex should always be treated as an adult theme.”

NEW ELEMENTS

New elements attracted considerably fewer comments than existing elements. One might argue this suggests less concern about converging media and its outcomes, although it is prudent to recognise again that violence is the most salient element of concern to the community.

INTERACTIVITY

Interactivity received the greatest volume of focus among the new classifiable elements, primarily in relation to computer games but also in relation to multimedia products generally. Forty-two submissions addressed interactivity in total and many, particularly those of individuals expressed concern that interactive content is, by its nature, more likely to cause impact on audiences. Many submissions rejected this assertion, however, citing the absence of condemning research and, indeed some research to suggest that interactivity is more helpful than harmful. Notably, a few submissions cited the OFLCs research co-authored by Kevin Durkin and Kate Aisbett to counter the claim that interactivity is an element of concern.



IMITABILITY

AVSDA is concerned that the introduction of new concepts will create greater scope for subjective judgment by the Classification Board. In particular, AVSDA argued that more restrictive classifications would result from applying imitability to drug use or violence.

Other submissions were concerned with the usefulness of this concept. The FCCA wrote:

The new guidelines introduce the concept of imitability which is so broad as to seriously limit access to film genres, which are understood by viewers to be fantasy. ...The FCCA supports appropriate consumer advice. However, this new concept, apart from being unintelligible, has the potential to remove from all but R18+ classification numbers of films and videos, which are understood by their viewers as fantasy.

This point is more precisely argued by the FFC which is clearly concerned about the emergence of a chilling effect on free speech caused by excessively restrictive guidelines:

A stricter, more subjective classification regime may well encourage filmmakers to adopt bland, far safer or less diverse approaches to their storytelling, so as not to jeopardise audience members. They might, for instance, opt to avoid using a first person perspective in shooting a scene, as this technique might be considered to be encouraging the audience to imitate events or actions in the scene.

GAMBLING

Potential Films criticised the added reference to gambling in the “PG” classification. The ABA supported the manner in which community concerns such as gambling are made more explicit by the Draft Combined Guidelines. The ABA also notes that there is not conflict between the online gambling legislation and the classification levels proposed in the new Guidelines.

GENDER ISSUES

The Department for Women (NSW) supports the use of concepts and themes such as violence, sex, crime, gambling and family breakdown as a strategy for guiding classifiers. The Department argues that the themes should be made more gender inclusive by adding material which specifically impact upon women, or which impact upon women differentially, such as misogyny, discrimination and vilification. They argue that definitions of the terms “discrimination” and “vilification” should be broadly based on the definitions and grounds covered by the Anti-Discrimination Act 1977 (NSW) and Commonwealth anti-discrimination legislation.

ANIMALS

The RSPCA Australia submitted that the Guidelines “must reflect current community attitudes towards animal welfare, the treatment of animals and broad community abhorrence to cruelty being done to animals.” In particular, the RSPCA recommended that “a film be refused classification if it contains the actually killing or injuring of an animal.”

PRELIMINARY RECOMMENDATIONS FOR CLASSIFIABLE ELEMENTS

Classifiable elements were often raised in general, rather than specific terms, by individuals. It is clear that this group requires more information than it gets about these and an education programme would contribute to this end. Moreover, it is clear that particular community and government organisations have specific elements about which they are concerned. In general, more consideration should be given to classifiable elements particularly in light of the potential to merge classification guidelines, categories and



symbols in the near future. In particular, research into violence in the media should continue to be monitored and assessed, as should studies into the proposed new element of interactivity.



CONCLUDING RECOMMENDATIONS

The New Shorter Oxford English Dictionary, a regarded authority on the English language, the meaning and origins of its words, defines *Censor* as follows:

B v.t. Act as a censor of; officially inspect and make deletions or changes in (a book, film, article, letter, etc). L19

By contrast it defines *Classify* in this way:

v.t. 1 Arrange in classes; assign to a class L18.

Working with these concepts, one quickly appreciates that the Office of Film and Literature Classification classifies so long as it does not prevent a work of expression to be tested in the marketplace of ideas; in other words it classifies but does not censor. Potential Films wrote the following passage as part of its submission, capturing the sentiment of so many of the submissions made to the review:

If the purpose of the OFLC is to 'classify' then they should do so with simplified guidelines, common sense and the application of clear consumer advice to allow the public to decide for itself if the film is suitable for the age group and sensitivity of the viewers. ... Above all, the public does not need to be 'protected' so much as educated to digest and discuss the 'controversial issues' films may turn out for themselves.

With these conceptual and definitional matters in mind, it is useful to observe generalities about the public comments to the review and the Discussion Paper. Both existing and proposed Guidelines:

- lack *simplicity, transparency* and *clarity*, and
- are too restrictive for the classification of some content, and
- do not provide consumer advice to allow careful selection of content by all consumers, particularly parents and other carers.

Bearing these points in mind, a central thematic conclusion drawn from the evidence on the pages preceding this one is: The Guidelines must allow for all of the principles of the Code, including the first principle, to be observed without weighting any more heavily than the others.. Failing this outcome, the value of the Code itself is in question.

The following concluding recommendations are drawn from the preliminary recommendations presented within sections throughout this report. Those preliminary recommendations were derived from community submissions to the review. It is anticipated, therefore, that the recommendations below follow clearly from the submissions provided by the Australian community.

Issue 1: It is recommended that the review process proceed in developing single classification standards for films, videos, DVDs and computer games. The revised Guidelines should be clear and simple and be capable of application as far as possible to other entertainment media including new and emerging media..

Issue 2: It is recommended that the review process proceed in developing a consistent set of classification symbols and categories, incorporating adequate and informative age-related categories; certainly including the “G8” classification for film and the “R” classification for computer games and perhaps “G”, “G8” and “G13” with consideration for dropping either “M15+” or “MA 15+” so that



there is only one category, legally restricted, for age 15. The result of doing so should be functional tools with which parents and carers can make decisions about content appropriate for their children.

Issue 3: The new concepts, definitions and explanations, while adding some specificity, also confuse and contradict. It is recommended that the concepts, definitions and explanations be streamlined and simplified. Subsequent education programs will be a necessary part of this process.

Issue 4: It is recommended that the standards in the Guidelines be less restrictive than those in both the Draft Revised Guidelines and the existing Guidelines. The standards should promote the classification of films and computer games in like ways and support the combination of categories and symbols.

Issue 5: To ensure the effective operation of the Guidelines in the future, it is recommended that consideration be given to the following additional matters arising from submissions in the review process. It should be noted however that most of these proposals fall outside the scope of the current review:

- The need for consumer research and consultation to ensure that classification symbols and markings are better recognised and understood;
- Subsequent to the review, further development of consumer advice to include reference to the classification elements of most concern to consumers;
- Further consultation with industry and the ABA as co-regulator towards
 - (c) more consistent classification of entertainment media in the future, and
 - (d) the development of consistent symbols and meanings across media;
- Further work to improve compliance with the classification system by industry including the retail sector and cinema operators; and
- The development of educational programs for all sectors to improve the understanding and operation of the classification system.

