

**Classification
Board &
Classification
Review Board**

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

1 9 9 7 - 1 9 9 8



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A N N U A L R E P O R T
1 9 9 7 - 1 9 9 8



LETTER OF
Transmission



THE HON. DARYL WILLIAMS AM QC MP, COMMONWEALTH ATTORNEY-GENERAL



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

Dear Attorney-General

I am please to forward this report on the management and administrative affairs of the Classification Board and financial statements for both the Classification Board and Classification Review Board for the year ended 30 June 1998.

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

I draw your attention to subsection 25(8) of the *Public Service Act 1922* which requires you to cause a copy of the report to be laid before each House of the Parliament on or before 31 October 1998.

Yours sincerely

Andree Wright
Andree Wright
DIRECTOR (Acting)

2 October 1998

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INTRODUCTION
to the Report

THIS REPORT IS
PRESENTED IN
ACCORDANCE WITH THE
REPORTING GUIDELINES
FOR DEPARTMENTAL
ANNUAL REPORTS AND
INCLUDES THE REPORTS
OF THE CLASSIFICATION
BOARD AND THE
CLASSIFICATION
REVIEW BOARD AS WELL
AS THE FINANCIAL
STATEMENTS FOR EACH.

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

ONE

To assist adults to make informed decisions
about films, publications and computer
games which they and those in their care
may view, read or play, by providing
classification advice which is consistent with
community standards;

TWO

To enable the film, publishing and
computer games industries to produce and
market their products in accordance with
public classification standards and pre-set
conditions of sale and exhibition;

THREE

Establish the OFLC as a principal source
of expert advice and information on
classification issues for Government;

FOUR

Ensure the optimum operation of the
OFLC by pursuing continual
improvement in the management of its
resources; and

FIVE

Develop the commitment and
professionalism of staff to enhance the
effectiveness of the OFLC.

The OFLC's activities during the year are
discussed in relation to the relevant
performance objectives in the section of
the report entitled 'Performance
Reporting'. Financial statements for the
OFLC are in Appendix V of the report.

THE DIRECTOR'S
Message



JOHN DICKIE, FORMER DIRECTOR, WITH
ANDREE WRIGHT, ACTING DIRECTOR OF THE OFLC

FAREWELL, JOHN DICKIE

On 31 January 1998 John Dickie finished his second and final term as the head of the OFLC. John was Australia's ninth and last Chief Censor and, under the national classification scheme introduced on 1 January 1996, the first Director.

During the ten year period John demonstrated vision, energy and the ability to oversee major change. He presided over the creation of the OFLC, which incorporated the Film Censorship Board, the publications classification officers from the Attorney-General's Department and its censorship policy section. John was also charged with coordinating and working with State and Territory governments to ensure a viable and publicly acceptable national classification scheme. This achievement formally placed emphasis on classification rather than censorship in Australia.

The very nature of the OFLC's functions has meant sustained interest in it from the Parliament, the media, industry and community groups and individuals. As the public face of the office, John regularly addressed major community organisations and industry groups and also appeared before Parliamentary committees. Sensitivity to community perceptions and values, the complex issues involved in censorship and communication skills of the highest order helped John fulfil this aspect of his work with distinction.

Some of John's other achievements at the OFLC include the introduction of:

- > consumer advice in 1989;
- > a comprehensive labelling scheme for films, videos and computer games;

- > a formal research program; and
- > conferences to facilitate an interchange between Board Members, their international colleagues, industry and the community.

These achievements meant that John was an excellent ambassador for the OFLC. He is highly regarded by colleagues throughout Europe, Asia and America, many of whom attended the Sydney based conference in December 1997 on 'Violence, Crime and the Entertainment Media' which was jointly organised by the OFLC and the Australian Institute of Criminology.

John enjoyed the respect of staff, industry clients, members of the Attorney-General's portfolio and the officers and Ministers with censorship responsibilities throughout Australia.

At the formal dinner in Hobart for the December 1997 meeting of the Standing Committee of Attorneys-General (SCAG), the Hon Ray Groom, MHA, made a presentation to John thanking him on behalf of all present for his excellent services to that forum.

At a farewell dinner on 13 February 1998 two former Attorneys-General, Lionel Bowen and Robert Ellicott, paid tribute to John. Two other former Attorneys-General, Michael Duffy and Tom Hughes, were among the guests.

At 57 John is looking forward to a new phase in his career, continuing to work in the communications/government area. He carries with him the warm affection and best wishes of all OFLC staff.

THE CLASSIFICATION BOARD

During the year the Classification Board has kept abreast of current community attitudes and standards through a variety of means. As set out below, these include input from the community, research and consultation with industry clients and international colleagues.

REVIEW OF THE PUBLICATIONS GUIDELINES

In 1995, Commonwealth, State and Territory Censorship Ministers agreed to a sequential review of the classification guidelines for films, publications and computer games. They also approved the review process to be used. This process includes extensive input from the public and industry, and provides for scrutiny by independent assessors.

The review of the Film Classification Guidelines was completed in July 1996. The publications guidelines are currently under review, with submissions on draft guidelines being called for in the press on 18 April 1998.

A review of the classification guidelines for computer games is scheduled to commence in 1999.

RESEARCH

Important feedback on Classification Board decisions was obtained during the year from three Community Assessment Panels. These were held in Sydney, Brisbane and regional New South Wales.

In six out of nine cases the Panels gave the films viewed the same classification as the Classification Board. In two other cases, the Panels gave a lower classification than the Board and in one instance a higher rating.

To date the scheme has contributed a significant amount of valuable information on the views and concerns of a diverse group of members of the public and how they interpret classification guidelines.

Particular thanks is due to the distribution companies who assisted the scheme by making their films available.

CONFERENCES

Two conferences enjoyed strong international participation during 1997-98, maintaining and enhancing OFLC links with overseas organisations.

Distinguished Australian and international speakers participated in the OFLC's conference on 'Violence, Crime and the Entertainment Media' on 4-5 December 1997. It also provided an opportunity for representatives from industry, the community and concerned interest groups to share their views.

This was followed by an informal conference at the OFLC on 8-9 December for members of the Classification Board and international colleagues including members of the Hong Kong, Japanese, British, Irish, Swedish, Dutch, American and New Zealand classification bodies.

EXTENSION OF COMMUNITY LIAISON OFFICER SCHEME

This scheme provides assistance for distributors, exhibitors and retailers of films, publications and computer games. It helps them meet their legal obligations under the national classification scheme and the relevant laws in each State or Territory. It also identifies legislative breaches and refers them, when necessary, to appropriate enforcement authorities.

After a successful trial period this scheme has been extended for a three year period. It will now include the Commonwealth and all States and Territories, except Queensland which operates its own scheme.

FEES

Fees were increased on 1 November 1997 implementing a government decision that the OFLC recover the cost of providing classification services. Differential fee scales have been introduced which take account of views expressed by industry during consultation in 1996 and 1997.

Within the context of the May 1997 Budget a further government decision has been made that the OFLC will recover all operating costs from users. It is envisaged that this will commence during the next financial year after the passage of legislation.

THE FUTURE

The OFLC is committed to refocusing its services and processes to more closely reflect the requirements of its clients and consumers. It is also keen to simplify administrative practices and systems where practicable. Accordingly, KPMG Management Consulting has been contracted to review OFLC business processes and further inform our understanding of client needs and expectations.

New technologies, governmental workplace arrangements, full cost recovery and administrative separation from the Attorney-General's Department all pose challenges for the OFLC.

In conclusion, thanks are due to the OFLC's staff and senior management for their commitment to continuous improvement, the provision of quality consumer advice to the community and a fair and equitable service to all clients.

ANDREE WRIGHT
Acting Director

C O R P O R A T E

O v e r v i e w



MEMBERS OF THE CLASSIFICATION BOARD AND STAFF OF THE OFLC

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

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

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

Section 52 of the Classification Act provides that the Director is responsible for ensuring that the business of the Board is conducted in an orderly and efficient way. Subsection 54(2) of the Classification Act provides the Director with

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

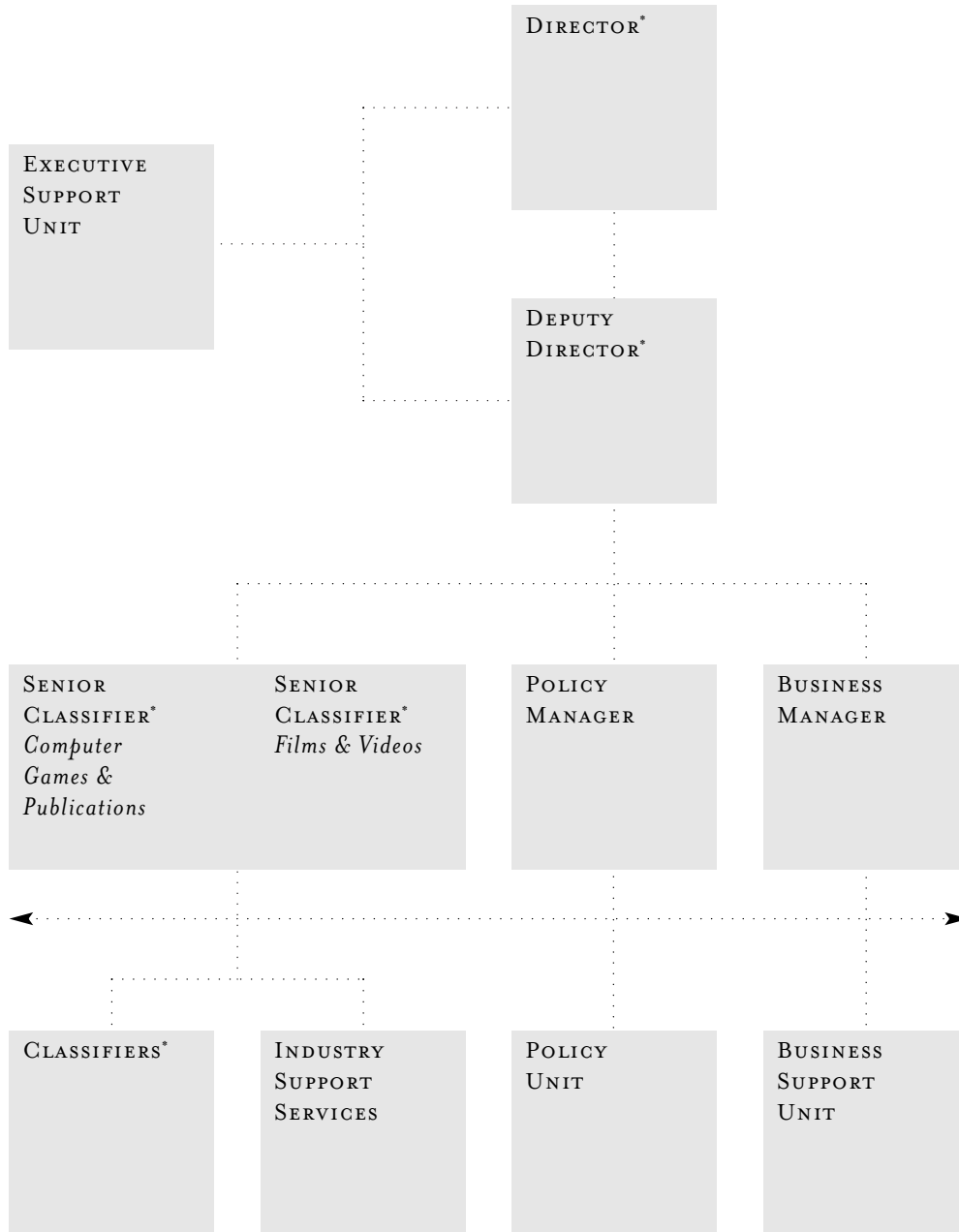
The *Public Service Act 1922* states at subsection 7(1):

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

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

The Chief Executive of the OFLC for the purposes of the *Financial Management and Accountability Act 1997* (the FMA Act), as specified in items 118, 119 and 135 of the schedule to Regulation #5 of the regulations made under the FMA Act, is the Director. Accordingly, the Director is required to prepare financial statements in accordance with section 48 of the FMA Act.

ORGANISATION CHART



* Statutory Members of the Classification Board

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



EXECUTIVE SUPPORT UNIT:
JOHN PEDERSON, TRISTEN SLADE AND BRONWYN ALLEN.
ABSENT: BRENDA MARSDEN, PETER THOMSON AND NICK STRUSZ

A 3D rendering of white, blocky letters in a tray. The letters 'P', 'G', 'R', 'L', 'E', 'G', 'I', 'S', 'L', 'A', 'T', 'I', 'V', 'E' are visible, arranged in a tray. The letters are white and have a slight shadow, giving them a three-dimensional appearance. The tray is also white and has a slight shadow. The background is a dark gray gradient.

L E G I S L A T I V E

B a s e

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

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

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

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

The Classification Guidelines describe in more detail the nature of the different classification categories, and the scope and limits of material suitable for each category.

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

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

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

- a the standards of morality, decency and propriety generally accepted by reasonable adults;
- b the literary, artistic or educational merit (if any) of the publication, film or computer game;

- c the general character of the publication, film or computer game, including whether it is of medical, legal or scientific character; and
- d the persons or class of persons to or amongst whom it is published or is intended or likely to be published.

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

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

Some jurisdictions have reserved censorship powers. Western Australia and Tasmania operate their own publications classification schemes. Western Australia, South Australia, Tasmania and the Northern Territory have reserved the power to review decisions made under the Classification Act. Queensland has retained the power to classify publications under its legislation if no decision exists under the Commonwealth Classification Act.

There have been no changes to the Classification Act during the reporting period.

Amendments to the Classification (Publications, Films and Computer Games) Regulations were gazetted on 8 October 1997. These amendments provided a new fee structure for various services provided by OFLC. The revised fee structure came into effect on 1 November 1997. It was based upon a previous Government decision to incrementally recover 100 per cent of classification costs from users of the OFLC's classification services. The new fees reflect the actual cost of providing each service. Full cost recovery will require further legislative amendment.

CLASSIFICATION
Board Profiles



MEMBERS OF THE CLASSIFICATION BOARD

Director

**JOHN DICKIE**

DATE OF BIRTH	4 January 1941
APPOINTED	1 February 1988
APPOINTMENT EXPIRED	31 January 1998

Before his appointment as Chief Censor in 1988, John Dickie was in charge of the Special Services Branch in the Attorney-General's Department which dealt with, among other things, censorship policy and literature classification. He has a BA and Diploma in Journalism from the University of Melbourne. He began work as a cadet journalist with the Brisbane Telegraph and subsequently joined the Melbourne Age as Chief Law Courts Reporter. John was the first Director of Information and Public Relations for the Attorney-General's Department in Canberra and was press secretary to six Attorneys-General. He also worked for three years as the head of the Promotion and Information Branch of the Human Rights Commission.

John is married with two step-children and has overseen the development of the OFLC since its formation in April 1988. During this time, he has ensured that the interests of the community have informed the development of classification policy. He has overseen the introduction of

classification consumer advice by-lines and the implementation of the 'MA' classification announced by the Prime Minister in November 1992. The more recent introduction of the innovative computer games classification scheme in 1993-94 and the review of Federal and State censorship legislation, which has given rise to the Classification Act, were completed under his stewardship.

Following a distinguished career in the public sector, John Dickie brought a wealth of expertise to the role of Director (previously known as Chief Censor). He is a sensitive man with a deep and abiding social concern who introduced high quality research and community awareness programs to ensure that community standards are reflected in the decision-making processes of the OFLC.

John's appointment expired in January, 1998 and he has since established his own consultancy firm, John Dickie Communications.


ANDREE WRIGHT

DATE OF BIRTH	30 October 1950
APPOINTED DEPUTY DIRECTOR	3 November 1995
APPOINTMENT EXPIRES	2 November 1998

DIRECTOR (ACTING)

Andree Wright has worked as an historian, a teacher, a freelance writer/researcher and as a film maker. She has a long-standing interest in women's issues and has worked with minority groups and communities on a number of Australian films and documentaries. Andree first joined the Board as a Member in 1986. After coordinating a ministerially-directed Inquiry into Violence on Television from 1988 to 1990 at the Australian Broadcasting Tribunal, she returned to the Board as the first Senior Censor. During the summer of 1990/1991, she participated in an exchange of officers with the British Board of Film Classification. She was appointed Deputy Director and Head of Research in 1995. Originally an honours graduate in history from the Australian National University, she has also completed a Masters degree in Management at Macquarie University.

Andree is the step-parent of two children and three cats. Other interests include reading, genealogy, travel, architecture, the decorative arts and antique furniture. Andree's commitment to exploring and reflecting community interests in her work is informed by her belief in research and community awareness as the basis for sound decision-making and consumer satisfaction.



SIMON WEBB

DATE OF BIRTH	13 June 1958
APPOINTED	1 August 1994
APPOINTMENT EXPIRED	31 July 1997

DEPUTY DIRECTOR (ACTING)

Simon Webb, a former member of the Board, is the OFLC's Policy Manager and is currently acting in the position of Deputy Director under section 66(3) of the Classification Act. He has experience representing rural and metropolitan community interests, having managed the ACT Arts Council and worked for a number of years with the Arts Council of Australia. He has managed projects developed in conjunction with the National Farmers Federation and a variety of government agencies. Simon has professional expertise in facilitating community involvement in policy making, planning and development. He has worked in hospitals, new suburban developments, special schools and a variety of community facilities with young people, migrants and people disadvantaged by age, gender, poverty and ability. Simon has run exploration camps in remote parts of

Australia and worked in the construction, tourism and farming sectors. He has worked as an actor and producer of children's theatre, and with children and their families in urban, rural and remote communities in Western Australia. Widely travelled and with a broad life experience, Simon is a father of two young children who brings a range of practical and creative skills to the Board.



SARAH MORTON

DATE OF BIRTH	23 July 1946
APPOINTED SENIOR CLASSIFIER	19 March 1997
APPOINTMENT EXPIRES	31 October 1998

SENIOR CLASSIFIER (FILMS AND VIDEOS)

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

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



JENNY RAE

DATE OF BIRTH	5 July 1958
APPOINTED	1 August 1993
APPOINTMENT EXPIRES	18 March 2000

SENIOR CLASSIFIER (COMPUTER GAMES AND PUBLICATIONS) (ACTING)

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

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

Members



ROBERT EDSALL

DATE OF BIRTH	9 May 1958
APPOINTED	22 December 1995
APPOINTMENT EXPIRES	21 December 1998

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



VINCENT GREEN-GIBSON

DATE OF BIRTH	4 September 1963
APPOINTED	19 March 1997
APPOINTMENT EXPIRES	18 March 2000

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



DAMIEN POWER	
DATE OF BIRTH	13 February 1971
APPOINTED	17 October 1994
APPOINTMENT EXPIRED	16 October 1997

As a recent Arts/Law graduate from the University of Tasmania, Damien Power brought a strong youth voice to the Board. He has held a number of positions which required an ability to represent and reflect community views such as President of the Student Activities Council and Board member of the Tasmanian University Union. Damien has worked in the community and with underprivileged children. His interest in censorship matters has been informed by his legal study which has included a study of obscenity law. Damien also has an interest in films, computer games and contemporary music. He has worked for many years in community radio and publishing, and has a particular empathy with young people and their views. After Damien's appointment expired he was one of only two people to gain a place in the 1998 film director's course at the Australian Film, Television and Radio School.



SHARON STOCKWELL	
DATE OF BIRTH	4 February 1960
APPOINTED	8 August 1994
APPOINTMENT EXPIRED	7 August 1997

A practicing psychologist with a successful career, Sharon Stockwell brought a wealth of expertise and understanding to the Board. She is a member of the Australian Psychological Society and the Board of Organisational Psychologists. Her professional practice has included consultancy work with both private and public sector organisations involved in telecommunications, education, finance and manufacturing. Sharon has worked with people from a wide range of backgrounds including school leavers, executives and migrants, and has worked in prisons, hospitals and workplaces (from the shop-floor to senior management) in most parts of Australia. She has taught in universities and TAFE in Sydney and has been involved in a variety of research projects. Sharon is experienced in analysing and reflecting community attitudes, and is an effective and articulate advocate.



RICHARD THOROWGOOD

DATE OF BIRTH	9 December 1962
APPOINTED	19 March 1997
APPOINTMENT EXPIRES	18 March 2000

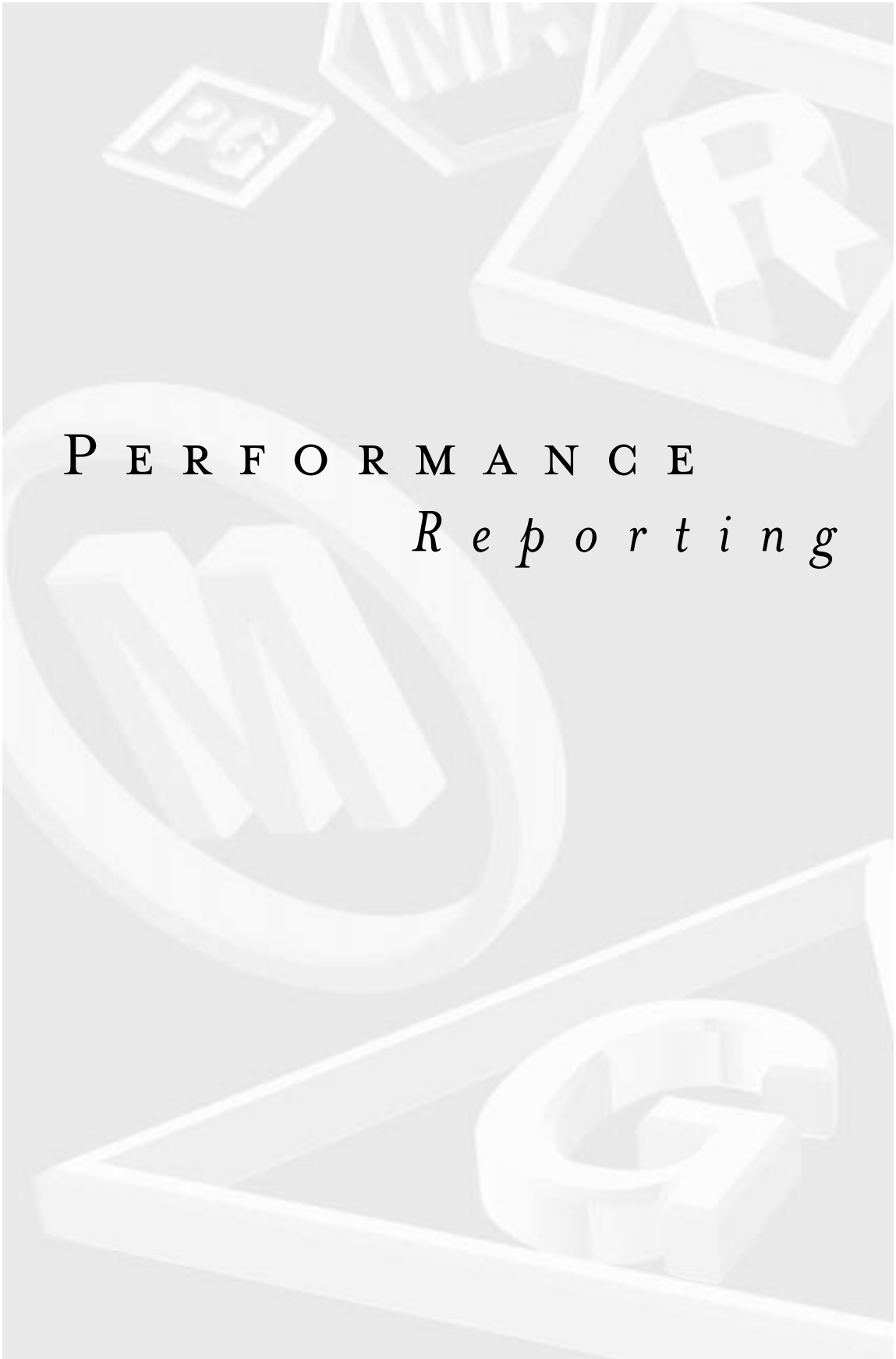
Having practiced for four years as a Family Therapist for adolescents, younger children and their families, Richard has worked with young people from a wide range of backgrounds and life experiences. He has also worked as a Community Worker with people with a mental illness. In a role as health educator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



PAULYNE WILLIAMS

DATE OF BIRTH	20 April 1947
APPOINTED	19 March 1997
APPOINTMENT EXPIRES	18 March 2000

Paulyne comes from a large country family and has three adult daughters. She has a Bachelor of Arts (majoring in History) from the University of Sydney, and is a Barrister at Law. She worked as a Duty Solicitor for the NSW Legal Aid Commission in the early 1980's and represented people of all persuasions in the Local and higher Courts. Her work also involved appearing for prisoners and psychiatric detainees. She also worked briefly as assistant to a senior partner in a major Family Law firm before going into general practice at the Bar. Her interests include music, film, travel and news and current affairs. Through her travels with her husband in recent years, she has come into contact with people of diverse cultural backgrounds. Paulyne has always enjoyed mixing with people and listening to their views.



P E R F O R M A N C E

R e p o r t i n g

O B J E C T I V E | o n e



TO ASSIST ADULTS
TO MAKE INFORMED
DECISIONS ABOUT
FILMS, PUBLICATIONS
AND COMPUTER
GAMES WHICH THEY
AND THOSE IN THEIR
CARE MAY VIEW,
READ OR PLAY,
BY PROVIDING
CLASSIFICATION
ADVICE WHICH IS
CONSISTENT WITH
COMMUNITY
STANDARDS.

KEY OUTCOMES

- > Commencement of the review of the publications classification guidelines.
- > Important feedback on Classification Board decisions was obtained during the year from three Community Assessment Panels. These were held in Sydney, Brisbane and regional New South Wales.
- > In a competitive tender process AMR: Quantum Harris was selected as the successful consultant to undertake the final stage of the 'Computer Games and Australians Today' research project.
- > A total of 345 films, 3087 videotapes, 591 computer games and 2281 publications were classified and advice provided on 206 complaints.

PUBLIC CONSULTATION AND RESEARCH

In its 1991 Report into Censorship Procedure, the Australian Law Reform Commission recommended that the Board should have a research capacity to assist in the maintenance of its awareness of community standards. Accordingly, the OFLC commissions regular research to obtain feedback from the community on classification issues and standards.

PUBLICATIONS GUIDELINES REVIEW

The publications classification guidelines have not been revised since 1992. In line with a Censorship Ministers' decision in 1995 for a sequential review of the film, publications and computer games classification guidelines, the

publications classification guidelines review began in 1997.

The purpose of the review is to accurately reflect current community standards in the Guidelines through widespread consultation with the community, through research findings and through expert analysis. The draft revised Guidelines incorporate changes set out in the National Classification Code which include the need to take into account community concerns about depictions of violence (and sexual violence in particular) and portrayals of people which are demeaning. A further purpose is to make the language of the Guidelines more accessible to the general community.

Initial draft revisions were drawn up by members of the Board, based on the findings of research commissioned by the OFLC, recent research literature, conference papers, and community liaison including speaking engagements, complaints received by the OFLC, and input from industry representatives.

Approximately 1400 copies of the initial draft revisions were circulated for comment. The draft was accompanied by a document setting out issues for consideration, a copy of the National Classification Code, and a copy of the current Guidelines. The package was sent to all members of Commonwealth, State and Territory parliaments, to members of the publications and related industries, to community groups and organisations, and to complainants to the OFLC.

The OFLC advertised on 18th April 1998 in National and State and Territory newspapers and as a result more than 120 copies of both sets of Guidelines were sent out to interested members of the

community. The package was also placed on the OFLC website.

The OFLC has received approximately 150 submissions in response to the proposed changes to the Guidelines. These submissions will be analysed by Professor Peter Sheehan, Vice Chancellor of the Australian Catholic University. Associate Professor Judith Bowey, a language expert from the University of Queensland, will review the guidelines for clarity.

The final draft of the revised publications guidelines must be approved by Commonwealth, State and Territory Ministers responsible for Censorship before being gazetted and tabled in Federal Parliament.

COMMUNITY ASSESSMENT PANELS

On 27 December 1996 the Commonwealth Attorney-General announced a proposal to establish a Community Assessment Panel scheme to ensure greater community involvement in the classification process for films and videos. The proposal and parameters of the scheme were unanimously supported by Censorship Ministers at the March 1997 SCAG meeting.

Under the scheme, the Panels, in an advisory capacity only, provide independent community assessments of certain films submitted to the Board for classification.

At the July 1997 SCAG meeting, Censorship Ministers noted the formation of a Research Reference Group (RRG) to oversee the scheme comprising two renowned independent research experts (Professor Peter Sheehan, Vice Chancellor of the Australian Catholic University, and Ms Kate Aisbett, the then Research

Director of the Australian Film, Television and Radio School), senior Commonwealth officers (Ms Andree Wright and Mr Norman Reaburn) and a representative from the State/Territory hosting the Panel. For NSW this was Mr John Dietrich and for Queensland, Ms Rebecca Aiken.

In a competitive tender process the RRG selected Keys Young Pty Ltd as the successful consultant to undertake the Community Assessment Panel scheme. Keys Young has recruited and facilitated the first three Community Assessment Panels.

Each Panel comprised approximately 20 people of various ages and backgrounds who were drawn from a broad cross-section of the Australian community.

Panel members were recruited by an independent research organisation using a specifically designed methodology to ensure that the Panels comprise a broad cross-section of the population across metropolitan, suburban and regional Australia.

Prior to film screenings, the Panel groups were briefed on the meaning and application of the classification guidelines. Immediately after viewing each film, Panel members completed a questionnaire which sought their initial responses to the film including their choice of classification. The Panel then discussed the film and, in particular, the aspects of the film related to classification issues. After this discussion Panellists recorded their final classification choice for the film. The decisions of the Board were then distributed to Panel members and discussed.

The first Panel was conducted in Sydney on 17-19 October 1997. The second Panel was conducted in Brisbane on 5-7

December 1997. The third Panel was conducted in Wagga Wagga, New South Wales 13-15 March 1998. Each Panel viewed three different films.

Films were selected for the Panels from those which had been classified by the Board but not yet released, and which

distributors were willing to make available. The final selection of films was decided by the RRG. The selected films are broadly in line with overall trends in films submitted for classification.¹

The films viewed by the Panels, and the classification and consumer advice given by the Board for those titles, were as follows:

SYDNEY PANEL

<i>Fairytale — A True Story</i> ²	'PG'	ADULT THEMES
<i>A Life Less Ordinary</i>	'M'	MEDIUM LEVEL VIOLENCE, MEDIUM LEVEL COARSE LANGUAGE
187	'R'	ADULT THEMES, MEDIUM LEVEL VIOLENCE

BRISBANE PANEL

<i>Virginia Woolf's Mrs Dalloway</i>	'M'	ADULT THEMES
<i>Tomorrow Never Dies</i>	'M'	LOW LEVEL VIOLENCE, SEXUAL REFERENCES
<i>The Winter Guest</i>	'M'	ADULT THEMES, MEDIUM LEVEL COARSE LANGUAGE

WAGGA WAGGA PANEL

<i>Anastasia</i> ³	'PG'	SUPERNATURAL THEME
<i>Primary Colors</i> ⁴	'MA'	MEDIUM LEVEL COARSE LANGUAGE
<i>Dangerous Beauty</i>	'M'	MEDIUM LEVEL SEX SCENES, ADULT THEMES, LOW LEVEL COARSE LANGUAGE

1 For example the percentage of all cinema films classified in each category in year 1996-97 was as follows: 'G' — 8.5%, 'PG' — 17.8%, 'M' — 49.3%, 'MA' — 18.5%; and 'R' — 5.2%.

The primary reasons for classification for cinema films in 1996-97 were as follows:

	Sex	Violence	Language	Other	Total
'PG'	1%	35%	24%	40%	100%
'M'	9%	34%	29%	28%	100%
'MA'	8%	42%	22%	28%	100%
'R'	30%	30%	5%	35%	100%

2 This film was classified 'G' on appeal to the Review Board.

3 This film exists in two versions: 'PG' and 'G'. The former was shown to the panel, the latter modified version was released in Australia.

4 This film was classified 'M' on appeal to the Review Board.

Keys Young found that the Panels gave films the same classification as the Board in six of the nine cases. In two cases the Panel gave a film a lower classification than the Board: *Mrs Dalloway* was voted 'PG' by a majority of the Panel and *Anastasia* was voted 'G' by a bare majority of one. In the third case the Panel classified a film higher than the Board; *Dangerous Beauty* was voted 'MA' by the Panel. In this case the consultant's report notes that "Panellists did not have a clear understanding of the terminology ... [t]he notion of a continuum where an element could be represented by increasing levels of impact was less evident to the Panellists in relation to sexual matters".⁵

One of the principal findings was that the Panels were most united and articulate in their concerns about depictions of violence. Panellists often assumed there was a direct connection between the amount of violence on screen and the amount of violence in society. It was also assumed that young people were prone to mimic violent behaviour they witnessed on screen. There was widespread agreement with the classification guidelines on violence in terms of definitions, distinctions and terminology. In particular, Panels were sensitive to the frequency of violence which they considered could heighten its impact.

In relation to language, there was a division between those who were offended by bad language and those who found swearing to be relatively unimportant and part of normal life. The amount of coarse

language in a film was a key concern to the majority of Panels. Panellists were also sensitive to the impact of coarse language on children.

Panel members had some seemingly contradictory attitudes on adult themes. The discussion of adult themes often centred on the intention of the theme and the message it conveyed to young people. On the other hand, Panel members also tended to assume that more mature adult themes would go over the heads of a young audience. Panellists also had a wide range of views on different themes, for example, young Panellists (15 to 34 year olds) showed significantly more concern about depictions of suicide than older Panellists (those 35 and over).

Depictions of sex in the films viewed by Panels were less frequent than adult themes or depictions of violence. This is in line with overall trends in films submitted for classification. Panellists had less exposure to films with a sexual focus and Panel members seemed to be somewhat reticent when discussing sexual matters. However, the Panels generally showed less overall concern about depictions of sex than violence or some adult themes. A wide range of classifications were chosen by Panellists for the film which had the strongest sexual focus. Factors such as the level of nudity were also given widely different interpretations and Panellists showed some confusion in interpreting the terms used in the guidelines such as 'simulated sex'.

In considering the classification categories in general, Panels appeared to rely heavily on the notion of parental guidance

as a means of mediating film material for children. There was a suggestion that parental presence could make most material acceptable viewing for most age groups.

5 Keys Young Community Assessment Panels p. ii

The Panels had some confusion with the distinction between the 'M' and 'MA' classifications. In relation to the 'MA' classification, the Panels tended to focus on the notion of parental guidance implicit in the requirement for parents to accompany children under 15, rather than the unsuitability of such films for children under 15.

In relation to the 'R' classification guidelines, a majority of the Panel which viewed the one 'R' film, *187*, agreed with the Board in its decision on that film. Some members of the minority considered 'MA' appropriate and two considered the film should be classified 'RC'.

During the research Panellists often expressed support for the role of the Board and acknowledged the need for classification guidelines.

The findings of the Community Assessment Panels will be very useful for the Board in applying current community standards in its decision making. The Panels have contributed a significant amount of valuable information on the views and concerns of a diverse group of members of the public and how they interpret the classification guidelines.

COMPUTER GAMES AND AUSTRALIANS TODAY

At the 3 February 1995 SCAG meeting Censorship Ministers considered a

research project proposal 'Computer Games and Australians Today'.

The research objectives were to:

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

Ministers approved a three stage approach.

Entertainment Business Review was commissioned to conduct stage 1 of the project which was completed in 1995. This stage examined the extent, nature and relative popularity of aggressive content in top-selling computer games in Australia by gathering and analysing data on top-grossing arcade and home usage games and the industry.

Stage 2 of the project was completed in 1996 by Keys Young & Associates. This stage consisted of focus groups and intercept interviews in video arcades where respondents were observed by trained psychologists. Issues addressed included:

- > perceptions of aggressive content in computer games;
- > aspects of particular games which make them popular;
- > the role of aggressive play in games' popularity; and
- > usage patterns and the perceived impact of aggressive content in computer games as opposed to films and television.

During the reporting period AMR: Quantum Harris has been commissioned to complete stage 3 of the project. Stage 3 will test and quantify the findings of stage 2 and provide statistically viable data which will be valuable in policy formulation and the classification decision-making process. AMR: Quantum Harris is to report its findings in late 1998.

CLASSIFICATION TRENDS AND ISSUES

FILM AND VIDEO CLASSIFICATION

'G' and 'PG' Decisions

During 1997-98 a total of 32 (9.28%) cinema films and 682 (22.09%) videotapes were classified 'G'. A total of 55 (15.94%) cinema films and 321 videotapes (10.40%) were classified 'PG'.

'G' films aimed at children included *Air Bud*, *Barney's Great Adventure*, *Flubber*, *The Wiggles Movie*, and *The Borrowers*. 'PG' films included *Bean*, *Doctor Dolittle*, *Fairytale — A True Story*, *Men In Black*, *Mrs Brown*, *Paws*, *The Apostle*, *Blues Brothers 2000*, *Godzilla*, *Mousehunt* and *Slappy and the Stinkers*.

'M' Decisions

A total of 174 (50.43%) cinema films and 441 (14.29%) videotapes were classified 'M' during 1997-98. 'M' films included *Amistad*, *Dark City*, *Good Will Hunting*, *Great Expectations*, *The Horse Whisperer*, *John Grisham's The Rainmaker*, *Brassed Off*, *Doing Time For Patsy Cline*, *The Full Monty*, *The Game*, *Gattaca*, *Ice Storm*, *Mimic*, *My Best Friend's Wedding*, *Oscar and Lucinda*, *Seven Years in Tibet*, *Thank God He Met Lizzie*, *Ulee's Gold*, *Year of the Dogs*, *Wilde*, *Diana & Me*, *The Sweet Hereafter*, *Titanic*, *Wings of the Dove*, *Twilight* and *Sliding Doors*.

'MA' Decisions

In the last year 60 (17.39%) cinema films and 169 (5.47%) videotapes received an 'MA' classification. 'MA' films included *Alien Resurrection*, *The Big Lebowski*, *The Boys*, *Jackie Brown*, *Starship Troopers*, *Copland*, *Face/Off*, *L.A. Confidential*, *Sling Blade*, *Kiss the Girls*, *Lawn Dogs*, *Event Horizon*, *The Assignment*, *Scream 2*, *The Replacement Killers*, *Bulworth* and *Total Eclipse*.

'R' Decisions

During 1997-98 a total of 23 (6.67%) cinema films and 213 (6.90%) videotapes were given a 'R' classification. 'R' films included *Boogie Nights*, *Gummo*, *Perdita Durango*, *The Devil's Advocate*, *Kissed*, *Liberterias*, *Nil By Mouth*, *187*, *Resurrection Man*, *Tromeo and Juliet* and *U-Turn*.

'RC' Decisions

One cinema film (0.29%), *John Waters' Pink Flamingos*, was classified 'RC' during the reporting period (see detailed report below), as were 46 (1.49%) videotapes.

Decisions debated on particular classification borders

While the Board was unanimous in its decisions on the abovenamed films, other classification decisions during the year were not as straightforward. When a cinema film is submitted for classification it is usually seen by a panel of three Board members. If this panel's decision is not unanimous, or is unanimous but the panel believes that other members of the Board may have differing views or could provide further input, the film is referred to further panels and sometimes to the full Board. Such films are then discussed in detail at full Board meetings. When the final decision is not unanimous, the majority opinion decides the film's classification. Feedback from the public on classification decisions often indicates that the community is similarly split in its views on the classification of a particular film. Films which have been seen by several panels and/or debated on different classification borders during the reporting period include:

'G' decisions

The majority of the Board considered the original version of 20th Century Fox's animated film, *Anastasia* warranted a 'PG' classification for supernatural themes. It noted that "the bleak subject matter is given a light treatment and for the most part the film focuses on the romance of an orphan who discovers she is a lost princess.

The Rasputin character is a darkly comic invention and responsible for the film's blacker moments. In the film's strongest scene Rasputin attacks Anastasia while she sleeps ... saying, "I'll get inside your mind where you can't escape me". The majority felt that this scene could be confusing and upsetting to young children without adult guidance, commenting that, "the contrast between her dreams and reality and the final shocking transformation of her dream have some conceptual and emotional impact. Although this scene is clearly a fantasy, in the majority's view, it exceeds the 'G' requirement for a very low sense of threat or menace." In the minority opinion, "whilst this scene may be described as 'scary' it is not harmful or disturbing to the extent that it warrants a 'PG' classification." The film's distributor then appealed the decision to the Classification Review Board which upheld the 'PG' decision. The Classification Board found that in a subsequent, edited version submitted by the film's distributor, "the scene which was of most concern to the majority of the Board has been satisfactorily edited." It noted however, that "there are some other slightly scary scenes where Rasputin and his rather amusing bat-like minion, Bartok, appear (sometimes with loud and slightly scary music) which might not suit very young children." The Board then decided to classify the film 'G' with the consumer advice of "some scenes may be

unsuitable for very young children", commenting that "this animated musical is likely to be marketed to the whole family but appears to be targeted more to a 7+ audience and parents will benefit from the consumer advice."

'PG' decisions

Free Willy 3 – The Rescue, the third film in the series about the friendly killer whale was debated on the 'G'/'PG' border and by majority decision received a 'PG' classification for some depictions of violence against whales, and adult themes. The majority of the Board noted that "verbal and visual references to violence occur throughout the film and act to give a mild impact to the depictions and to the threat of violence. This mild impact is maintained during the film through the continued threat to Willy." The majority also referred to the dilemma experienced by a young boy as "he learns of his father's illegal whaling activities (and) resolving the conflict which he experiences when he has to decide whether to follow his father or confront him." It decided that "whilst this theme has a discreet treatment, and is happily resolved at the end of the film, it does have a mild impact which could be confusing or upsetting to children without adult guidance." In the minority view "infrequent depictions of violence were sufficiently discreetly implied, having a light tone and a very low sense of threat or menace" that they could be accommodated in the 'G' classification, as could the treatment of the boy's conflict with his father.

The live-action version of the popular slapstick comedy cartoon show, *George of the Jungle*, was also debated on the 'G'/'PG' border with the majority commenting that

the film “contains several depictions of discreetly implied and stylised violence which could be confusing or upsetting to young children without adult guidance.” In the minority view, “these depictions have a light tone, a very low sense of threat or menace and are not gratuitous. The depictions of violence contain little detail and are generally brief and can be accommodated at ‘G’ level.” The film received a ‘PG’ classification with a consumer advice of “Low Level Violence”.

‘M’ decisions

The U.S. drama, *Hope Floats*, starring popular Sandra Bullock and Harry Connick Jnr and dealing with themes such as infidelity, marital breakup, illness, death and a child’s distress received an ‘M’ classification by majority decision for “adult themes which are discreet in treatment, but extend beyond being mild in impact and cannot be recommended for those under 15 years.” A minority of the Board argued that the treatment of the adult themes “is discreet and mild in impact and felt that although it might be confusing or upsetting to children without adult guidance, it could not be considered harmful or disturbing and could be accommodated in the ‘PG’ classification.”

Swept From the Sea – The Story of Amy Foster, a period drama based on a Joseph Conrad short story, was unanimously classified ‘M’ after being viewed by two separate panels. The Board decided that a sex scene, “shot in subdued lighting and justified in the context of a romantic drama, can be described as discreetly implied sexual activity and accommodated at the ‘M’ level.” It also agreed that the treatment of adult themes “is discreet and the impact is not high.”

Australian film maker Jocelyn Moorhouse’s second U.S. feature, *A Thousand Acres*, which starred Michelle Pfeiffer, Jessica Lange and Jason Robards in an American mid West drama with some similarities to *King Lear*, was classified ‘M’ by majority decision. The majority noted that “the theme of incestuous abuse is dealt with discreetly, with limited verbal information and visual references (and) the drama is appropriately recommended for mature audiences without requiring restriction.” The minority ‘MA’ view was that “restriction to mature audiences is warranted given the high intensity of the discreetly treated themes.”

‘MA’ decisions

I Know What You Did Last Summer was a horror/thriller about four teenagers who are stalked/murdered by a man who they thought they had accidentally killed a year earlier. This film was given an ‘MA’ classification on majority vote for “a couple of stronger depictions of violence which contain more detail and have more impact than can be accommodated in ‘M’, even though the impact is not considered “high”. The minority ‘M’ voters thought that “the film is formulaic and stylised with implausible presentations which strongly mitigate against the impact, to the extent that an ‘M’ classification is sufficient.”

Nightwatch, a killer/thriller starring Nick Nolte and Ewan McGregor, was classified ‘MA’ by majority decision for some depictions of violence which had a high impact, and for the “high intensity theme of a necrophiliac serial killer who preys on a number of women victims.” An ‘M’-voting minority considered that “the film sits squarely within the thriller genre which significantly mitigates the impact of its

various elements ... the depictions of violence are so highly stylised and follow established conventions for the genre", that the film could be accommodated in the 'M' classification.

Star Maps, the story of an L.A. teenager who ostensibly sells maps to stars' homes but is in reality a male prostitute, was classified 'MA' for adult themes, coarse language and violence by a majority who commented, "the adult themes in this film have a high intensity yet are discreetly dealt with. It is the conceptual strength of the adult themes rather than the depictions of sex *per se* which warrants advice at the 'MA' level." It also noted that "depictions of violence are impactful but contextually justified and brief in duration". A minority considered that restriction to adult audiences was appropriate for "the cumulative impact of the film's adult themes which are based around child prostitution (and) are insufficiently discreet for an 'MA' classification". The minority felt that "together with the associated depictions of sex and violence," the film warranted 'R'.

Welcome To Sarajevo, a powerful film set in war-ravaged Bosnia, was also debated on the 'MA'/'R' border, with a majority 'MA' vote awarding that classification for war footage, violence and adult themes. The majority noted, "the combination of actual war footage and enacted footage delivers an impact greater than that created by the viewing of war footage in the news or a documentary ... the detailed nature of some of the footage requires a mature perspective." The majority also felt that the film's adult themes, "which dramatically show the effects of war on children", also required a consumer advice. A minority of the Board was of the opinion that "the depictions of violence including war

footage are detailed and prolonged to the extent that the film warrants an 'R' classification".

'R' decisions

The British film, *Under the Skin*, drew together the themes of sex, death and identity in a confronting and thought provoking manner. Argued on the 'MA'/'R' border, the film received a majority 'R' decision for "adult themes of a very high degree of intensity, which coupled with the cumulative impact of other scenes in the film which thematically combine sex and death, require an adult perspective." The majority also noted 'R' was warranted for "the potential of some scenes to offend some sections of the adult community." The 'MA' minority view considered that, "adult themes and sexual references which are of a high degree of intensity (are) contained within a discreet treatment," and the film required a mature perspective and could be accommodated in the 'MA' classification.

Another British film, *Stella Does Tricks*, about a teenage prostitute looking for a fresh start, was also debated on the 'MA'/'R' border and awarded an 'R' classification by majority decision. The majority noted that "adult themes including suicide, child sexual abuse, teenage prostitution, rape and drug use are all explored in a treatment which is mostly visually discreet but has high intensity and impact. Overall, the film compiled as a bleak exploration of the experiences of Stella as a young Scottish sex worker living in London, and the sordid world she inhabits. An adult perspective is required as the film may harm or disturb minors." In a minority view the film was "highly stylised though evocative ... that a more positive

interpretation of the film was possible,” and that it could be accommodated at the ‘MA’ level.

Pretty Village Pretty Flame, an anti-war drama centering on Bosnia’s conflict between Serbs and Muslims was rated ‘R’ by majority decision, for violence and adult themes. The Board commented that “the film alternates between absurd black humour verging on the surreal, and very real and understated depictions of human tragedy and loss. Much of the film’s impact comes from contrasting the soldiers’ happy lives before the conflict — often sharply intercut with the horrors they experience during war,” and that “the detailed treatment and high impact of these depictions of violence require an adult perspective.” In a minority view the “themes which are only partially explored could be accommodated at the ‘MA’ level in a film of considerable artistic merit,” as could “the impact of the depictions of violence (which) is mitigated by the film’s stylised and theatrical presentation.”

‘RC’ decisions

The 25th anniversary version of the 1974 low budget trash classic, *John Waters’ Pink Flamingos*, was classified ‘RC’ by the Board who noted it to be “a deliberately provocative and confronting film which sets out to challenge society’s conventions on good taste and appropriate behaviour.” The Board also commented that “the treatment however is highly theatrical with the low budget approach to production, acting and narrative and the use of caricature, coupled with a cheerful musical soundtrack, resulting in an offbeat black comedy which is likely to elicit different levels of appreciation in different viewers. While the Board recognises that some

23 years on, the film has a dated feel and may not be as shocking to audiences as when it was first released, the Board nonetheless is unanimously of the view that some of the content does still offend against the standards generally accepted by reasonable adults to the extent that it should be classified ‘RC’.”

The Board unanimously noted a scene which included “close-up real depictions of actual fellatio ... which unambiguously contravene ‘R’ classification guidelines.” Some Board members also considered the “incestuous nature of the encounter to be offensive” while others were of the view that the presentation of the “mother-son’ relationship is so patently ridiculous that this aspect cannot be taken seriously.” In addition some of the Board considered two scenes containing depictions of sexual violence — one with “overtones of voyeurism” and the second, “presented within a theme of kidnapping and forced insemination”, to be “conceptually abhorrent and sufficiently detailed and exploitative to warrant ‘RC’.” Some members further thought that one of these scenes dealt “cruelly with an animal in a gratuitous, exploitative and offensive manner”, which in itself also warranted ‘RC’.

A revised version of the film was unanimously classified ‘R’ with the consumer advice “Adult themes, sexual references”, with the Board commenting that “the adult themes can be accommodated at the ‘R’ level in a film of merit”, and that the sexual references “require an adult perspective”. In the Board’s view the film can be accommodated at the ‘R’ level as it does not offend against the standards of morality, decency and propriety generally accepted

by reasonable adults to the extent that the film should be classified 'RC'.

COMPUTER GAMES CLASSIFICATION

When making classification decisions the Board applies the criteria set out in the National Classification Code and the guidelines for the classification of computer games. The Board is also required to take into account matters set out in section II of the Classification Act.

The guidelines for the classification of computer games were formulated prior to the commencement of a computer games classification scheme in 1994. They were drafted with the explicit directive from Ministers responsible for Censorship that they should be applied more strictly than the equivalent film classification guidelines. This directive was motivated by the notion that the interactive nature of game play may have a more detrimental effect on children than the passive viewing of films/videos.

Classification Decisions

During 1997-98 a total of 591 computer games were classified by the Board, a similar figure to the number of games classified last financial year (604). Once again, the majority of games classified fall into the advisory, rather than the restricted or refused, categories. A total of 526 games were classified in the advisory categories ('G', 'G8' and 'M').

Approximately 75% of games were classified 'G' and 'G8', which is very similar to the proportion classified in the 'General' categories for the last two years (71% last year and 78% in 1995-96).

'G' Decisions

Sports games (including driving games) and games of skill and strategy make up the bulk of games classified 'G'. The category includes games specifically targeted at young children, such as Disney titles. Some games classified 'G' however require a great level of sophisticated thinking and planning to play. Some simulation games, for example, require the player to create and control an empire (whether it be financial, ancient or alien!) or run a hospital or sporting club which must be successfully managed in terms of business and human resources.

'G8' Decisions

Games classified 'G8' have, for the most part, an element of stylised or unrealistic violence, which is mild in impact. A popular style of game generally considered suitable for the 'G8' category, for example is the war/strategy game. In this type of game, the player has certain 'missions' to complete, and controls small screen icons which represent battle units that must be strategically deployed for the player to win.

'M' Decisions

Games which are classified 'M' (not recommended for players under 15 years of age) generally feature low or medium level animated violence. Bloodless, stylised hand-to-hand combat games such as *Streetfighter* are generally classified 'M'. The player uses a mix of speed and skill to control the on-screen fighters and their moves. Some games played from a first person perspective may warrant 'M' classification, where the player uses weapons to target enemies (usually more mechanical or 'alien' than human in the 'M' category) and must negotiate their way through different levels in a complex 3D environment in order to 'win' the game.

Not all games recommended for mature players contain violence, and the Board considers all elements warranting classification in every game. A game such as *Battle of the Sexes*, a popular quiz game, was classified 'M' for sexual references. Games with mature adult themes or coarse language may also be classified 'M'.

'MA15+' Decisions

This year the 'MA15+' category featured a number of spin-offs and 'add-ons' to popular titles previously classified in this category. Examples of this kind of sequel title include new versions of or add-ons to *Duke Nukem*, *Redneck Rampage*, *Quake*, *Mortal Kombat*, *Carmageddon* and *Hexen*.

One game which attracted some media attention was the game *Grand Theft Auto*. *Grand Theft Auto* was classified 'MA15+' with consumer advice of "Medium Level Animated Violence" and "Adult Themes". It is a third person perspective 'top-down' animated game in which the object is to score points by completing missions for a crime boss, including stealing cars.

The Board noted that the 'top-down' animation reduces the cars and the characters in the game to an ant-like perspective which lacks detail or realism, and significantly reduces the impact of the concepts and violence within the game.

There are strategic elements in the game which also mitigate against the impact of violence. Players are required

to concentrate on mastering the controls, mapping routes through the cityscape, avoiding capture, obtaining and implementing instructions and completing a variety of other tasks, such as making deliveries.

During the game, players can drive off the road and among pedestrians, who run out of the way. While points may be scored, there is a disincentive in the game to 'running over' pedestrians as this results in the player being chased by police. The action in the game is not detailed, victims fall down when killed and appear with a small red splotch next to them when 'run over'. In addition to the aspects of violence within the gameplay, the game contains some coarse language and mild verbal references to drugs.

The Board noted that while some people may view with concern the conceptual impact of some aspects of the game, the animated depictions of violence are highly unrealistic and not detailed. The Board was of the view that the impact of such elements is mitigated by the competitive skill-based gameplay and the need to master the game controls.

The Board considered that the game has a mature tone and themes which are not suitable for children under fifteen. Accordingly, the Board legally restricted the game to a mature audience 15 years and over.

'RC' Decisions

The computer game *Postal* was classified 'RC' by the Board in 1997-98. In the Board's view the game offends against community standards to the extent that it should not be classified.

The game play is based around a central character who uses a variety of weapons to kill armed 'hostiles' and unarmed civilians in a number of different locations. The aim is to kill a pre-determined percentage of the population on each level. Locations for gameplay include suburban and city streets and parks.

The player can exit the game at any stage by 'committing suicide'.

The Board noted that killing opponents, and unarmed civilians, is the basic feature and purpose of gameplay.

In the Board's view, the neighbourhood context in which violence occurs is the source of much of the impact of the game. The Board noted that although the characters in the game are small animated figures, the soundtrack emphasises the fear and suffering of victims.

The Board noted community concerns about massacres and other acts of random violence in such locations.

Although some of the more extreme material in the full American version of *Postal* had been removed from the version submitted for classification in Australia, the Board was of the view that Australian community standards precluded the modified version being available for sale in Australia.

PUBLICATIONS CLASSIFICATION

The Board classifies publications for sale on behalf of New South Wales, Victoria, South Australia, Queensland and the Territories. Western Australia and Tasmania operate their own schemes. Publications can be classified as:

'Unrestricted'

No restrictions on sale or display;

'Category 1 – Restricted'

Only to be sold to persons 18 years of age and over and only to be displayed in a sealed wrapper (not to be sold in Queensland);

'Category 2 – Restricted'

Only to be sold to persons 18 years of age and over and only to be displayed on restricted premises (not to be sold in Queensland); or

'RC' (Refused Classification)

Not to be sold.

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

The classification of publications has been a responsibility of the Board since January 1996 with the commencement of the Classification Act. As is to be expected with any major change, the transfer of classification duties from public servants to a statutory body has had its attendant difficulties for some members of the publication industry. In 1996-97, classification of the 'Unrestricted' category and the provision of pre-classification advice were both issues of note for some

members of the publications industry and the OFLC, and the Rabelais case (classified 'RC' by the Classification Review Board, a decision subsequently upheld by the Federal Court) excited some public attention. Some of the main issues that have arisen for some publishers and distributors during 1997-98 include the provision of pre-classification advice, higher fees (as a result of a Government directive for the OFLC to move to full cost recovery) and consistency in decision-making.

Consistency in decision-making is desirable not only from the point of view of consumers who rely on classifications and consumer advice when choosing entertainment media, it is also a crucial issue for publishers. In publications, this is often especially the case with regard to advertising, a source of revenue for many publishers.

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

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

Thus a single image of nudity which borders on warranting restriction (in terms of explicit detail) may be accommodated in the 'Unrestricted' category, but the same image combined with other strong images may be considered to warrant restriction in terms of cumulative impact. Decisions are made on the basis of majority vote. As the operational procedure of the Board may not always accord with the commercial practices of publishers and distributors, the OFLC encourages communication between its staff and clients, in order that Board standards and practice can be understood and applied to commercial advantage (eg. achieving the desired classification category).

Classification decisions

During 1997-98 a total of 2281 commercial publications were submitted for classification. In each case, the Board was required to determine whether or not the publication warranted restriction to adults, and if so, in which category, or if the publication warranted 'RC' classification.

The 'Unrestricted' category

This category is the smallest classification category for publications (other than 'RC'), as most submittable publications are considered to warrant restriction to adults. During 1997-98 a total of 369 publications were classified 'Unrestricted'. This represents about 16% of all publications classified.

Probably the most controversial publication in this category was the *Spice Girls Poster Magazine*. The publication features nudity not considered to exceed the 'Unrestricted' criteria. It came to the attention of the public only recently, but

the actual classification decision was made some time ago. At that time there was not a full appreciation that any Spice Girls merchandise (even of this kind, with a reference on the cover to 'Ginger Spice nude') would be very likely to be bought by young children.

It is extremely rare that a submittable publication (ie. one likely to warrant restriction to adults) should appeal to any but a mature or adult audience. In this case, an indication of the mature nature of the contents of the *Spice Girls Poster Magazine* would have been very desirable for both retailers and consumers. Because of the appeal to young audiences of the Spice Girls, the South Australian Classification Board has decided in a majority vote to use its reserve powers to classify this publication 'Category 1 — Restricted' in South Australia.

'Category 1 — Restricted'

During 1997-98 a total of 1303 publications were classified 'Category 1 — Restricted'. This represents about 57% of all publications classified and is the largest classification category.

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

protected from exposure to unsolicited material they find offensive). In accordance with the guidelines, publications whose covers exceed the criteria for public display warrant 'Category 2 — Restricted' classification.

Publishers and distributors of publications whose contents warrant a 'Category 1 — Restricted' classification but whose covers exceed the criteria for public display may undertake, prior to classification, to provide an 'opaque version' of the publication for classification, which effectively obscures the original cover by providing a new opaque cover (suitable for public display).

'Category 2 — Restricted'

During 1997-98 a total of 495 publications were classified 'Category 2 — Restricted'. This represents about 22% of all publications classified. This year this category included a number of small novellas, as well as magazines featuring explicit sexual activity.

'RC' (Refused Classification)

During 1997-98, 114 publications were classified 'RC', representing about 5% of publications. A large number of these decisions were in relation to small novellas, and were made on the basis of descriptions of incest (involving parents and children), sexual violence, and child pornography.

An 'RC' decision which generated some controversy in the adult industry was the 'RC' classification of an edition of *Searchlight* magazine. The decision was made by the Board on the basis of a 'reader's letter' describing sexual assault

in a lift with titillatory detail. The letter was considered by the Board to be an 'unjustifiable description of sexual violence' and thus was considered to warrant 'RC' classification. This decision was appealed by the applicant and the magazine was subsequently classified 'Category 2 — Restricted' by the Review Board.

The OFLC received 14 complaints about the content of TV programs and/or the Internet which were referred to the Australian Broadcasting Authority (ABA). Of these, 7 complaints took issue with specific television programs. A further 7 complaints dealt with general enforcement issues. Two complaints related to skin care advertisements and were referred to the Advertising Standards Council.

TELEPHONE MESSAGE SERVICES

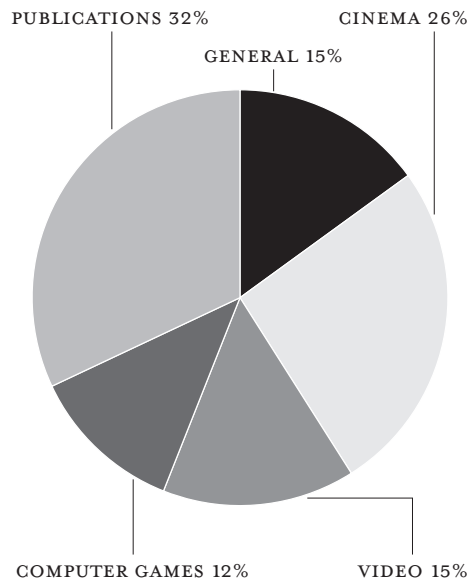
The Classification Board has a contractual arrangement with the Telephone Information Services Standards Council (TISSC). It advises TISSC on 'censorship' type complaints relating to alleged breaches by service providers of the TISSC Code of Practice in connection with the content and advertising of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

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

**COMPLAINTS RECEIVED
1997-98**

COMPLAINTS	No	%
GENERAL	30	15%
CINEMA	54	26%
VIDEO	31	15%
COMPUTER GAMES	25	12%
PUBLICATIONS	66	32%
TOTAL	206	100%

FIGURE 10: COMPLAINTS RECEIVED BY CATEGORY



CINEMA

The OFLC received 33 written and 21 telephone complaints about cinema releases. Films in the 'G' and 'PG' categories that were of concern included *Blues Brothers 2000* (two complaints about bad language), *Men in Black* (4 written and 1 telephone complaints about graphic images and the film being unsuitable for the 'PG' rating) and *Joey* (2 complaints about disturbing themes for children).

There were also concerns about films in the 'M' and 'MA' categories such as *Event Horizon* (3 written and 3 telephone complaints about the graphic horror images that it contained) and *Starship Troopers* (3 telephone complaints about violence in the feature). *The Full Monty* also drew objections (2 telephone complaints about it being unsuitable for children to watch) as did *Good Will Hunting* (2 telephone complaints about coarse language in the film).

On the whole complainants were concerned as to whether films were suitable for viewing by children. Many people suggested that the films they complained about were given a lower rating than they would have expected. There were also complaints about the enforcement of classification decisions for cinema releases which included concern over incorrect classification and consumer advice in cinema advertisements and about 'M' rated classification trailers being exhibited with 'PG' cinema releases.

VIDEO

Video releases were the subject of 16 written and 15 telephone complaints. *Event Horizon* (2 written and 1 telephone complaint about the level of graphic horror) was the only title to draw more than

one complaint. Most complaints centred on particular titles and were isolated cases.

COMPUTER GAMES

A total of 14 written and 11 telephone complaints related to computer games. Over half of these concerned the games *Carmageddon* (4 written and 6 telephone complaints) and *Grand Theft Auto* (3 written and 2 telephone complaints). Both *Carmageddon* and *Grand Theft Auto* were classified 'MA15+', restricting the game to people 15 years and older. The consumer advice for *Carmageddon* advises that the game contains "High Level Animated Violence" while *Grand Theft Auto* has consumer advice labelling for "Medium Level Animated Violence" and "Adult Themes". Although many of these complainants appeared not to have played either of the games, the main concern about these games were that they should not be sold as they promoted antisocial behaviour and might incite crime.

PUBLICATIONS

The OFLC received 66 complaints (46 written and 20 telephone complaints) relating to publications classification. Of these, 30 complaints (19 written and 11 by telephone) concerned publications which had not been classified and/or would not be considered submittable publications. Concerns were expressed about advertisements for sexual services appearing in newspapers and mail drops. Magazines, newspaper articles, greeting cards, books and CD lyrics were also the subject of complaints as they were considered to be sexually explicit, contain coarse language or be unsuitable for children. Of specific concern was a greeting card featuring a naked toddler

bending over which was the subject of 3 written and 1 telephone complaint objecting about the inappropriateness of the photograph.

The OFLC received 19 complaints (11 written and 8 by telephone) regarding publications in the 'Unrestricted' category. Common concerns were that 'sexually explicit' magazines classified 'Unrestricted' were available to minors and were on public display in newsagencies, service stations and milk bars. These complaints generally advocated that such magazines be given a restricted classification. Of particular note in the 'Unrestricted' category was the *Spice Girls Poster Magazine* which drew 1 written and 5 telephone complaints. Concern was raised that young children were buying the magazine which contained a nude photograph of one of the Spice Girls.

A total of 11 formal complaints were received from OFLC clients objecting to classification fees or decisions or raising concerns about possible breaches of the 'Unrestricted' guidelines by their competitors' magazines.

Of the remaining complaints, 3 dealt with enforcement matters and 3 were on the subject of 'RC' material.

Publications complainants during 1997-98 were advised about the Publications Guidelines Review. Their concerns were taken into consideration when formulating the draft revised guidelines and complainants were invited to make submissions to the Review. Several complainants have made submissions.

O B J E C T I V E | *t w o*



TO ENABLE THE
FILM, PUBLISHING
AND COMPUTER
GAMES INDUSTRIES
TO PRODUCE AND
MARKET THEIR
PRODUCTS IN
ACCORDANCE WITH
PUBLIC
CLASSIFICATION
STANDARDS AND
PRE-SET CONDITIONS
OF SALE AND
EXHIBITION.

KEY OUTCOMES

- > Enhancement of the pre-classification advisory service to members of the publications industry.
- > The training and authorisation of 23 people to recommend classifications for computer games in the advisory categories.
- > Continuation and expansion of the Community Liaison Officer Scheme.

**INDUSTRY SUPPORT SERVICES UNIT:**

STANDING: BRAD COOKE; SECOND ROW: LANA HOFFMAN, CATRIONA TAYLOR, RON ROBINSON, NANCY HUGGETT; FRONT: NICK PERRETT.
 ABSENT: TONY FRAZER, KATE RYCE AND RAJI VISWANATHAN.

CLIENT AND INDUSTRY LIAISON**PRE-CLASSIFICATION ADVICE**

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

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

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

Some publishers choose to modify their material in accordance with advice given in order to go comfortably to print prior to formal classification. Publishers who choose not to modify material and await the outcome of any Board discussion may

end up with a publication with slightly stronger material in a given category than their competitors, but equally may end up with a different classification outcome than they desired.

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

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

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

TRAINING FOR APPROVED ASSESSORS FOR COMPUTER GAMES

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

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

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

In the reporting year 23 people were trained by the OFLC and authorised by the Director to recommend classifications for games in the advisory categories.

The scheme ensures liaison and communication with clients, which the OFLC welcomes as being to the advantage

of both industry and consumers, for the maintenance of consistent classification standards.

REVIEW OF ADVERTISING ARRANGEMENTS

Following requests from a number of industry members, at the SCAG meeting of 12 December 1997, Censorship Ministers agreed to approve, as an interim measure, an increase in the quota of exemptions for advertising trailers from 60 to 70. Ministers also agreed to review existing advertising arrangements under the national classification scheme in consultation with industry members.

CLASSIFICATION EXCLUSIONS SCHEME

The Classification Act excludes some material from the definitions of "film" and "computer game" in section 5 and therefore from the requirements for classification. At their April 1998 meeting, Censorship Ministers approved for release a flier containing information about the classification exclusions scheme. The flier was distributed to OFLC clients in June 1998.

INDUSTRY CONVENTIONS

In August 1997, the Director and Deputy Director of the OFLC maintained a stall at the Queensland Motion Pictures Exhibitors Association's National Convention and provided information to exhibitors about the classification scheme. The OFLC also operated a stall at Sexpo in Sydney in May 1998. In addition, the Acting Director and the Senior Classifier for Films and Videos attended the National Association of Theatre Owners Conference in June 1998.

COMMUNITY LIAISON OFFICER SCHEME



THE HON. JAN WADE MP, THE VICTORIAN ATTORNEY-GENERAL, AND THE COMMUNITY LIAISON OFFICER, ANDREW GARDEN

The Community Liaison Officer (CLO) scheme was implemented following agreement by the SCAG Ministers from the participating jurisdictions and has achieved considerable success in assisting the OFLC to meet Objective 2. The CLO scheme has an educational focus and commenced in February 1997. Participating Censorship Ministers have agreed to extend the scheme for a 3 year period following completion of the 62 week trial period which ended on 24 April 1998. Ministers have also agreed to the engagement of an assistant to Mr Andrew Garden, the CLO.

The CLO scheme includes all jurisdictions with the exception of Queensland. The scheme is administered by the Commonwealth.

The aim of the CLO scheme is to assist retailers and distributors of publications, films and computer games to comply with their legal obligations under the national classification scheme. The CLO visits premises and traders in participating jurisdictions and provides detailed information about classification laws and

requirements. Such information includes advice about apparent breaches, restrictions applying to the sale or display of certain materials, labelling requirements and other related matters.

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

The CLO has made presentations to industry conferences and has briefed large national corporations about the legal requirements of the classification scheme. He has also helped to raise awareness of the scheme through a series of interviews with local media in the participating jurisdictions.

Since the commencement of the scheme, the CLO has identified and recorded over 3,800 individual breaches of the classification legislation relating to publications, films and computer games. Numerous other 'serial' breaches, or common breaches attributable to large national distributors, were identified and recorded.

Information about probable breaches has been provided by industry operators and members of the public. Such information has been followed up by the CLO and, when necessary, referred to the OFLC or to appropriate enforcement authorities.

Contact details for the CLO scheme are as follows:

Mr Andrew Garden
Community Liaison Officer

Office of Film and Literature
Classification

Suite 14,
456 St Kilda Road
Melbourne VIC 3004

Ph: (03) 9820 2973
Fax: (03) 9820 1815

FILM FESTIVALS AND EVENTS

Under the national classification scheme film festival may become 'approved organisations' under State and Territory legislation which complements the Classification Act. This entitles them to apply to the appropriate authority to have their unclassified films exempted from the classification requirements of the relevant State laws. The appropriate authority for film festivals in Victoria, New South Wales, South Australia, Western Australia, the Australian Capital Territory and the Northern Territory is the Director of the Classification Board. Those seeking 'approved organisation' status or exemption in Tasmania or Queensland must apply to authorities in those states.

Details of film festivals granted approval during the reporting period are contained in Appendix I to this report.

OFLC INTERNET WORLD WIDE WEB SITE

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

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

The website assists this process in a number of ways.

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

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

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

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

The website has proved to be a valuable resource for industry, and is extensively used. The OFLC is continually seeking to improve its usefulness to industry and the community, and it is planned that in the coming financial year, the website will be substantially upgraded, with many new facilities and features.

Currently, the database is updated by a weekly download of new data. The OFLC is investigating newer technologies which may allow the website to directly interrogate the office's principal in-house classification database, obviating the need for downloads and allowing classification information to be instantly publicly available. In addition, the OFLC hopes to be able to offer clients a password protected facility to enable them to check the current status of applications within the classification process.

SERVICE CHARTER

The OFLC has two main client groups:

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

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

Substantial progress with the document has already been made. It draws upon the findings of a past customer survey, and more recent independent consultations with industry clients. The OFLC expects to release the Charter in late 1998.

O B J E C T I V E | *three*



ESTABLISH THE
OFLC AS A
PRINCIPAL SOURCE
OF EXPERT ADVICE
AND INFORMATION
ON CLASSIFICATION
ISSUES FOR
GOVERNMENT.

KEY OUTCOMES

Provision of:

- > secretariat and policy support for three meetings of SCAG and three meetings of the Australian Censorship Officials.
- > training seminars for Customs Officers in Sydney.
- > training seminars for Police in Alice Springs and Darwin.
- > high level advice to Government on a range of censorship matters.
- > regulation of on-line services;
- > offensive audio materials;
- > Community Assessment Panels scheme;
- > Community Liaison Officer scheme;
- > regulation of material broadcast on free-to-air television;
- > publications guidelines review;
- > 'X'-rated videos;
- > review of advertising arrangements; and
- > classification exclusions.

MINISTERIAL COUNCIL MEETINGS

SCAG comprises the Attorneys-General of the Commonwealth, the States, the Northern Territory and the Australian Capital Territory. For censorship matters the membership is the same as the SCAG except for Western Australia where the Minister for the Environment, Employment and Training, not the Attorney-General, represents that State. During 1997-98 Ministers met on three occasions on censorship matters: in Brisbane on 17 July 1997, Hobart on 12 December 1997 and Perth on 16 April 1998.

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

A list of censorship matters considered by the Committee during 1997-1998 is set out below:



POLICY UNIT:

BACK: JON PORTER, MARGARET HARRADINE AND JOEL GREENBERG;

FRONT: NANCY HUGGETT.

ABSENT: IRENE BAGHOOMIANS AND SADIE DONALDSON.

CENSORSHIP OFFICIALS' MEETINGS

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

POLICE AND CUSTOMS

Two training seminars were held in Sydney for Customs officers in relation to publications. These seminars were attended by Customs officers from around Australia and formed the focus of a concerted effort to improve the processing of material referred by the Australian Customs Service. The training focused on the application of Regulation 4A of the Customs (Prohibited Imports) Regulations, with particular emphasis on provisions relating to child pornography.

OFLC officers and the CLO maintained close liaison with Customs officers and Police in the States and Territories. For example, the Director and the CLO attended a training conference with police in Alice Springs and Darwin on 19 and 20 November 1997.

During the reporting period 803 individual films (including videotapes, laser discs and computer discs) were referred by Police and Customs services for assessment by the OFLC. This represents a decrease of 324 (29%) on the 1996-97 total of 1127. At the same time Police and Customs referrals of publications in the reporting period was 1024, a 105% increase on the 1996-97 figure of approximately 500.

A further 805 items were referred for evidentiary checking against the OFLC classification database during the reporting period. A detailed breakdown of these statistics is contained in Appendix I to this report.

INTERNATIONAL LIAISON

The OFLC continued to maintain and enhance its links with overseas organisations during 1997-98.

The 'Violence, Crime and the Entertainment Media' conference held on 4-5 December 1997 enjoyed strong representation from overseas classification regulatory bodies. Participants at the conference included members from the Hong Kong, Japanese, British, Irish, Swedish, Dutch, American and New Zealand classification agencies.

Distinguished international speakers at the conference featured Professor Donald Roberts from Stanford University, who is Chairman of the Supervising Committee of a research project into violence on United States television. Professor Roberts helped design a system to rate violence, sex and language for the computer software industry in the United States and internationally.

The 'Violence, Crime and the Entertainment Media' conference was followed by an informal conference at the OFLC on 8-9 December 1997 for members of the Board and their international colleagues.

The conference provided an opportunity for Board members to discuss a number of classification issues with their counterparts from other countries. Topics of discussion included classification trends; consistency of classification decision-making; and, regulation of the internet.

In other contacts during the reporting period, the OFLC received a visit in September 1997 from Mr Ham and Mr Eom of the Korean Broadcasting Commission. The OFLC also received a visit in February 1998 from Mr Kim Sang-Ug, Deputy Director of the Motion Picture Promotion Division, Ministry of Arts and Culture, Republic of Korea. The Motion Picture Promotion Division has responsibility for a number of areas of Korean film policy including cinema multiplex development, planning and regulation; film classification issues; film archiving and preservation issues.

SUBMISSIONS TO GOVERNMENT COMMITTEES/INQUIRIES

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

In addition to providing briefing material and secretarial support to meetings of Censorship Ministers and their officials, the OFLC has contributed to a number of Government committees and inquiries on different subjects within the broader issue of media regulation and control. These include investigations following from the Ministerial Committee on the Portrayal of Violence in the Media.

O B J E C T I V E | *f o u r*



ENSURE THE
OPTIMUM
OPERATION OF THE
OFLC BY PURSUING
CONTINUAL
IMPROVEMENT IN
THE MANAGEMENT
OF ITS RESOURCES.

KEY OUTCOMES

- > KPMG management consultants commissioned to conduct a review of the OFLC's activities in order to realign operations and corporate culture to reflect a transition from its traditional role of regulatory agency to its emerging role as industry standard-maker and service provider.

FULL COST RECOVERY

The previous government announced in 1995 that the OFLC would move towards full cost recovery for classification services over a three year period. That is, on a year by year basis, the funding received by the OFLC from the Commonwealth budget would be reduced until the 1998-99 financial year, when only the cost of services to government and services to the community would be budget-funded. From that year forward, all costs involved in providing classification services to industry were to be met by industry. The provision of classification services accounts for approximately three fifths of the OFLC's budget.

Fees were increased to offset this reduced funding.

A subsequent decision, however, taken by the government in the context of the 1996 budget, required the OFLC to achieve cost recovery for its entire operation, including the services provided to government and the community. Again, it was intended that this would take effect as at the commencement of the 1998-99 financial year.

This would require the imposition of somewhat higher charges, as well as a change in the legislative basis on which the

OFLC levies fees. To achieve this, new legislation, which would allow OFLC to recover from industry amounts in excess of classification service costs, was introduced into parliament in November 1997. This legislation has not yet been passed by parliament, but its passage is anticipated sometime in 1998.

The OFLC recognises that the move to full cost recovery represents an increased burden to industry. The Functional Review of staffing and structure, and more recently the Commercialisation Review were designed to ensure that the OFLC is capable of delivering the highest possible standard of service in a commercially cost-effective manner.

COMMERCIALISATION REVIEW

In order to minimise the financial impact on clients, the OFLC has been preparing for full cost recovery by working to achieve efficient and effective business processes, and a staffing structure which is both cost effective and responsive to client needs.

During 1996-97 the OFLC completed its Functional Review which established the organisational structure and staff profile necessary to operate efficiently in a client-focused manner. Having implemented a commercially appropriate structure, the next step was to review the business systems and processes of the OFLC.

In December 1997, the OFLC commissioned KPMG management consultants to conduct a Commercialisation Review. The object of the review was to assist the OFLC to realign its operations and corporate culture to reflect a transition from its traditional role

of regulatory agency to its emerging role as industry standard-maker and service provider. The first stages of the Review focused on assisting the OFLC produce change and improvements in commercial viability in five critical areas:

1. transition to a service-based culture where provision of services is aligned with clients' perception of service value and expectations of timeliness;
2. wider consumer adoption of the OFLC's services by the public (the end-users of its product) to improve the value added by the office;
3. movement towards a pricing model which allows greater transparency in accounting for activities to enable the OFLC to demonstrate the equitable sharing between customers of benefits and costs;
4. optimising scale economies to allow the OFLC to expand into new markets as entertainment technology develops; and
5. improving business efficiency by reallocating resources from activities which provide little value to customers to areas which provide better value services.

At the end of the reporting period, the consultant's final report was yet to be presented, but work on the commission is expected to be finalised in the first half of the 1998-99 financial year.

As part of the final stage of the work, KPMG is assisting in the specification and selection of a replacement for the OFLC's principal in-house database. The existing 'FLICS' system has reached the end of its

useful economic life and is unsuitable for operations within a commercial environment. The new system will feature far greater flexibility, with significantly reduced operating costs. It will also benefit clients more directly by providing far more flexible internet based search and inquiry facilities.

RESOURCE MANAGEMENT

PURCHASING

The OFLC follows the procurement guidelines established by the government and, wherever possible, uses the Department of Finance and Administration's Common Use Contracts.

INFORMATION TECHNOLOGY

The OFLC has traditionally had its information technology (IT) needs provided by Attorney-General's Department, an arrangement which concludes at the end of the reporting year. As a result of the separation from the Department, a program of replacement has had to be implemented.

A new computerised accounting system — SunSystems — was acquired by OFLC during the year to replace the service previously provided by Attorney-General's Department. The acquisition was completed in accordance with government IT purchasing policies using the Office of Government Information Technology's standard contract.

Ownership of desktop computers, the file server and the internal network was transferred to the OFLC on 1 January 1998. This hardware has been part of the Attorney-General's Department's IT

infrastructure. Data communication and Human Resource facilities will continue to be provided for part of 1998-99, but replacement is scheduled for the first half of that year.

AUDIT AND EVALUATION

AUDIT-INTERNAL/EXTERNAL

Until the end of 1997-98 the activities of the OFLC were subject to examination by both the Australian National Audit Office and the Audit and Evaluation Section of the Attorney-General's Department. The Audit and Evaluation Section, as part of their Annual Work Program, conducted a review of the OFLC in June 1998. Their report had not been finalised as at the end of the reporting year, but no significant anomalies are anticipated.

The Financial Statements contained in Appendix V to this report have been audited by the Australian National Audit Office.

EVALUATION

The OFLC in 1997-98 was covered by the Attorney-General's Department Evaluation Plan. Details of any evaluation activity are reported in the Attorney-General's Department Evaluation Report.



BUSINESS SUPPORT UNIT:

STANDING: PAUL TENISON AND BART THOMAS; MIDDLE: MANUS MCFADYEN AND ROBERT BREWER; FRONT: MICHAEL FROST AND JILLIAN BLACKALL. ABSENT: LISA LYNCH.

O B J E C T I V E | *f i v e*



DEVELOP THE
COMMITMENT AND
PROFESSIONALISM
OF STAFF TO
ENHANCE THE
EFFECTIVENESS OF
THE OFLC.

KEY OUTCOMES

- > Involvement of all Australian Public Service (APS) staff in the development of a certified agreement determining many of the terms and conditions of employment at the OFLC.
- > Establishment of a Human Resource Management position to assist in the management of issues arising from the establishment of the OFLC as an independent agency and extensive change in public sector administration and employment arrangements.
- > Members of the Classification Board attended the conference 'Violence, Crime and the Entertainment Media' on 4-5 December 1997 which provided them with the opportunity to hear the views of specialists about classification issues.
- > Continued commitment to training and development with particular focus on training for new business support systems and the establishment of a training and development program.

CHANGING INDUSTRIAL AND ADMINISTRATIVE ENVIRONMENT

During the year the OFLC was faced with an extraordinary number of changes in relation to the employment environment, particularly in relation to APS staff. These changes stemmed from:

1. the transition from a semi-autonomous unit of the Attorney-General's Department to an agency in its own right, responsible for the development and implementation of its own Human

Resource Management (HRM) policies and processes;

2. extensive reform of the public sector industrial relations environment and the level of associated work to be handled at the agency level; and
3. wide ranging public sector administrative reform.

The workload arising from these changes for an agency the size of the OFLC is considerable. Accordingly, the OFLC has used the making of a Certified Agreement as the focal point for addressing much of this change and as a starting point for establishing a HRM framework within which the commitment and professionalism of the staff may best continue to be addressed.

Through the agreement-making process, staff have had direct involvement in the shaping of both a more productive workplace and the terms and conditions of their employment, including the shaping of ongoing arrangements for their participation in decision-making in the OFLC.

INDUSTRIAL DEMOCRACY

The Industrial Democracy Policy and Plan in place in the Attorney-General's Department remains effective for the OFLC. This policy was originally adopted in 1993 and a formal review of this policy will be undertaken as part of the workplace agreement to reflect both the OFLC's specific organisational needs and the Government's policy on freedom of association. However, the key industrial democracy principles of the existing policy

have been observed in the making of the agreement:

- > the appropriate participation by staff in the decision-making processes of the OFLC; and
- > the recognition of employee representatives, including union delegates, in industrial democracy.

The OFLC decided to pursue an agreement with the Community and Public Sector Union (CPSU) and a working party was established to develop a workplace agreement for APS staff at the OFLC. This group, known as the Agreement Development Committee (ADC) comprised three management-nominated members, including the CPSU representative, and three staff-nominated representatives broadly representing all levels of APS staff at the OFLC. The role of the ADC is to facilitate staff involvement in establishing an agreement which achieves improved employment conditions and pay rates through productivity improvements. To date, the ADC has focussed on providing sufficient information to staff to allow them to express informed opinion and on collecting and collating the views and concerns of staff in relation to the making and content of a Certified Agreement. It is anticipated that a signed agreement will be submitted to the Industrial Relations Commission for certification by mid-October 1998.

A key outcome from this agreement will be the formalisation of arrangements for ongoing staff consultation on and participation in decision-making.

The Business Manager has been designated by the Director as the officer responsible for Industrial Democracy.

ANNUAL CONFERENCE

The OFLC has held an annual conference most years since 1988. The purpose of these conferences is to provide an opportunity for discussion of classification issues and to allow members of the Board to hear about the views and experiences of specialists in fields relevant to these issues.

The 1997 conference, held on 4 and 5 December 1997, in conjunction with the Australian Institute of Criminology, was titled 'Violence, Crime and the Entertainment Media' and explored a number of issues, chief amongst them:

- > the relationship between violence in entertainment and crime in our society;
- > cultural perspectives on violence and crime;
- > creativity and the portrayal of violence in film and computer games;
- > the challenges of new technologies — virtual violence, and the challenges of new transmission media, especially the internet;
- > policies and practices in the regulation of violent material; and
- > reviews of major national research studies and identification of risk factors.

Speakers at the conference included Professor Donald Roberts, Professor of Communication at Stanford University; Dr Adam Graycar, Director of the Australian Institute of Criminology; Mr David Elfick, film producer; Senator Helen Coonan, Senator for NSW, and Ms Margaret Ford, Deputy Director, British Board of Film Classification.

TRAINING AND DEVELOPMENT

The establishment of the OFLC on a commercial, full cost recovery basis and the concurrent separation from the Attorney-General's Department's business support system necessitated considerable training of staff in new business support systems. This included sixteen days of specialist training in new finance and payroll systems. Four senior staff members also attended training in the use of performance indicators.

Additionally there has been ongoing training, both formal and informal, accompanying the upgrading of computer systems and applications. All staff of the OFLC received half a day of training in the use of the new email system and representatives from each area were trained in the use of a new electronic diary system.

The OFLC became a member of Public Sector Development, the training and development unit of the Forum of Commonwealth Agencies in NSW. This provides the OFLC with over \$2100 worth of places on courses, seminars and networks from June 1998.

The OFLC also began work on the introduction of a training and development plan for all staff. At the request of the Acting Director, a trial program has been developed by the line managers' forum for consideration by staff and introduction, initially on a voluntary basis, early in 1998-99.

Staff were also assisted in work-related study with both financial and leave assistance through its studies assistance policy.

SOCIAL JUSTICE AND EQUITY

Establishing and maintaining a just, equitable and safe working environment is an important precondition for developing the commitment and professionalism of OFLC staff.

Equal Employment Opportunity (EEO)

The OFLC was part of the Attorney-General's Department until 1 January 1996 and continues to be covered by the Attorney-General's Department's Agency Agreement. Accordingly, the EEO Program in place in the Attorney-General's Department continues to apply until the implementation of a Workplace Diversity program in the OFLC in early 1998-99.

In addition to the social justice aspects, the OFLC recognises the economic efficiencies that flow from EEO. The OFLC also recognises the benefits that lie in employing a diverse workforce which reflects the heterogeneous nature of Australian society and assists the OFLC to maintain sensitivity to the diversity of views about classification issues.

The Attorney-General's Department's 1995-1998 EEO Program was implemented in early December 1995 after it was developed by the EEO Subcommittee of the National Industrial Democracy Committee (of the Attorney-General's Department) in consultation with the CPSU. The principles and objectives of the program continue to be an integral part of day-to-day management in the OFLC. The program focuses on the following five key objectives:

- > to raise the level of awareness and understanding of EEO among staff and managers and ensure that it is integrated into all areas of human resource management;
- > to ensure that EEO group members are able to compete for recruitment and promotion as effectively as others;
- > to ensure that all staff have equitable access to training and career development activities;
- > to ensure that work and family issues are considered in all areas of human resource management; and
- > to ensure the elimination of all forms of workplace harassment.

The Business Manager has been designated by the Director as the officer responsible for EEO. The role of the Business Manager is to provide advice to the Director on EEO issues and to oversee the implementation within the OFLC.

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

Twenty two of the 48 staff and board members in the OFLC are female. Of the 22, 4 fall into a second EEO category: two in the NESBI Category and two in the NESB2 Category (secondary EEO data was available for 39 (81 percent) of the staff and board members).

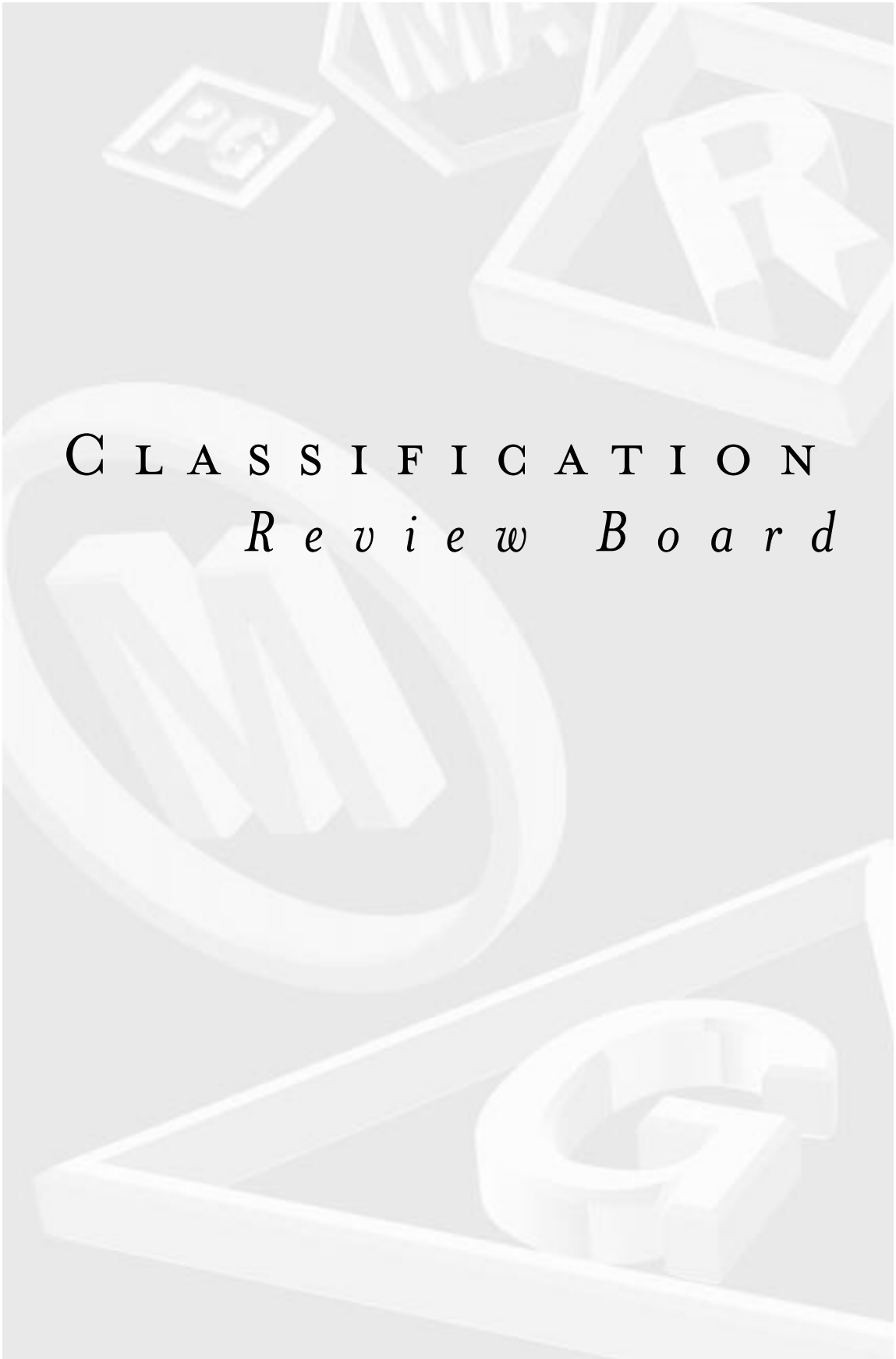
Classification Board and Classification Review Board members are carefully selected to ensure they reflect community interests. There is an even gender balance and a wide age range.

A table detailing the representation of EEO groups at each salary level is included in Appendix IV Staffing Matters.

Occupational Health and Safety (OH&S)

The OFLC, recognising the importance and value of taking all reasonable steps to ensure the safety and well-being of its staff, has adopted OH&S Policy of the Attorney-General's Department and, pending the establishment of its own policy and agreement under a workplace agreement, continues to recognise this policy. Due to the small size of the organisation, the OFLC did not have its own OH&S representative but is represented by a staff member of another area of the Attorney-General's Department on the Attorney-General's Departmental OH&S Committee. Staff safety and welfare is monitored and any safety concerns are addressed through Designated Work Group Meetings. The Business Manager has been designated by the Director as the officer responsible for OH&S.

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



C L A S S I F I C A T I O N
R e v i e w B o a r d



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Telephone 02 9381 7000 Facsimile 02 9381 7001
Internet www.oflc.gov.au

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

Dear Attorney-General

In accordance with sub-section 85(1) of the *Classification (Publications, Films and Computer Games) Act 1995*, I am pleased to submit the report on the management of the administrative affairs of the Classification Review Board for the 1997-1998 financial year.

A handwritten signature in black ink that reads "Barbara Biggins". The signature is written in a cursive style.

Barbara Biggins OAM
Convenor

6 August 1998

YEAR IN REVIEW

The membership of the Classification Review Board (the Review Board) underwent several changes during the year. Four new members were appointed on 19 December 1997, and the appointment of another member, Fr Michael Elligate, expired on 31 December 1997. Fr Elligate made a valuable contribution to the Board's activities over a number of years.

The four appointments were especially welcome as they increased the Board's complement to its present figure of six. The term of the current Convenor was extended for a further three years in July 1997.

The Review Board considered applications for review in relation to 14 titles (films/videos, publications and print advertisements) during the year. Of these, seven related to films and/or videos. Four were upheld and three dismissed. The applicant in one instance was the Federal Attorney-General, acting in response to a written request from the Queensland Attorney-General (see below under *Salo*).

Two of the films in respect of which applications for review were dismissed were subsequently submitted to the Classification Board in modified form and awarded lower classifications.

Two of the six applications for review of decisions of the Classification Board in relation to publications were upheld. One application was made by the Federal Attorney-General at the request of the Attorneys-General of New South Wales and South Australia. An application to vary the classification of a print advertisement for a sale/hire videotape was also upheld.

SALO

As noted above, Pasolini's film *Salo o le 120 Giornate di Sodoma* was the subject of an application made by the Federal Attorney-General at the request of the Queensland Attorney-General. The film had been initially rejected in 1975 but classified R18+ by the former Film and Literature Board of Review in 1993. It was reclassified R18+ by the Classification Board in June 1997. That was the decision against which the Federal Attorney-General lodged an application for review, a statutory obligation imposed where the Commonwealth Minister receives a request in writing from a Minister responsible for classification in a jurisdiction participating in the national classification scheme. A majority of the Review Board judged the film to offend 'against the standards of morality, decency and propriety generally accepted by reasonable adults to the extent that it should not be classified'. The film was classified 'RC' (Refused Classification).

RABELAIS

In June 1997 Justice Merkel of the Federal Court dismissed an application by the former editors of the student magazine *Rabelais* to set aside the Review Board's decision to confirm the 'RC' (Refused Classification) status of the magazine's July 1995 edition. The editors' appeal against this decision to a Full Court of the Federal Court was heard in Melbourne in October 1997. The decision of the Full Court, in March 1998, was to uphold Justice Merkel's finding that the Review Board, in reaching its decision, had not erred in law or procedurally.

In a media statement dated 24 March 1998 the Court said in part:

All judges on the Full Court held that 'instructs in matters of crime' means that a publication must furnish readers with information as to how crime may be committed and also encourage the commission of crime by the use of that information. Merely providing details concerning crime, as in a newspaper report or crime fiction, is not enough. Nor is a publication that is satirical, ironical or tongue in cheek one that 'instructs in matters of crime'.

The Full Court held that the Review Board did not err in finding the article [*The Art of Shoplifting*] instructs in matters of crime.

PUBLIC PROFILE

The Review Board does not publicly debate its decisions and does not generally respond to media criticism. However, on two occasions during the year it was found necessary to seek to correct errors of fact published about the Review Board's operations and decisions appearing respectively in the *Melbourne Sunday Age* and the *Sydney Morning Herald*. Both newspapers published corrections.

LIAISON WITH CLASSIFICATION BOARD

The Review Board held a number of informal meetings during the year with the Classification Board to discuss areas of mutual concern, having regard particularly to classification standards. The Review Board was also represented at the OFLC's conference 'Violence, Crime and the Entertainment Media' held in Sydney from 4-5 December 1997.

SECRETARY

The Review Board wishes to record its appreciation of the ongoing practical support and advice provided by its Secretary, Joel Greenberg.

BARBARA BIGGINS OAM

Convenor

Convenor



BARBARA BIGGINS OAM

DATE OF BIRTH	11 July 1937
APPOINTED CONVENOR	27 June 1994
APPOINTMENT EXPIRES	22 July 2000

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

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

Deputy Convenor



DR BRENT WATERS

DATE OF BIRTH	6 February 1948
APPOINTED DEPUTY CONVENOR	13 April 1994
APPOINTMENT EXPIRES	2 November 1998

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

Members



FATHER MICHAEL ELLIGATE

DATE OF BIRTH	5 May 1946
APPOINTED	1 January 1995
APPOINTMENT EXPIRED	31 December 1997

Originally an Arts/Education graduate from La Trobe University, Michael Elligate is an educator, media commentator and Catholic priest. Ordained a priest in 1973, Fr Elligate served in four diverse Melbourne parishes prior to being appointed Chaplain to the University of Melbourne and Parish Priest of the University Parish of St Carthage's in 1987. Fr Elligate served on the Film and Literature Board of Review between 1988 and 1993. The demands of ministering to parish and campus congregations has required a strong faith and high level counselling skills. It has provided Fr Elligate with detailed insights into many of the day-to-day problems, concerns and values people face in coping with community and family life. An active member of the church, Fr Elligate is Dean of the Archdiocese of Melbourne West Central Deanery, is a Member of the University of Melbourne Human Research Ethics Committee, and is a Member of the Walter and Eliza Hall Institute for Medical Research Ethics Committee.



ROSS TZANNES

DATE OF BIRTH	27 February 1940
APPOINTED	18 December 1997
APPOINTMENT EXPIRES	18 December 2000

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



GLENDA BANKS

DATE OF BIRTH	21 March 1937
APPOINTED	18 December 1997
APPOINTMENT EXPIRES	18 December 2000

A director of a consultancy advising clients in health, education and law on corporate and media communication, Ms Banks has an extensive media background as a columnist, editor and broadcaster, and has written six books on social issues as they impact on families. She has served on a number of boards and committees and is currently a member of the Australian Council on Healthcare Standards and the Mentor Committee for Guides Victoria. She has three adult children and this year (1998) completes a Master of Communications at Swinburne University, specialising in globalisation of the media and the social impact of new media technology.



ROBIN HARVEY

DATE OF BIRTH	22 July 1958
APPOINTED	18 December 1997
APPOINTMENT EXPIRES	18 December 2000

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



JOAN YARDLEY

DATE OF BIRTH	24 April 1931
APPOINTED	18 December 1997
APPOINTMENT EXPIRES	18 December 2000

Ms Yardley is Chairman of Clemenger/Concept Brisbane, a division of Clemenger BBDO, having formerly been Chairman and co-proprietor of Concept Australia. A respected member of the Brisbane business community, Joan co-founded the Brisbane agency which eventually became Monahan Dayman Adams and later Mojo. She has served on the boards of Queensland Rail and the Queensland State Library, and is currently a member of the University of Queensland Senate and the board of the Queensland Institute of Medical Research Trust. Having four daughters and several grandchildren, Joan brings to the Review Board an ongoing familiarity with changing community attitudes and an acute sensitivity to their subtleties.

LEGISLATIVE BASE

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

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

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

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

PROCEDURES

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

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

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

Review Board decisions are taken by majority vote having regard to the National Classification Code and classification guidelines endorsed by Censorship Ministers.

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

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

Applicants are advised of reasons for the Review Board's decisions in writing, and those decisions are formally embodied in appropriate certificates.

DECISIONS OF THE CLASSIFICATION REVIEW BOARD

TITLE	MEDIA TYPE	AGAINST	UPHELD	DISMISSED
<i>Men in Black</i>	CINEMA	M15+		1
<i>Australian Hot Talk No. 60</i>	PUBLICATION	CAT. 1 RESTRICTED		1
<i>Fairytale: A True Story</i>	CINEMA	PG	1	
<i>Fairytale: A True Story</i>	VIDEO	PG	1	
<i>The Devil's Advocate</i>	CINEMA	R18+		1
<i>The Devil's Advocate</i>	VIDEO	R18+		1
<i>The Best of Swank (Bumper Holiday Edition)</i>	PUBLICATION	CAT. 1 RESTRICTED		1
<i>Anastasia</i>	CINEMA	PG		1
<i>Penthouse Couples No. 46</i>	PUBLICATION	CAT. 1 RESTRICTED		1
PRINT AD FOR VIDEO <i>Great Lovers Are Made Not Born</i>	ADVERTISEMENT	APPROVAL WITH CONDITION	1	
<i>Primary Colors</i>	CINEMA	MA15+	1	
<i>Primary Colors</i>	VIDEO	MA15+	1	
<i>Salo o le 120 Giornate di Sodoma (Pasolini's 120 Days of Sodom)</i>	CINEMA	R18+	1	
<i>Searchlight No. 44</i>	PUBLICATION	RC	1	
<i>Wild in the Woods/Fist Full/ Service Me/Cousins</i>	VIDEO	RC	1	
<i>People With Pix 27 May 1998</i>	PUBLICATION	RC		1
<i>The Australian Marijuana Grower's Guide</i>	PUBLICATION	CAT. 1 RESTRICTED (NSW & SA)	1	
TOTAL	17		9	8

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



A P P E N D I X | *o n e*

1

CLASSIFICATION
GUIDELINES
& STATISTICS

GUIDELINES FOR THE CLASSIFICATION OF FILMS AND VIDEOTAPES⁶

(As amended and agreed by Commonwealth, State and Territory censorship ministers on 11 July 1996)

INTRODUCTION

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

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

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

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

The National Classification Code states:

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

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

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

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

⁶ As published by the Office of Film and Literature Classification in July 1996.

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

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

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

The relevant part of section 11 states:

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

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

BRIEF HISTORY

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

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

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

CONSULTATION PROCESS

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

GUIDELINES CONTENTS AND USE

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

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

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

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

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

CONSUMER ADVICE

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

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

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



THE GUIDELINES

GENERAL SUITABLE FOR ALL AGES

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

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

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

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

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

Sex: Sexual activity should:

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

Coarse Language: Coarse language should:

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



PARENTAL GUIDANCE PARENTAL GUIDANCE RECOMMENDED FOR PERSONS UNDER 15 YEARS

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

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

Violence: Violence may be discreetly implied or stylised, and should also be:

- > mild in impact, and
- > not shown in detail.

Sex: Sexual activity may be suggested, but should:

- > be discreet, and
- > be infrequent, and
- > not be gratuitous.

Verbal references to sexual activity should be discreet.

Coarse Language: Coarse language should be mild and infrequent.

Adult Themes: Supernatural or mild horror themes may be included.
The treatment of adult themes should be discreet and mild in impact.
More disturbing themes are not generally dealt with at PG level.

Drug Use: Discreet verbal references and mild, incidental visuals of drug use may be included, but these should not promote or encourage drug use.

Nudity: Nudity outside of a sexual context should not be detailed or gratuitous.



MATURE
RECOMMENDED FOR MATURE AUDIENCES
15 YEARS AND OVER

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

Films classified M contain material that is considered to be potentially harmful or disturbing to those under 15 years. Depictions and

references to classifiable elements may contain detail. However, the impact will not be so strong as to require restriction.

- Violence:* Generally, depictions of violence should:
- > not contain a lot of detail and
 - > not be prolonged.
- In realistic treatments, depictions of violence that contain detail should:
- > be infrequent and
 - > not have a high impact and/or
 - > not be gratuitous.
- In stylised treatments, depictions of violence may contain more detail and be more frequent if this does not increase the impact.
- Verbal and indirect visual references to sexual violence may only be included if they are:
- > discreet and infrequent, and
 - > strongly justified by the narrative or a documentary context.
- Sex:* Sexual activity may be discreetly implied.
- Nudity in a sexual context should not contain a lot of detail, or be prolonged.
- Verbal references to sexual activity may be more detailed than depictions if this does not increase the impact.
- Coarse Language:* Coarse language may be used.
- Generally, coarse language that is stronger, detailed or very aggressive should:
- > be infrequent and
 - > not be gratuitous.
- Adult Themes:* Most themes can be dealt with, but the treatment should be discreet, and the impact should not be high.
- Drug Use:* Drug use may be discreetly shown.
- Drug use should not be promoted or encouraged.
- Nudity:* Nudity outside of a sexual context may be shown but depictions that contain any detail should not be gratuitous.

**15+****MATURE ACCOMPANIED**

RESTRICTIONS APPLY TO PERSONS UNDER THE AGE OF 15*

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

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

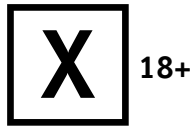
- Violence:* Generally, depictions of violence should not have a high impact. Depictions with a high impact should be infrequent, and should not be prolonged or gratuitous.
- Realistic treatments may contain detailed depictions, but these should not be prolonged.
- Depictions of violence in stylised treatments may be more detailed and more frequent than depictions of violence in close to real life situations or in realistic treatments if this does not increase the impact.
- Visual suggestions of sexual violence are permitted only if they are not frequent, prolonged, gratuitous or exploitative.
- Sex:* Sexual activity may be implied.
- Depictions of nudity in a sexual context which contain detail should not be exploitative.
- Verbal references may be more detailed than depictions, if this does not increase the impact.
- Coarse Language:* Coarse language may be used.
- Coarse language that is very strong, aggressive or detailed should not be gratuitous.
- Adult Themes:* The treatment of themes with a high degree of intensity should be discreet.
- Drug Use:* Drug use may be shown, but should not be promoted or encouraged.
- More detailed depictions should not have a high degree of impact.

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

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

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

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



**CONTAINS SEXUALLY EXPLICIT MATERIAL
RESTRICTED TO ADULTS 18 YEARS AND OVER***

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

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

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

RC

REFUSED CLASSIFICATION

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

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

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

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

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

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

Films and videos will be refused classification if they contain:

- a depictions of child sexual abuse or any other exploitative or offensive depictions involving a person who is or who looks like a child under 16;
- b detailed instruction in:
 - i matters of crime or violence,
 - ii the use of proscribed drugs;
- c depictions of practices such as bestiality.

Films and videos will be refused classification if they contain gratuitous, exploitative or offensive depictions of:

- d violence with a very high degree of impact or which are excessively frequent, prolonged or detailed;
- e cruelty or real violence which are very detailed or which have a high impact;
- f sexual violence;
- g sexual activity accompanied by fetishes or practices which are offensive or abhorrent;
- h incest fantasies or other fantasies which are offensive or abhorrent.

GLOSSARY OF TERMS

- Abuse:* Maltreat or assault, especially sexually.
- Adult Themes:* Issues dealing with aspects of adult life that are potentially harmful to minors, or disturbing. Adult themes may include verbal references to and depictions associated with issues such as suicide, crime, corruption, marital problems, emotional trauma, drug and alcohol dependency, death and serious illness, racism, religious issues.
- Advisory:* **(applies to G, PG and M)**
These classifications do not legally restrict anyone from seeing or hiring the film. They recommend the most suitable audience for the film, in terms of age and level of parental supervision.
- Coarse language:* At **G** level, this might include 'bloody' or 'bugger'.
At **PG** level, it might include 'shit'.
At **M**, it includes 'fuck'.
- Coercion:* The use of threat to force agreement to sexual activity.
- Demean:* A depiction, directly or indirectly sexual in nature, which debases or appears to debase the person or the character depicted.
- Depiction:* Representation, portrayal on screen.
- Detail:* The amount of verbal or visual information in the representation of a subject. Detail can include close-up visuals, repeated, prolonged or slow-motion visuals, and accentuation through lighting.
- Discreet:* With little or no detail and generally brief.
- Disturb/disturbing:* Cause emotional trauma.
- Drugs:* Detailed instruction in the use of proscribed drugs is refused classification. Proscribed drugs are those specified in Schedule 4 (referred to in Regulation 4A (1A) (e)) of the Customs (Prohibited Imports) Regulations.
- Elements:* Classifiable elements include violence, sex, coarse language, adult themes, drug use, nudity — the Classification Board assesses the impact of these when making classification decisions.
- Excessive:* Treatment which exceeds reasonable limits, especially in terms of detail, duration or frequency.

<i>Exploitative:</i>	Appearing to purposefully debase or abuse for the enjoyment of viewers, and lacking moral, artistic or other values.
<i>Fetish:</i>	An object, an action, or a non-sexual part of the body which gives sexual gratification. Fetishes range from mild to offensive. An example of a mild fetish is rubber wear. Offensive fetishes include abhorrent phenomena such as coprophilia.
<i>Gratuitous:</i>	Material which is unwarranted or uncalled for, and included without the justification of a defensible story-line or artistic merit.
<i>Harm/harmful:</i>	Cause developmental damage.
<i>Impact:</i>	The strength of the effect on the viewer.
<i>Implied:</i>	Depiction/s of a subject in which an act or thing is inferred or indicated without actually being seen.
<i>Intensity:</i>	Strength of treatment or subject matter.
<i>Material:</i>	The content of films or videos.
<i>Nudity:</i>	Nudity can consist of frontal or rear above and below waist visuals, full frontal or full rear visuals for both sexes, or breast nudity for females. The amount of detail is determined not only by the content of the nudity shown, but by other factors including closeness and duration of visuals, repetition, and clarity.
<i>Offensive:</i>	Material which causes outrage or extreme disgust to most people.
<i>Real:</i>	Actual
<i>Realistic:</i>	(see Treatment)
<i>Reasonable Adult:</i>	Possessing common sense and an open mind, and able to balance personal opinion with generally accepted community standards.
<i>Sexual Activity:</i>	Matters pertaining to sexual arousal but not limited only to portrayals of sexual intercourse.
<i>Sexual Violence:</i>	The act of sexual assault or aggression, in which the victim does not consent.
<i>Sexualised Violence:</i>	Where sex and violence are connected in the story, although sexual violence may not necessarily occur.
<i>Sexually Explicit Material:</i>	Real sex on screen.

<i>Simulation:</i>	Simulated sexual activity is not real, but looks realistic.
<i>Suggested:</i>	Mild, discreet treatment of a subject in which an act or thing is hinted at.
<i>Suggestion:</i>	Mild, discreet treatment of a subject in which an act or thing is hinted at, generally through discreet focus on part of, rather than the whole picture.
<i>Stylised:</i>	(see Treatment)
<i>Tone:</i>	The quality or feeling of material, such as its sadness, humour, menace, lightness, or seriousness.
<i>Treatment:</i>	The artistic handling of a scene or a film, especially with regard to style. In a realistic treatment , the material appears real to the viewer. It may be close to real life, and feel authentic. In a stylised treatment , the viewer is conscious of the unreality; examples include musicals, horror films, animation and fantasy.
<i>Unsuitable:</i>	Material that is not appropriate to viewers under 18 years, because of its ability to harm (cause developmental damage) or disturb (cause emotional trauma).
<i>Violence:</i>	Includes not only acts of violence, but also the threat or result of violence.
<i>Visual Reference:</i>	An image related to, but not of, classifiable elements such as violence, sex, and drug use.

CONSUMER ADVICE LINES

G

Some scenes may be unsuitable for very young children.

PG

<i>Violence:</i>	Low level violence Medium level violence
<i>Sex:</i>	Low level sex scenes Medium level sex scenes
<i>Language:</i>	Low level coarse language Medium level coarse language

Other: Drug references
 Adolescent themes/issues
 Adult themes
 Nudity
 Sexual references
 War footage
 Supernatural theme
 Comic horror
 Martial arts instruction
 Safety awareness
 Motor accident footage

M 15+

Violence: Low level violence
 Medium level violence

Sex: Low level sex scenes
 Medium level sex scenes

Language: Low level coarse language
 Medium level coarse language

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

MA 15+

Violence: Medium level violence
 High level violence

Sex: Medium level sex scenes
 High level sex scenes

Language: Medium level coarse language
High level coarse language

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

R

Violence: Medium level violence

Sex: Medium level sex scenes
High level sex scenes

Language: Medium level coarse language
High level coarse language

Other: Drug use
Nudity
Sexual references
Sex education
Health education
Drug education
Adult themes
Horror theme
Martial arts instruction
Mainly concerned with sex (special genre only)

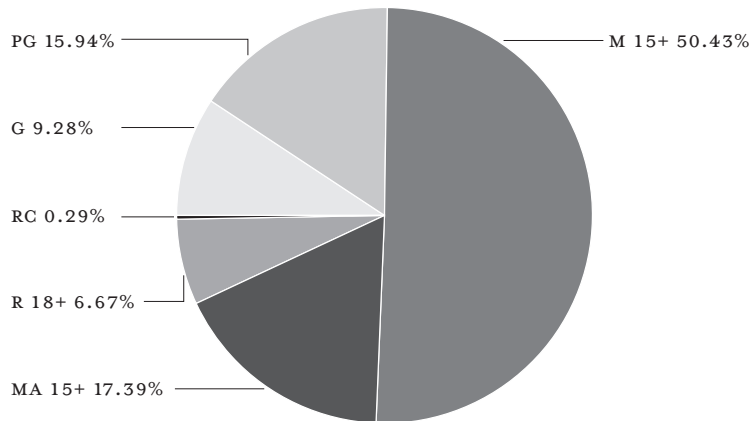
X

Contains sexually explicit material

CINEMA FEATURES BY CLASSIFICATION⁷

CLASSIFICATION	1996-97		1997-98	
	No	%	No	%
G	37	8.45	32	9.28
PG	78	17.81	55	15.94
M 15+	216	49.32	174	50.43
MA 15+	81	18.49	60	17.39
R 18+	23	5.25	23	6.67
RC	3	0.68	1	0.29
TOTAL	438	100.00	345	100

CINEMA FEATURES BY CLASSIFICATION 1997-98

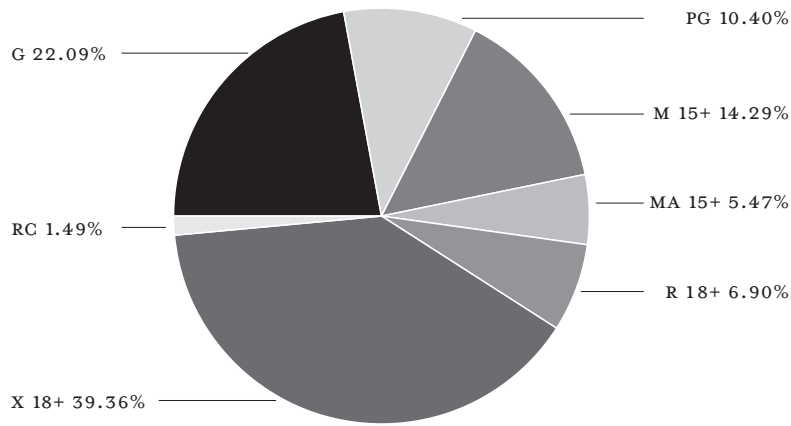


⁷ All statistics for the reporting period 1997-98 are based on classification decisions made during that period. In previous reporting periods, statistics were based on applications for classification received by the OFLC.

VIDEOTAPES BY CLASSIFICATION

CLASSIFICATION	1996-97		1997-98	
	No	%	No	%
G	855	22.4	682	22.09
PG	357	9.4	321	10.40
M 15+	543	14.2	441	14.29
MA 15+	199	5.2	169	5.47
R 18+	200	5.2	213	6.90
X 18+	1597	41.9	1215	39.36
RC	60	1.6	46	1.49
TOTAL	3811	100	3087	100

VIDEOTAPES BY CLASSIFICATION 1997-98



CODE REASONS FOR CLASSIFICATION — CINEMA FEATURES %

	SEX		VIOLENCE		LANGUAGE		OTHER	TOTAL
	I*	F*	I*	F*	I*	F*		
PG	0.98	0.00	12.75	2.94	10.78	0.98	71.57	100.00
M 15+	6.31	0.00	22.33	2.91	19.42	6.31	42.72	100.00
MA 15 +	6.58	1.32	23.68	6.58	10.53	3.95	47.37	100.00
R 18+	8.51	0.00	21.28	0.00	0.00	2.13	68.09	100.00

CODE REASONS FOR CLASSIFICATION — VIDEOTAPES %

	SEX		VIOLENCE		LANGUAGE		OTHER	TOTAL
	I*	F*	I*	F*	I*	F*		
PG	0.30	0.00	23.95	1.65	7.19	0.15	66.77	100.00
M 15+	6.03	0.10	20.43	2.53	17.51	3.70	49.71	100.00
MA 15 +	11.17	0.54	25.07	4.09	10.35	6.54	42.23	100.00
R 18 +	7.64	5.73	11.46	1.27	0.64	1.91	71.34	100.00
X 18 +	0.00	0.00	0.00	0.00	0.00	0.00	100.00*	100.00

I* infrequent

F* frequent

* see description of the 'X' classification at page 83.

CINEMA FEATURES — REASONS FOR REFUSAL %

REASON	1996-97	1997-98
	No	No
EXPLICIT SEX, SEXUAL VIOLENCE	—	1
(GRATUITOUS) SEXUAL VIOLENCE	2	—
OFFENSIVE FETISH, EXPLICIT SEX	1	—
TOTAL	3	1

VIDEOTAPES — REASONS FOR REFUSAL

REASON	1996-97	1997-98
	No	No
CHILD PORNOGRAPHY	3	—
COERCION	—	2
COERCION + VIOLENCE	—	1
CONTAINS UNCLASSIFIED MATERIAL	—	—
DEMEANING PORTRAYAL	2	—
EXCESSIVE VIOLENCE	1	2
EXCESSIVE VIOLENCE + OFFENSIVE FETISH	—	1
(EXPLOITATIVE) INCEST FANTASY	16	—
EXTREME VIOLENCE	1	—
GRATUITOUS SEXUAL VIOLENCE	14	3
GRATUITOUS SEXUAL VIOLENCE + EXCESSIVE VIOLENCE	—	1
GRATUITOUS SEXUAL VIOLENCE + EXPLOITATIVE INCEST FANTASY	1	—
INCEST FANTASY	—	4
MINORS	—	5
NON-CONSENT	—	10
NON-CONSENT + INCEST FANTASY	1	—
NON-CONSENT + OFFENSIVE FANTASY	—	1
OFFENSIVE FANTASY	3	—
OFFENSIVE FANTASY + NON-CONSENT	4	—
OFFENSIVE FETISH	8	3
SEXUAL VIOLENCE	—	4
SEXUAL VIOLENCE + DEMEANING PORTRAYAL	1	—
SEXUAL VIOLENCE + COERCION	1	1
SEXUAL VIOLENCE + NON-CONSENT	—	1
SEXUALISED VIOLENCE	3	4
SEXUALISED VIOLENCE + INCEST FANTASY	—	1
SEXUALISED VIOLENCE + NON-CONSENT	—	1
SEXUALISED VIOLENCE + OFFENSIVE FETISH	—	1
RELISHED VIOLENCE	1	—
TOTAL	60	46

CINEMA FEATURES BY COUNTRY OF ORIGIN

COUNTRY	1996-97		1997-98	
	No	%	No	%
AUSTRALIA	42	9.8	39	11.3
AUSTRALIA/KOREA	—	0.0	1	0.29
AUSTRALIA/UK	—	0.0	1	0.29
CANADA	5	1.1	6	1.74
CANADA/UK	1	0.2	—	0.0
CHINA	0	0.0	1	0.29
CROATIA	0	0.0	—	0.0
CZECHOSLOVAKIA/France	1	0.2	—	0.0
DENMARK	1	0.2	—	0.0
EIRE	1	0.2	2	0.58
FINLAND	—	0.0	1	0.29
FRANCE	15	3.4	8	2.32
FRANCE/BELGIUM/SCOTLAND	—	0.0	1	0.29
FRANCE/GERMANY/ITALY	—	0.0	1	0.29
FRANCE/GREECE/ITALY	—	0.0	1	0.29
GERMANY	2	0.5	—	0.0
GERMANY/DENMARK/SWEDEN	1	0.2	1	0.29
HONG KONG	61	13.9	22	6.38
HONG KONG/UK	—	0.0	1	0.29
ICELAND/USA	1	0.2	—	0.0
INDIA	48	10.9	23	6.67
IRAN	1	0.2	—	0.0
ITALY	1	0.2	3	0.87
JAPAN	11	2.5	8	2.32
JAPAN/AUSTRALIA	1	0.2	—	0.0
MEXICO/USA	—	0.0	1	0.29
NEW ZEALAND	—	0.0	1	0.29

CINEMA FEATURES BY COUNTRY OF ORIGIN CONTINUED

COUNTRY	1996-97		1997-98	
	No	%	No	%
NORWAY	1	0.2	2	0.58
RUSSIA	2	0.5	—	0.0
SPAIN	1	0.2	2	0.58
SRI LANKA	2	0.5	1	0.29
SWEDEN	1	0.2	2	0.58
THE PHILIPPINES	3	0.7	—	0.0
UK	15	3.4	28	8.12
UK/AUSTRALIA	1	0.2	—	0.0
UK/IRELAND	—	0.0	1	0.29
UK/USA	2	0.5	—	0.0
USA	214	48.7	185	53.62
USA/INDIA	—	0.0	1	0.29
USA/IRELAND	1	0.2	—	0.0
USA/UK	1	0.2	—	0.0
VENEZUELA	1	0.2	—	0.0
YUGOSLAVIA	—	0.0	1	0.29
TOTAL	438	100.0	345	100

VIDEOTAPES BY COUNTRY OF ORIGIN

COUNTRY	1996-97		1997-98	
	No	%	No	%
AUSTRALIA	321	8.41	328	10.63
AUSTRALIA/CHINA	1	0.03	1	0.03
AUSTRALIA/GERMANY	1	0.03	1	0.03
AUSTRALIA/NEW ZEALAND	—	0.0	1	0.03

VIDEOTAPES BY COUNTRY OF ORIGIN CONTINUED

COUNTRY	1996-97		1997-98	
	No	%	No	%
AUSTRALIA/UK	12	0.31	2	0.06
AUSTRALIA/USA	—	0.0	2	0.06
BELGIUM	5	0.13	1	0.03
BELGIUM/FRANCE/GERMANY	1	0.03	—	0.0
BELGIUM/FRANCE/TUNISIA	2	0.05	—	0.0
BRAZIL	13	0.34	10	0.30
CANADA	17	0.45	30	0.97
CANADA/FRANCE	3	0.08	2	0.06
CANADA/FRANCE/GERMANY	—	0.0	1	0.03
CANADA/UK	1	0.03	—	0.0
CHINA	1	0.03	2	0.06
CHINA/FRANCE	1	0.03	—	0.0
CZECHOSLOVAKIA	1	0.03	1	0.03
CZECHOSLOVAKIA/FRANCE	—	0.0	1	0.03
DENMARK	1	0.03	1	0.03
EIRE	4	0.10	5	0.16
EUROPE	—	0.0	2	0.06
FINLAND	—	0.0	1	0.03
FINLAND/USA	1	0.03	—	0.0
FRANCE	52	1.36	61	1.98
FRANCE/BELGIUM/SCOTLAND	—	0.0	1	0.03
FRANCE/GERMANY/ITALY	—	0.0	1	0.03
FRANCE/GREECE/ITALY	—	0.0	1	0.03
FRANCE/ITALY	—	0.0	1	0.03
FRANCE/ITALY/UK	1	0.03	—	0.0
FRANCE/PORTUGAL	1	0.03	—	0.0
FRANCE/UK	1	0.03	1	0.03

VIDEOTAPES BY COUNTRY OF ORIGIN CONTINUED

COUNTRY	1996-97		1997-98	
	No	%	No	%
FRANCE/USA	1	0.03	—	0.0
GERMANY	196	5.13	72	2.33
GERMANY/DENMARK/SWEDEN	1	0.03	1	0.03
GERMANY/SPAIN	1	0.03	1	0.03
HONG KONG	11	0.29	2	0.06
HONG KONG/UK	—	0.0	1	0.03
HUNGARY	—	0.0	2	0.06
HUNGARY/USA	—	0.0	1	0.03
ICELAND/USA	2	0.05	—	0.0
INDIA	—	0.0	5	0.16
IRAN	1	0.03	—	0.0
ISRAEL	1	0.03	—	0.0
ISRAEL/USA	1	0.03	—	0.0
ITALY	20	0.52	21	0.68
ITALY/SPAIN	1	0.03	1	0.03
ITALY/UK	—	0.0	1	0.03
JAPAN	58	1.52	6	0.19
JAPAN/AUSTRALIA	1	0.03	—	0.0
JAPAN/UK	2	0.05	—	0.0
JAPAN/USA	3	0.08	3	0.10
KOREA	1	0.03	6	0.19
MEXICO	—	0.0	1	0.03
MEXICO/USA	—	0.0	1	0.03
NEW ZEALAND	7	0.18	10	0.32
NEW ZEALAND/USA	1	0.03	—	0.0
NORWAY	1	0.03	3	0.10
PORTUGAL/UK	—	0.0	2	0.06

VIDEOTAPES BY COUNTRY OF ORIGIN CONTINUED

COUNTRY	1996-97		1997-98	
	No	%	No	%
RUSSIA	—	0.0	2	0.06
RUSSIA/USA	1	0.03	—	0.0
SOUTH AFRICA	1	0.03	—	0.0
SOUTH AFRICA/UK	1	0.03	—	0.0
SPAIN	2	0.05	12	0.39
SWEDEN	47	1.23	65	2.11
SWITZERLAND	1	0.0	2	0.06
TAIWAN	1	0.03	—	0.0
TANZANIA	1	0.03	—	0.0
THE NETHERLANDS	32	0.84	3	0.10
THE NETHERLANDS/UK	1	0.03	—	0.0
THE PHILIPPINES	—	0.0	3	0.10
THE PHILIPPINES/USA	1	0.03	—	0.0
UK	307	8.04	297	9.62
UK/AUSTRALIA	1	0.03	—	0.0
UK/IRELAND	—	0.0	1	0.03
UK/USA	3	0.08	3	0.10
USA	2486	65.29	2009	65.08
USA/AUSTRALIA	—	0.0	2	0.06
USA/CZECH	—	0.0	1	0.03
USA/GERMANY	1	0.03	—	0.0
USA/EIRE	1	0.03	—	0.0
USA/INDIA	—	0.0	1	0.03
USA/UK	6	0.16	—	0.0
VENEZUELA	1	0.03	—	0.0
USSA	—	0.0	3	0.10
VIETNAM	1	0.03	—	0.0

VIDEOTAPES BY COUNTRY OF ORIGIN CONTINUED

COUNTRY	1996-97		1997-98	
	No	%	No	%
NOT SHOWN	152	3.98	84	2.72
NOT SHOWN/USA	13	0.34	—	0.0
TOTAL	3811	100.00	3087	100

FILM FESTIVALS AND EVENTS

ORGANISATION	EVENT	EVENT DATES
FILMFEST LTD	1997 MELBOURNE FILM FESTIVAL	JULY 1997
ROYAL MELBOURNE INSTITUTE OF TECHNOLOGY	360 FLIX	JULY 1997
ITALIAN CULTURAL INSTITUTE OF MELBOURNE	<i>Colpo di Luna</i>	JULY 1997
RUSSIAN-AUSTRALIAN CULTURAL FOUNDATION	RUSSIAN FILM SEASON	JULY-AUGUST 1997
MUSEUM OF CONTEMPORARY ART	<i>Misfit</i>	AUGUST 1997
MUSEUM OF CONTEMPORARY ART	LATINO '97	SEPTEMBER 1997
METRO TELEVISION	CHANGING IMAGES	SEPTEMBER 1997
CONSUL-GENERAL OF MEXICO	6TH MEXICAN FESTIVAL OF SYDNEY	SEPTEMBER 1997
SYDNEY ORGANISING COMMITTEE FOR THE OLYMPIC GAMES	INDIGENOUS FILM FESTIVAL (FESTIVAL OF THE DREAMING)	SEPTEMBER 1997
ART LANKA INC.	<i>Gini Avi Sah Gini Keli</i> (<i>Fire Arms & Fire Works</i>)	SEPTEMBER 1997
DAKOTA FILMS	REVELATION INDEPENDENT FILM FESTIVAL	SEPTEMBER 1997/ JANUARY-FEBRUARY 1998
UNIVERSITY OF CANBERRA	2ND AUSTRALIAN INTERNATIONAL FILM FESTIVAL	SEPTEMBER 1997
SYDNEY INTERMEDIA NETWORK INC.	TRANSVIDEO: NEW VIDEO ART & DOCUMENTARY FROM BRAZIL, CHILE & ARGENTINA	SEPTEMBER 1997
JAPAN CULTURAL CENTRE (THE JAPAN FOUNDATION)	JAPANESE FILM FESTIVAL	OCTOBER- NOVEMBER 1997

FILM FESTIVALS AND EVENTS CONTINUED

ORGANISATION	EVENT	EVENT DATES
AUSTRALIAN FILM INSTITUTE	'MICKEY ROURKE FOR A DAY'	OCTOBER 1997
AMNESTY INTERNATIONAL	AMNESTY INTERNATIONAL FILM FESTIVAL	NOVEMBER 1997
SYDNEY INTERMEDIA NETWORK INC.	'METALUX' WA EXPERIMENTAL FILMS	NOVEMBER 1997
PORT PHILLIP CITIZENS FOR RECONCILIATION	'TRACKS' INDIGENOUS FILM EVENT	NOVEMBER 1997
JEWISH FILM FOUNDATION OF AUSTRALIA	JEWISH FILM FESTIVAL	NOVEMBER- DECEMBER 1997
RUSSIAN LEISURE	<i>The Lawlessness</i>	NOVEMBER 1997
MUSEUM OF CONTEMPORARY ART	STEVENSON WEBSITE	NOVEMBER 1997- FEBRUARY 1998
UNIVERSITY OF TECHNOLOGY SYDNEY	5TH GOLDEN EYE AWARDS	NOVEMBER 1997
WILD SPACES	BLUE MOUNTAINS INTERNATIONAL ENVIRONMENTAL FILM FESTIVAL	NOVEMBER 1997
FRENCH EMBASSY	<i>Lucy Aubrac</i>	NOVEMBER 1997
FEARLESS PROMOTIONS	FLICKERFEST '98 7TH INTERNATIONAL SHORT FILM FESTIVAL	JANUARY 1998
QUEER SCREEN	1998 MARDI GRAS FILM FESTIVAL	FEBRUARY 1998
WA FILM & TELEVISION INSTITUTE	12TH ANNUAL WA SCREEN AWARDS	FEBRUARY-MARCH 1998
TROPFEST PTY LTD	TROPFEST '98	FEBRUARY 1998
CROWNSNEST MAINSTREET LTD	MINI FILM FESTIVAL	MARCH 1998
MELBOURNE QUEER FILM & VIDEO FESTIVAL	1998 MELBOURNE QUEER FILM & VIDEO FESTIVAL	MARCH 1998
AUSTRALIAN FILM INSTITUTE	AFTRS SHORT FILMS	MARCH 1998
WA FILM & TELEVISION INSTITUTE	JOY '98	MARCH 1998
WA FILM & TELEVISION INSTITUTE	CHANGING IMAGES	MARCH 1998
MUSEUM OF CONTEMPORARY ART	'EAT'	APRIL-JUNE 1998
CINEMEDIA	YOUTH FILM FESTIVAL	APRIL-SEPTEMBER 1998
WA FILM & TELEVISION INSTITUTE	TRANSMEDIA PROGRAM	APRIL 1998

FILM FESTIVALS AND EVENTS CONTINUED

ORGANISATION	EVENT	EVENT DATES
SRI LANKA GERMAN TECHNICAL TRAINING INSTITUTE OLD BOYS UNION OF AUSTRALIA	<i>Bawa Duku (Sorrow of Existence)</i>	APRIL-JUNE 1998
SRI LANKA GERMAN TECHNICAL TRAINING INSTITUTE OLD BOYS UNION OF AUSTRALIA	<i>Gini Avi Saha Gini Keli (Living With Terror)</i>	MAY-JUNE 1998
AUSTRALIAN FILM INSTITUTE	<i>Gallivant/Robinson in Space</i>	APRIL-MAY 1998
AUSTRALIAN FILM TELEVISION & RADIO SCHOOL	AFTRS STUDENTS' SCREENING TOUR	MAY 1998
ST KILDA FILM FESTIVAL	1998 ST KILDA FILM FESTIVAL	MAY 1998
PALESTINE LIVES COMMITTEE	PALESTINE ON FILM	MAY 1998
AUSTRALIAN FILM INSTITUTE	SEE TREASURES	JUNE 1998
ART LANKA INC.	<i>Fire Arms & Fire Works</i>	JUNE 1998
SYDNEY FILM FESTIVAL	1998 SYDNEY FILM FESTIVAL	JUNE 1998
SYDNEY FILM FESTIVAL	SUTHERLAND SHIRE FILM FESTIVAL	JUNE 1998
SYDNEY FILM FESTIVAL	CINEMA AFRICA	JUNE 1998
SIKH WELFARE COUNCIL OF VICTORIA	<i>Sarbans Daani Guru Gobind Singh</i>	JUNE 1998
DLUX MEDIA ARTS	D.ART	JUNE 1998
NATIONAL GALLERY OF AUSTRALIA	<i>Office Killer (READ MY LIPS EXHIBITION)</i>	JUNE 1998
AUSTRALIAN FILM INSTITUTE	FRITZ LANG: TRAPS FOR THE MIND AND EYE	JUNE-AUGUST 1998

EXEMPTIONS FOR ADVERTISING TRAILERS

TITLE	DISTRIBUTOR	CONDITIONS
<i>The Game</i>	POLYGRAM	MA
<i>Event Horizon</i>	U.I.P.	M
<i>Kiss the Girls</i>	U.I.P.	MA
<i>Home Alone 3</i>	20TH CENTURY FOX	NO RESTRICTIONS
<i>The Borrowers</i>	POLYGRAM	NO RESTRICTIONS
<i>Lost in Space</i>	ROADSHOW	NO RESTRICTIONS

EXEMPTIONS FOR ADVERTISING TRAILERS CONTINUED

TITLE	DISTRIBUTOR	CONDITIONS
<i>Flubber</i>	ROADSHOW	NO RESTRICTIONS
<i>Mousehunt</i>	U.I.P.	NO RESTRICTIONS
<i>Starship Troopers</i>	ROADSHOW	M
<i>I Know What You Did Last Summer</i>	ROADSHOW	MA
<i>Firestorm</i>	20TH CENTURY FOX	M
<i>Sphere</i>	ROADSHOW	M
<i>The Mask of Zorro</i>	COLUMBIA TRISTAR	NO RESTRICTIONS
<i>As Good As It Gets</i>	COLUMBIA TRISTAR	M
<i>John Grisham's The Rainmaker</i>	U.I.P.	M
<i>Red Corner</i>	U.I.P.	M
<i>Jackie Brown</i>	ROADSHOW	MA
<i>Scream 2</i>	ROADSHOW	MA
<i>Good Will Hunting</i>	ROADSHOW	M
<i>The Postman</i>	ROADSHOW	M
<i>Amistad</i>	U.I.P.	M
<i>Mr Magoo</i>	ROADSHOW	NO RESTRICTIONS
<i>Doctor Doolittle</i>	20TH CENTURY FOX	NO RESTRICTIONS
<i>X-Files</i>	20TH CENTURY FOX	M
<i>Blues Brothers 2000</i>	U.I.P.	M
<i>For Richer or Poorer</i>	U.I.P.	NO RESTRICTIONS
<i>The Man in the Iron Mask</i>	U.I.P.	M
<i>The Replacement Killers</i>	COLUMBIA TRISTAR	M
<i>Hush</i>	COLUMBIA TRISTAR	M
<i>Palmetto</i>	COLUMBIA TRISTAR	M
<i>Sour Grapes (POSTER)</i>	COLUMBIA TRISTAR	NO RESTRICTIONS
<i>Zero Effect</i>	COLUMBIA TRISTAR	M
<i>Armageddon</i>	ROADSHOW	M
<i>Mulan</i>	ROADSHOW	NO RESTRICTIONS
<i>Deep Impact</i>	U.I.P.	M

EXEMPTIONS FOR ADVERTISING TRAILERS CONTINUED

TITLE	DISTRIBUTOR	CONDITIONS
<i>Mercury Rising</i>	U.I.P.	M
<i>The Truman Show</i>	U.I.P.	NO RESTRICTIONS
<i>Bulworth</i>	20TH CENTURY FOX	M
<i>The Avengers</i>	ROADSHOW	M
<i>The Object of My Affection</i>	20TH CENTURY FOX	M
<i>Primary Colors</i>	REP FILM DIST.	M
<i>A Bug's Life</i>	ROADSHOW	NO RESTRICTIONS
<i>The Magic Sword — Quest for Camelot</i>	ROADSHOW	NO RESTRICTIONS
<i>The Horse Whisperer</i>	ROADSHOW	NO RESTRICTIONS
<i>The Prince Of Egypt</i>	U.I.P.	NO RESTRICTIONS
<i>Hope Floats</i>	20TH CENTURY FOX	NO RESTRICTIONS
<i>Elizabeth</i>	POLYGRAM FILMED	M
<i>Lethal Weapon 4</i>	ROADSHOW	M
<i>Madeline</i>	COLUMBIA TRISTAR	NO RESTRICTIONS
<i>Can't Hardly Wait</i>	COLUMBIA TRISTAR	M
<i>Six Days/Seven Nights</i>	ROADSHOW	M
<i>Saving Private Ryan</i>	U.I.P.	M
<i>Ever After — A Cinderella Story</i>	20TH CENTURY FOX	M
<i>Small Soldiers</i>	U.I.P.	NO RESTRICTIONS
<i>There's Something About Mary</i>	20TH CENTURY FOX	M
<i>Blade</i>	ROADSHOW	M

GUIDELINES FOR THE CLASSIFICATION OF COMPUTER GAMES⁸

The main features of the scheme are:

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

The structure of the classification system is:

GENERAL

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

- > 'Suitable for all ages'

GENERAL (8+)

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

- > 'Suitable for children 8 years and over'.

⁸ Abridged version of the *Computer Games and Images: Classification Guidelines and Industry Code* produced by the Office of Film and Literature Classification in July 1994.

MATURE

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

- > 'Suitable for persons 15 years and over'.

MA-RESTRICTED

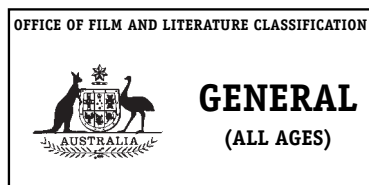
This category is restricted to persons 15 years and over.

REFUSED CLASSIFICATION

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

THE GUIDELINES**GENERAL G (SUITABLE FOR ALL AGES)**

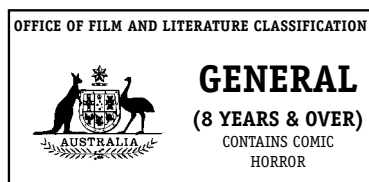
Material considered to be 'suitable for all ages' is to include on the front cover of its packaging a marking (prominent text on a contrasting background) such as —



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

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

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



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

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

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

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



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

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

MA-RESTRICTED MA(15+) (RESTRICTED TO PERSONS 15 YEARS AND OVER)

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



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

- > depictions of realistic violence of medium intensity (eg. impactful punches, kicks, blows and blood-shed to realistic animated characters or real-life images);
- > graphic or impactful supernatural or horror scenarios;
- > strong sexual references;
- > use of frequent crude language, but not if excessive, unduly assaultative or sexually explicit; or
- > nudity, including genital detail, but only if there is a 'bona fide' educational, medical or community health purpose.

REFUSED CLASSIFICATION

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

Violence:

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

Sex:

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

Language:

- > use of sexually explicit language.

Other:

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

CONSUMER ADVICE LINES

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

G (8+)

adult themes

comic/mild horror

fantasy elements unsuitable for younger children

low level animated violence

mild horror

M (15+)

low level realistic violence

low level sexual references

low level animated violence

medium level horror

medium level animated violence

MA (15+)

high level animated violence

medium level realistic violence

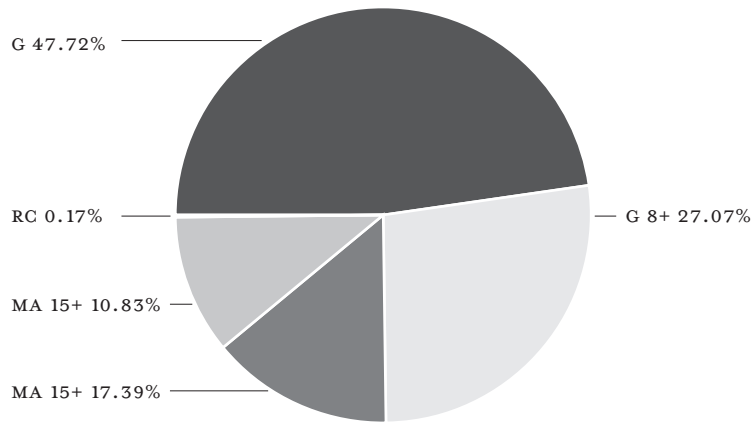
sexual references

realistic horror

COMPUTER GAMES BY CLASSIFICATION

CLASSIFICATION	1996-97		1997-98	
	No	%	No	%
G	273	45.2	282	47.72
G8+	157	26.0	160	27.07
M	99	16.4	84	14.21
MA 15+	72	11.9	64	10.83
RC	3	0.5	1	0.17
TOTAL	604	100.0	591	100.00

COMPUTER GAMES BY CLASSIFICATION 1997-98



COMPUTER GAMES — REASONS FOR REFUSAL

REASON	1996-97	1997-98
NUDITY	2	—
SEXUAL VIOLENCE	1	—
VIOLENCE	—	1
TOTAL	3	1

COMPUTER GAMES BY COUNTRY OF ORIGIN

COUNTRY	1996-97		1997-98	
	No	%	No	%
AUSTRALIA	35	5.8	32	5.41
AUSTRALIA/USA	1	0.2	1	0.17
AUSTRIA	3	0.5	—	0.0
CANADA	5	0.8	3	0.51
CHINA	—	0.0	29	4.91
EUROPE	1	0.2	1	0.17
FRANCE	9	1.5	13	2.20
FRANCE/UK/USA	0	0.0	—	0.0
GERMANY	3	0.5	9	1.52
ITALY	—	0.0	1	0.17
JAPAN	93	15.4	68	11.51
KOREA	—	0.0	2	0.34
MEXICO	1	0.2	—	0.0
RUSSIA	—	0.0	1	0.17
SPAIN	1	0.2	—	0.0
SWITZERLAND	1	0.2	—	0.0
SWEDEN/AUSTRIA/UK	0	0	—	0.0
TAIWAN	2	0.3	1	0.17
UK	138	22.8	131	22.17
UK/USA	1	0.2	2	0.34
USA	238	39.4	266	45.01
VARIOUS	52	8.6	—	0.0
NOT SHOWN	20	3.3	31	5.25
TOTAL	604	100.0	591	100

GUIDELINES FOR THE CLASSIFICATION OF PUBLICATIONS⁹

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

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

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

POSTERS AND MAGAZINE COVERS

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

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

UNRESTRICTED PUBLICATIONS

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

LEVELS OF RESTRICTION

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

⁹ Abridged and amended version of the *Printed Matter Classification Guidelines* published by the Office of Film and Literature Classification.

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

REFUSED CLASSIFICATION

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

THE GUIDELINES

UNRESTRICTED

No restriction as to sale or display.

Covers and advertising posters

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

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

Contents

- > Photographs of discreet male and female nudity are acceptable but not if sexual excitement is apparent.
- > Depictions of sexual activity between consenting adults are acceptable only where they are discreetly implied or simulated.
- > Illustrations, paintings, statues etc. which are considered bona fide erotic artworks and depict explicit sexual activity or nudity may be acceptable in Unrestricted when set in an historical or cultural context.

- > Written descriptions of sexual activity between adults are acceptable in mainstream works of literature and in publications not overwhelmingly dedicated to sexual matters.

CATEGORY 1 RESTRICTED

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

Covers

- > As for Unrestricted.

Contents

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

CATEGORY 2 RESTRICTED

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

Covers

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

Contents

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

REFUSED CLASSIFICATION

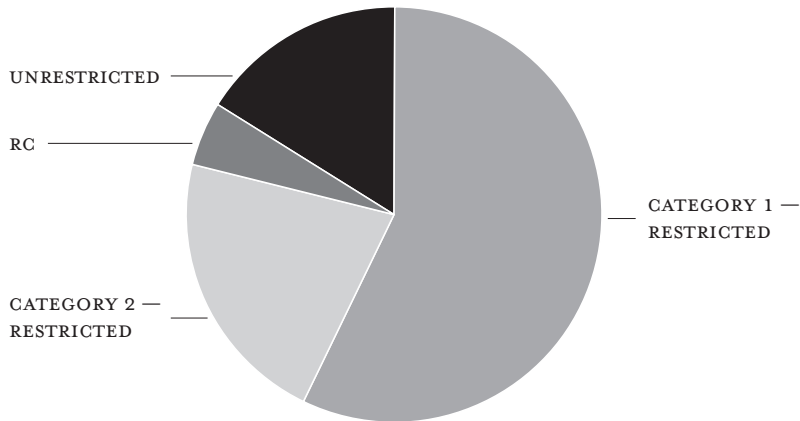
Publications refused classification may not be sold or displayed.

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

PUBLICATIONS BY CLASSIFICATION

CLASSIFICATION	1996-97		1997-98	
	No	%	No	%
UNRESTRICTED	333	16.70	369	16.18
CATEGORY 1 — RESTRICTED	1138	57.00	1303	57.12
CATEGORY 2 — RESTRICTED	486	24.40	495	21.70
RC	38	1.90	114	5.00
TOTAL	1995	100.00	2281	100.00

PUBLICATIONS BY CLASSIFICATION 1997-98



POLICE AND CUSTOMS WORKLOAD

FILMS AND COMPUTER GAMES REFERRED BY POLICE AND CUSTOMS

	1996-97	1997-98
ENFORCEMENT AGENCY	No	No
ACT ATTORNEY-GENERALS DEPT	—	1
AUSTRALIAN CUSTOMS SERVICE	283	447
AUSTRALIAN FEDERAL POLICE	77	21
DEPARTMENT OF JUSTICE (FOR QUEENSLAND POLICE)	43	47
NSW POLICE SERVICE	374	85
(FORMALLY) WESTERN AUSTRALIA POLICE DEPARTMENT	—	1
ROYAL AUSTRALIAN CORPS OF MILITARY POLICE	—	3
SOUTH AUSTRALIA POLICE	48	61
VICTORIA POLICE	267	95
WESTERN AUSTRALIA POLICE	35	42
TOTAL	1127	803

PUBLICATIONS REFERRED BY POLICE AND CUSTOMS

	1996-97	1997-98
ENFORCEMENT AGENCY	No	No
AUSTRALIAN CUSTOMS SERVICE	411	950
AUSTRALIAN FEDERAL POLICE	9	—
DEPARTMENT OF JUSTICE (FOR QUEENSLAND POLICE)	1	—
NSW POLICE SERVICE	68	48
SOUTH AUSTRALIA POLICE	6	23
VICTORIA POLICE	33	3
TOTAL	528	1024



A P P E N D I X | *t w o*

REPORTS
OF THE
CLASSIFICATION
REVIEW
BOARD

Men in Black

APPLICANT:

Columbia TriStar Films Pty Ltd

BUSINESS:

To review the decision of the Classification Board to assign the classification 'M15+' under the *Classification (Publications, Films and Computer Games) Act 1995* to the film *Men in Black* with the consumer advice "Low Level Violence".

Decision and Reasons for Decision

1. *Decision*

The Classification Review Board decided to confirm the decision of the Classification Board to classify the film *Men in Black* and 'M15+', but decided to vary the consumer advice to "Low Level Violence, Low Level Coarse Language".

2. *Legislative Provisions*

The *Classification (Publications, Films and Computer Games) Act 1995* (the Act) governs the classification of films and the review of classification decisions. The Act provides that films be classified in accordance with the National Classification Code and the classification guidelines. Relevantly, the National Classification Code (the Code) in paragraph 5 of the Table under the heading "Films" provides that films (except 'RC' films, 'X' films, 'MA' films) that cannot be recommended for viewing by persons who are under 15 are to be classified 'M15+'.

3. *Procedure*

3.1 Three members of the Review Board viewed the film *Men in Black* at its meeting on 18 July 1997.

4. *Evidence*

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

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

5. *Findings on material questions of fact*

The plot

- 5.1 *Men in Black* is a science fiction adventure comedy which follows the efforts of K and J, two employees of a secret government agency charged with keeping the peace between aliens roaming the earth in human form. K and J pursue an alien bug which has murdered humans and several aliens from another galaxy, and has stolen a minute galaxy. The earth is threatened with destruction unless the stolen galaxy is recovered.

Themes and Scenes of Violence

- 5.2 The Review Board considered the themes and scenes cited by the Classification Board. These included five sequences at 12, 14, 25, 42 and 43 minutes which the Classification Board found had more detail, impact and conceptual strength than is appropriate in a 'PG' classification.

The Review Board found that these depictions of violence, as well as a number of other depictions throughout the film, had more detail, impact and conceptual strength than is appropriate in a 'PG' classification, notwithstanding that many of the depictions involved aliens who were clearly fantasy figures.

The "other depictions" included scenes at approximately

8 minutes: an "illegal immigrant" is taken into the bush, slit open with a knife to reveal an alien, and his head held up on a stick in a scene containing a considerable sense of threat and menace;

44 minutes: a baby alien sprays mucus over the Man in Black in a manner which is neither mild in impact nor stylised;

72 minutes: victims are held by the throat and menaced with guns (not mild in impact);

84 minutes: a bug emerges from a space ship, pulls its own head off, swallows one man and hits another (not mild in impact).

There is, additionally, frequent and threatening resort to the use of guns, eg. at 20 minutes, 27 minutes, 63 minutes, 72 minutes and 78 minutes.

The Review Board found that the violent depictions were likely to be disturbing to some children under the age of 15 and as such could not be accommodated within the 'PG' classification

The Review Board found that there was frequent use of coarse language (principally the stem words 'shit' and 'arse'). Despite their use as New York street argot, the Review Board considered that these were not "mild and infrequent" as required in the 'PG' classification.

6. *Reasons for the Decision*

- 6.1 The Review Board based its decision to confirm the Classification Board's decision to classify the film *Men in Black* 'M15+' and to vary the consumer advice from "Low

Level Violence” to “Low Level Violence, Low Level Coarse Language” on the film’s content and language as described in 5.2 above.

- 6.2 The applicant argued that
- > the ‘PG’ classification had been interpreted [by the Classification Board] as being intended to identify films for very young children; and
 - > the ‘PG’ classification guidelines for violence had been interpreted too rigorously in this instance; and
 - > the ‘M15+’ classification assigned by the Classification Board is inconsistent with other recent decisions of that Board to classify some major releases ‘PG’.

It argued, further, that the incidents cited by the Classification Board were discreet, stylised, lacked impact and/or were presented in a humorous way. The film was claimed to fit into a general “fantasy” category with an appeal to a ten year plus audience.

- 6.3 The Review Board rejects the applicant’s argument that fantasy violence within a humorous context should be treated in a manner fundamentally different from violence within a realistic context. The Review Board found, as in 5.2 above, that the film contained several incidents in which the violence was not discreetly implied or mild in impact or lacking in detail within the meaning of the ‘PG’ classification guidelines, and therefore the film could not be accommodated within that classification. In the Board’s opinion that the film failed to meet the requirement that ‘PG’ films not be disturbing or harmful to children under the age of 15.
- 6.4 As well, the Review Board found, as cited in 5.2 above, that the film’s use of coarse language was too frequent and emphatic to be accommodated in the ‘PG’ classification
- 6.5 The Classification Review Board concluded that *Men in Black* cannot be recommended for viewing for those under 15 years within the meaning of Para. 5 of the National Classification Code for Films. The Board accordingly decided to confirm the ‘M15+’ classification assigned to the film by the Classification Board and, for the reasons stated above, to vary the consumer advice from “Low Level Violence” to “Low Level Violence, Low Level Coarse Language”.

7. *Summary*

- 7.1 The Review Board’s decision is to confirm the decision of the Classification Board to classify the film *Men in Black* ‘M15+’ and to assign to its advertising the consumer advice “Low Level Violence, Low Level Coarse Language”.

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

18 July 1997

Australian Hot Talk No 60

APPLICANT:

Horwitz Publications

BUSINESS:

To review the decision of the Classification Board to assign the classification 'Restricted — Category 1' to the publication *Australian Hot Talk No. 60* subject to the condition that the front of the publication be displayed in an opaque bag.

Decision and Reasons for Decision

1. *Decision*

The Classification Review Board decided to confirm the decision of the Classification Board to classify the publication *Australian Hot Talk No. 60* as 'Restricted — Category 1' subject to the condition that the front of the publication be displayed in an opaque bag.

2. *Legislative Provisions*

The *Classification (Publications, Films and Computer Games) Act 1995* (the Act) governs the classification of publications and the review of classification decisions. The Act provides that publications be classified in accordance with the National Classification Code (the Code) and the classification guidelines. The Code provides in relation to covers that "photographs must be suitable for display in public. They may display discreet nudity if it is not overtly sexually suggestive or if it does not imply sexual activity. Depictions of genitals, pubic hair, fetishes or implications of fetishes are not permitted. Language on covers should not be assaultive or sexually suggestive. Some lower level coarse language is acceptable but sexually suggestive combinations of words or colloquialisms for sexual acts or genitals are not permitted". Laws of the States and Territories which participate in the national publications classification scheme — eg. sub-section 26(1)(b) of the *Victoria Classification (Publications, Films and Computer Games) (Enforcement) Act 1995* — provide that publications classified as 'Restricted — Category 1' may, as a condition of sale, be displayed in an opaque cover.

3. *Procedure*

3.1 Three members of the Review Board, having perused the publication *Australian Hot Talk No. 60*, discussed their findings by teleconference on 23 July 1997.

4. *Evidence*

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

- a the applicant's Application for Review
- b the publication *Australian Hot Talk No. 60*.

- c the relevant provisions in the Act
- d the relevant provisions in the Code as amended in accordance with section 6 of the Act
- e the current *Printed Matter Classification Guidelines* determined under section 12 of the Act.
- f relevant provisions of State and Territory classification enforcement legislation.

5. *Findings on material questions of fact*

The cover

- 5.1 The cover of the publication contains a three-quarter-length colour photograph of a blonde female in brief black lingerie pouting towards the camera, with bra straps coming off the shoulders and displaying thrust-out naked buttocks. Wording includes lines such as *Hot Stuff*, *Get Down and Dirty*, *Pickups*, *Sudden Seductions*, *Female Domination*, *Slave to Love*, *Oral Sex* and *The Kiss of Life*.

The Review Board found that the cover considered as a whole was sexually suggestive.

The content

- 5.2 The Review Board also found that the magazine contained photographs featuring explicit female genital detail and text containing explicit descriptions of sexual activity.

6. *Reasons for the Decision*

- 6.1 The Review Board based its unanimous decision to confirm the Classification Board's decision to classify the publication as 'Restricted — Category 1', subject to the condition that the front of the publication be displayed in an opaque bag, on the pictorial and verbal content of the cover and on the publication's content as described in Para. 5 above

6.2 *The applicant argued that :*

- a The cover model is wearing underwear with no genitalia or pubic hair visible and there is no language on the cover which in the past has been subject to any restriction;
- b The cover of *Australian Hot Talk No. 59* was directly comparable with that of *Australian Hot Talk No. 60* and yet the former had been classified 'Restricted — Category 1' subject to the condition that its front cover be displayed in transparent material;
- c No complaints had been made by the public in relation to the publication; and
- d It had been denied detailed reasons for the Classification Board's decision.

- 6.3 The Review Board took the position, in relation to (a), that the cover of *Australian Hot Talk No. 60* was sexually suggestive despite an absence of visible genitalia or pubic hair in the photograph of the model; that (b) should be noted; that (c) was not relevant; and that (d) was an administrative matter to be taken up by the applicant with the Office of Film and Literature Classification.
- 6.4 The Review Board concluded that the cover of the publication considered as a whole was sexually suggestive and was therefore not suitable for display in public; and, further, that the publication described sexual or sexually related activity in a way that is likely to cause offence to a reasonable adult, and was also unsuitable for a minor to see or read within the meaning of Para. 3 of the Publications component of the Code.

7. Summary

The Review Board's decision is to confirm the decision of the Classification Board to classify the publication *Australian Hot Talk No. 60* 'Restricted — Category 1' subject to the condition that the front of the publication be displayed in an opaque bag.

This decision was taken after full consideration of the applicant's submission, and after assessing the publication as a whole against the relevant legislative criteria, including those contained in the Code, the current Classification Guidelines for Printed Matter, and State/Territory classification enforcement legislation.

23 July 1997

Fairytale: A True Story

APPLICANT:

REP Distribution

BUSINESS:

To review the decision of the Classification Board to assign the classification 'PG' under the *Classification (Publications, Films and Computer Games) Act 1995* to the film and videotape *Fairytale: A True Story*, with the consumer advice "Adult Themes".

Decision and Reasons for Decision

1. Decision

The Classification Review Board decided not to confirm the decision of the Classification Board to classify the film and the videotape *Fairytale: A True Story* 'PG', but to assign the classification 'G'.

2. Legislative Provisions

The *Classification (Publications, Films and Computer Games) Act 1995* (the Act) governs the classification of films and the review of classification decisions. The Act provides

that films be classified in accordance with the National Classification Code and the classification guidelines. Relevantly, the National Classification Code (the Code) in paragraph 6 of the Table under the heading "Films" provides that films (except 'RC' films, 'X' films, 'MA' films and 'M' films) that cannot be recommended for viewing by persons who are under 15, are to be classified 'PG'. Para. 7 of the Table provides that all other films are to be classified 'G'.

3. Procedure

- 3.1 Three members of the Review Board viewed the film *Fairytale: A True Story* at its meeting on 17 September 1997.

4. Evidence

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

- a the applicant's Application for Review
- b the film *Fairytale: A True Story*
- c the relevant provisions in the Act
- d the relevant provisions in the National Classification Code as amended in accordance with section 6 of the Act
- e the current *Classification Guidelines for the Classification of Films and Videotapes* determined under section 12 of the Act.

5. Findings on material questions of fact

The plot

- 5.1 Set against a background of a family dealing with the aftermath of World War I, two young girls, Frances and Elsie, are swept into controversy when their photographs of fairies in their garden are released to the public.

The themes

- 5.2 The Board of Review considered the themes and scenes cited by the Classification Board as warranting a 'PG' classification.

These included the "dead child" theme, the "father missing" theme and the "afterlife" theme. Included in the Classification Board's descriptions of these themes were references to the appearance of a ghostly figure (at 81 minutes), the encounter of Frances with a disfigured soldier (at 7 minutes) and the distressed mother (eg. at 29 minutes).

- 5.3 The Board found that a number of themes in the film (eg. the impact on families of the World War) were unlikely to be understood by children.

However, it found that the film's treatment of such themes was such that children would be unlikely to be upset or confused, within the meaning of the 'PG' guidelines. In the absence of a definition of "confusion," the Review Board took the view that, for parental guidance to be warranted, "confusion" would have to have elements of distress in addition to mere incomprehension.

The Review Board also found that any potentially distressing images were low in impact and resolved quickly, and in such a way that children would not be left with lingering fears. For example, the shot of the scarred face of the soldier is immediately followed by his kindly conversation with the young girl, establishing his benign character.

The Board found that there were a number of themes to which children would relate well. These included "What is real and what is fantasy?"; magic; play; that fairies can be real.

6. *Reasons for the Decision*

6.1 The Review Board based its decision to set aside the decision of the Classification Board to classify the film and videotape *Fairytale: A True Story* 'PG', with the consumer advice "Adult Themes," and to classify it 'G', on the content and impact of the film as set out in 5.2 and 5.3 above.

6.2 The Review Board found that the film dealt well with images that are not unfamiliar to children. These include the grotesque, death and fantasy and similar images which populate children's imaginations. The images of death and the grotesque are not left as nasty lingering images. They are quickly and well resolved. Fantasy remains as fantasy.

Further, The Board found that while some themes would not be understood by children, the film's treatment of them was such that children would be unlikely to be upset or confused by them.

6.3 The applicant argued (statement from Rob Watson) that Elsie and Frances are "convincing role models of mature, loving an imaginative children who cope and celebrate in situations of interest to children ... [they] are happy and victorious in the situation...". The Review Board supports this view, and argues that the children's reactions in the film are a key to whether watching children will be confused or upset.

6.4 The Review Board concluded that the treatment of themes and other classifiable elements was careful and discreet, that the film was unlikely to be harmful or disturbing to children, and therefore the film could be recommended for viewing by all ages, and was appropriately classified 'G' within the meaning of Table 7 under the heading "Films" in the Code.

7. *Summary*

- 7.1 The Review Board's decision is to set aside the decision of the Classification Board to classify the film and videotape *Fairytale: A True Story* 'PG' with the consumer advice "Adult Themes," and to assign the classification 'G' (without consumer advice).

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

17 September 1997

The Devil's Advocate

APPLICANT:

Roadshow Film Distributors

BUSINESS:

To review the decision of the Classification Board to assign the classification 'R18+' under the *Classification (Publications, Films and Computer Games) Act 1995* to the film and videotape *The Devil's Advocate*, with the consumer advice "Adult Themes, Medium Level Sex Scene, Medium Level Violence".

Decision and Reasons for Decision

1. *Decision*

The Classification Review Board decided to confirm the decision of the Classification Board to classify the film and the videotape *The Devil's Advocate* 'R18+' but to vary the consumer advice to "Medium Level Sex Scene, Medium Level Violence".

2. *Legislative Provisions*

The *Classification (Publications, Films and Computer Games) Act 1995* (the Act) governs the classification of films and the review of classification decisions. The Act provides that films be classified in accordance with the National Classification Code and the classification guidelines. Relevantly, the National Classification Code (the Code) in paragraph 3 of the Table under the heading "Films" provides that films (except 'RC' films and 'X' films) that are unsuitable for a minor to see should be classified 'R18+'.

3. *Procedure*

- 3.1 Three members of the Review Board viewed the film *The Devil's Advocate* at its meeting on 7 November 1997.

4. *Evidence*

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

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

5. *Findings on material questions of fact*

The plot

- 5.1 Smart young lawyer, Lomax, is lured to New York with the promise of fame and fortune. His almost complete absorption with his job leaves his wife Mary in growing distress. Lomax's life proceeds to unravel with the suicide of his wife and the revelation that his employer, Milton, is the Devil and is, in fact, his father in search of a suitable successor.

The themes and scenes of sex and violence

- 5.2 The Board of Review considered the themes and scenes cited by the Classification Board.

The themes cited by the board as requiring an adult perspective included suicide, rape, incest and Satan's schemes. The sex scenes occurred at 60 minutes between Lomax and Mary (intercut with visuals of Christabella who turns out to be Lomax's half-sister by Milton). The scenes of violence included those at 90 minutes (Eddy attacked in Central Park) and at 105 minutes (Weaver hit by car).

The Review Board did not find the themes to be adult, in the sense that they would not be understood by an under 18 year old audience. The theme of Satan trying to achieve his ends is a familiar one in literature.

The Review Board, however, found some scenes in the film to be confronting and to require an adult perspective.

In the area of violence, these include:

90 mins: Eddy attacked and murdered in the park, a scene which, in the Board's view, had a "high impact" when considered against the relevant 'MA15+' guidelines and also contained a detailed shot of a bloody face which, by the same criteria, was deemed to be "gratuitous".

99 mins: Mary describing her rape to Milton while displaying her badly scratched naked body, a scene which, considered against the relevant 'MA15+' criteria, the Board found to have a "high impact".

110 mins: Mary's suicide by cutting her throat with a broken mirror, a scene the Review Board considered to have "a high degree of impact" within the meaning of the 'MA15+' violence criteria.

130 mins: Lomax's suicide by shooting himself in the temple, a scene the Review Board considered to be not only "prolonged" within the meaning of the 'MA15+' violence guidelines but also to contain frequent slow-motion shots of blood pouring from the victim's head which were "gratuitous" within the meaning of those guidelines.

All these scenes could, however, in the Board's judgment, be accommodated within the parameters of "strong depictions of realistic violence" as contemplated by the 'R18+' guidelines.

In the area of sex, the scene (at 60 minutes) of Lomax with his wife Mary, intercut with visuals of Christabella, with numerous shots of breast nudity and thrusting, was considered to constitute "realistically simulated sexual activity" within the meaning of the 'R18+' guidelines.

In regard to the scenes of violence and sex, the Review Board agreed with the findings of the Classification Board.

In the area of language, the Review Board found the film to contain a high level of 'fuck' language used aggressively. In addition, there were references to "fist fucking and licking it clean" which the Review Board found, combined with the 'fuck' language, to be strong and, in context, gratuitous, and as such likely "to be offensive to some sections of the adult community".

6. *Reasons for the Decision*

- 6.1 The Review Board based its decision to confirm the Classification Board's decision to classify the film and videotape *The Devil's Advocate* R18+ with the consumer advice "Medium Level Sex Scene, Medium Level Violence," on the content and impact of the film as set out in 5.2 and 5.3 above.
- 6.2 The Review Board considers that the film's depictions of sex and violence, including suicide, are such as to require an adult perspective. There are a number of depictions which, in terms of the 'MA15+' violence criteria, were deemed to have a high impact and, in some instances, to be either gratuitously detailed and/or prolonged. In addition there were instances of sexually explicit and offensive language which were not only strong but also "gratuitous" within the meaning of the relevant 'MA15+' guidelines. The Review Board therefore considered that the film was appropriately classified 'R18+'.

6.3 The Review Board did not agree with the Classification Board's finding that there were "adult themes," in the sense that the themes would not be understood by those under 18 years, but rather that a number of depictions required an adult perspective.

6.4 The applicant argued, in part, that sexual intercourse is either "discreetly implied or simulated as specified in the 'MA' criteria". The current 'MA' criteria as published in July 1996 allow for sexual activity to be implied but not "realistically simulated," as now appears in the 'R18+' category.

Further, the applicant argued that the violence was "of medium intensity" and does not "have 'a high degree of realism or impact' which places it within the context of the 'MA' certificate". These phrases and descriptions are no longer to be found in the July 1996 Guidelines. Nevertheless, the Review Board rejects the argument that the violence did not have a high degree of impact.

6.5 The Review Board concluded that the film cannot be recommended for viewing by those who are under the age of 18, and is additionally likely to be offensive to some sections of the adult community within the meaning of Paragraph 3 of the Table under the heading "Films" in the Code.

6.6 The Review Board's decision to assign the consumer advice line of "Medium Level Sex Scene, Medium Level Violence" is made having regard to its findings in 5.2 and 5.3 above.

7. Summary

7.1 The Review Board's decision is to confirm the decision of the Classification Board to classify the film and videotape *The Devil's Advocate* 'R18+'. The Review Board varies the consumer advice to be "Medium Level Sex Scene, Medium Level Violence".

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

7 November 1997.

The Best of Swank (Bumper Holiday Edition)

APPLICANT:

The Write Stuff/Super Comix Australia

BUSINESS:

To review the decision of the Classification Board to assign the classification 'Category 1 – Restricted' under the *Classification (Publications, Films and Computer Games) Act 1995* to the publication *The Best of Swank (Bumper Holiday Edition)*.

Decision and Reasons for Decision

1. *Decision*

The Classification Review Board decided to confirm the decision of the Classification Board to classify the publication *The Best of Swank (Bumper Holiday Edition)* 'Category 1 – Restricted'.

2. *Legislative provisions*

The *Classification (Publications, Film and Computer Games) Act 1995* (the Act) governs the classification of publications and the review of classification decisions. The Act provides that publications be classified in accordance with the National Classification Code and the classification guidelines. Relevantly, the National Classification Code (the Code) in paragraph 3 of the Table under the heading "Publications" provides (in part) that publications that...

explicitly depict nudity, or describe or impliedly depict sexual or sexually related activity between consenting adults, in a way that is likely to cause offence to a reasonable adult ... are to be classified 'Category 1 – Restricted'.

3. *Procedure*

Five members of the Classification Review Board read the publication *The Best of Swank (Bumper Holiday Edition)*.

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

- a the applicant's Application for Review
- b oral representations made by Mr Gary Loupos, representing the applicant
- c the publication *The Best of Swank (Bumper Holiday Edition)*.
- d the relevant provisions in the Act
- e the relevant provisions in the National Classification Code as amended in accordance with Section 1 of the Act.
- f the current *Printed Matter Classification Guidelines* determined under Section 12 of the Act.

5. *Findings on material questions of fact*

The content

- 5.1 The magazine *The Best of Swank (Bumper Holiday Edition)* contains photographs depicting nudity, articles, advertisements etc. The emphasis of the magazine is on highly sexualised portrayals of women.

The photographs and text cited by the Classification Board as problematic

- 5.2. The Classification Board cited photos at pages 17, 41-47, 87 and 113 as together warranting the publication being classified 'Category 1 – Restricted'. The Classification Board noted that each of these photos had been included in separate earlier 'Unrestricted' editions of *Swank*, but considered that their compilation in one volume led to greater impact.
- 5.3 The Review Board unanimously found that each of the photos, cited at pages 11-17, 87 and 113, taken individually, did not satisfy the criterion of "discreet female nudity" required if the publication were to be classified 'Unrestricted'. In each of these photos, the woman's genitals were clearly and prominently displayed.

Further, some Review Board members felt that other photos, for example at pages 78-79, and 100-101, exceeded the description of "discreet female nudity".

The Review Board therefore found that the publication "explicitly depicted nudity" in a way that is likely to cause offence to a reasonable adult, and therefore falls in 'Category 1 – Restricted'.

6. *Reasons for the decision*

- 6.1 The Review Board based its decision to confirm the Classification Board's decision to classify the publication *The Best of Swank (Bumper Holiday Edition)* 'Category 1 – Restricted' on the content of the magazine as set out in 5.3 above.
- 6.2 This decision is based on the Review Board's unanimous view that the material described in 5.3 para 1 above did not meet the description of "discreet female nudity" required if the publication were to be classified 'Unrestricted'.

The description "discreet" is not defined in the present *Printed Matter Classification Guidelines*. The dictionary defines "discreet" as "circumspect". The word is defined in the present *Guidelines for the Classification of Films and Videotapes* as "with little or no detail and generally brief". In the opinion of the Review Board, photographs in which the model's pose gives prominence to, or provocatively displays female genitals would not be viewed as "discreet nudity" by reasonable adults.

The Review Board decided that the depictions "explicitly depict nudity" as per the Publications Schedule Para 3 of the National Classification Code, and "include explicit genital detail" as per the *Printed Matter Classification Guidelines*. The publication is therefore appropriately classified 'Category 1 – Restricted'.

- 6.3 The applicant argued, in part, that the individual photos cited by the Classification Board had separately appeared in previous 'Unrestricted' editions of the publication, and based his case for review on the need for consistency in classification decisions by the Classification Board.

This issue is not relevant to the Review Board. In this appeal, the Review Board's only task is to review the classification given to the Holiday edition of *The Best of Swank*. The Review Board finds that the content of this edition fails to meet the criteria for an 'Unrestricted' publication and is unsuitable for those under the age of 18 years.

7. Summary

The Review Board's decision is to confirm the decision of the Classification Board to classify the publication *The Best of Swank (Bumper Holiday Edition)* 'Category 1 — Restricted'.

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

15 January 1998.

Anastasia

APPLICANT:

Twentieth Century-Fox Film Distributors Pty Ltd

BUSINESS:

To review the decision of the Classification Board to assign the classification 'PG' under the *Classification (Publications, Films and Computer Games) Act 1995* to the film *Anastasia* with the consumer advice "Supernatural Theme".

DECISION AND REASONS FOR DECISION

1. Decision

The Classification Review Board decided to confirm the decision of the Classification Board to classify the film *Anastasia* 'PG', but to vary the consumer advice line to "Low Level Violence".

2. Legislative Provisions

The *Classification (Publications, Film and Computer Games) Act 1995* (the Act) governs the classification of films and the review of classification decisions. The Act provides that films be classified in accordance with the National Classification Code and the classification guidelines. Relevantly, the National Classification Code (the Code) in paragraph 6 of the Table under the heading "Films" provides that films (except 'RC' films, 'X' films, 'R' films, 'MA' films and 'M' films) that cannot be

recommended for viewing by persons who are under 15, are to be classified 'PG'. Paragraph 7 of the Table provides that all other films are to be classified 'G'.

3. *Procedure*

- 3.1 Five members of the Review Board viewed the film *Anastasia* at its meeting on January 15 1997.

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

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

5. *Findings on material questions of fact*

The plot

- 5.1 This animated feature is loosely based on the story of Anastasia, the daughter of the Tsar of Russia who, some claim, was separated from her family during the Russian revolution. Anya, a peasant girl, is taken to Paris by a scheming Dimitri, to establish a claim to be the long lost Anastasia. They are pursued by the evil Rasputin.

The themes

- 5.2 The Board of Review considered the theme and scene cited by the Classification Board as warranting a 'PG' classification.

The Classification Board found the scene at 49 mins, where Rasputin threatens to "get inside your mind", and in which Anastasia almost jumps to her death from the ship's railings to be the film's strongest scene.

The Review Board does not disagree with the Classification Board that the intercutting of scenes of Anastasia sleepwalking on the ship in a storm with those of her family on a swimming picnic would be confusing to young children; also, that young children could be distressed by her last-minute rescue from death by jumping into the stormy sea. However, the Review Board found that other elements in the film had greater impact.

- 5.3 The Review Board found the scenes which involved Rasputin, particularly those in the early part of the film, had more than "a very low sense of threat or menace". While Rasputin was, on occasion, a comic character, there were many scenes of violence which did not have a light tone.

Such scenes included the threatening appearance of Rasputin, with very menacing face, at around 3 mins, through to the palace burning and soldiers bashing with guns, and the separation of Anastasia from her parents, at close to 6 mins.

Further scenes which had more than a very low sense of threat or menace included the shots of Rasputin's face at 29mins, and 40 mins; the train crash initiated by Rasputin's demons at 36-38 mins, his attempted mind control of Anya at 49-52 mins, and the final scenes of the film from 1hr 19 to 1hr 23 mins.

In the latter instance, violence was not discreetly implied. Anya was hit by Rasputin, and a horse tramples the boy's chest.

Reasons for the Decision

- 6.1 The Review Board based its decision to confirm the Classification Board's decision to classify the film *Anastasia* 'PG' on the content and impact of the film as set out in 5.2 and 5.3 above.
- 6.2 The Review Board found that many images of Rasputin's face, particularly in the earlier part of the film, would be upsetting to children in the younger range of the age group covered by the 'G' category. Further, a number of scenes of violence (as in 5.3) had more than "a very low sense of threat or menace". In addition, the final fight sequences with Rasputin at the bridge, contained actual violence (Anya being hit, horse trampling boy) and therefore was not "discreetly implied" as required in the 'G' category.
- 6.3 The applicant argued that:
- a the 'G' guidelines have been interpreted [by the Classification Board] as being intended to identify films for very young children, and
 - b that the 'PG' guidelines have been interpreted [by the Classification Board] too rigorously in this instance, and
 - c that mitigating factors have not been taken into account.

It argued that children's stories/films have traditionally contained portrayals of evil for goodness to triumph over, and that this is acceptable provided that the elements or situations are resolved in a positive way.

The Review Board rejects this "blanket" argument on the grounds that the portrayals of "evil" have to be such as can be accommodated within the 'G' classification guidelines, which require that a 'G' classified film can be watched by children of any age under 15 years without parental supervision, and without them being confused or upset.

Further, young children tend to focus on, and to be upset by, individual scenes of violence or menace within films, and are often, not able to put them into a context of the triumph of good over evil at the end of the story. This is an age-

related ability which may well mitigate the impact of some violent scenes for an older child.

- 6.4 The Review Board concluded that the film contained elements which made the film unsuitable to be viewed by children under the age of 15 years without supervision, and therefore confirmed the decision of the Classification Board to classify the film 'PG', within the meaning of the Table 6 under the heading "Films" in the Code.
- 6.5 The Review Board, on the basis of the content described in 5.3, decided to assign the consumer advice line "Low Level Violence" to the film's advertising.
7. *Summary*
- 7.1 The Review Board's decision is to confirm the decision of the Classification Board to classify the film *Anastasia* 'PG'. The Review Board has decided to vary the consumer advice to "Low Level Violence".

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

15 January 1998.

Penthouse Couples No 46

APPLICANT:

Horwitz Publications

BUSINESS:

To review the decision of the Classification Board to assign the classification 'Category 1 — Restricted' under the *Classification (Publication Films and Computer Games) Act 1995* to the publication *Penthouse Couples No 46*.

Decision and Reasons for Decision

1. *Decision*

The Classification Review Board decided to set aside the decision of the Classification Board to classify the publication *Penthouse Couples No 46* as 'Category 1 — Restricted', with opaque front cover, and to classify the publication 'Category 2 — Restricted'.

2. *Legislative Provisions*

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

Classification Guidelines, in regard to covers of both 'Unrestricted' and 'Category 1 — Restricted' publications, provide that "Photographs must be suitable for display in public. They may depict discreet nudity if it is not overtly sexually suggestive or if it does not imply sexual activity."

3. *Procedure*

Six members of the Classification Review Board perused the publication *Penthouse Couples No 46* on 13 February 1998 and further discussed it by teleconference on 17 February 1998.

4. *Evidence*

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

- a the applicant's Application for Review and oral submissions
- b the publication *Penthouse Couples No 46*.
- c the relevant provisions in the Act
- d the relevant provisions in the National Classification Code as amended in accordance with Section 1 of the Act.
- e the current *Printed Matter Classification Guidelines* determined under Section 12 of the Act.

5. *Findings on material questions of fact*

The content and cover

- 5.1 The magazine *Penthouse Couples No 46* is an adult type publication of a genre normally classified as at least 'Category 1 — Restricted'. Such publications may be publicly displayed, provided that any cover photographs and/or text meet the conditions laid down in the *Printed Matter Classification Guidelines*.
- 5.2 The cover carries a photograph, from waist height up, of a male embracing a female, both of whom appear to be naked, with the caption "Turn up the Heat". He is kissing her neck and she has head thrown back and lips parted.

The Review Board found the photograph depicted discreet nudity. Further, the pose of the male and female model was found to be contrived to convey sensuality and to be overtly sexually suggestive. This was reinforced by the caption "Turn up the heat".
- 5.3 The Review Board accordingly found that the cover depicted "discreet nudity which was overtly sexually suggestive", and therefore that the publication must be classified 'Category 2 — Restricted'.

6. *Reasons for the Decision*

- 6.1 The Review Board based its unanimous decision to classify the publication *Penthouse Couples No 46* 'Category 2 — Restricted', on the content of the cover as described in 5.1 and 5.2 above, its finding in 5.3, and the requirements for Covers and Posters in the *Printed Matter Classification Guidelines*, viz "Covers or posters which do not comply with these guidelines are considered unsuitable for public display and would result in a 'Category 2 — Restricted' classification".
- 6.2. There has been a previous decision of the Review Board (*Australian Hot Talk No 10*), where a publication was classified 'Category 1 — Restricted' on the basis of its content, but also had a cover deemed to be unsuitable for public display. In this case, the Review Board classified the publication 'Category 1 — Restricted' on the condition that it was displayed in an opaque bag.

In the interim, the Review Board has taken legal advice, and has been advised that there is no power conferred on the Review Board in the *Classification (Publications, Films and Computer Games) Act 1995*, to impose conditions on the classification of a publication. *Penthouse Couples No 46* is accordingly classified 'Category 2 — Restricted'.

6.3 The applicant argued that:

- a the decision of the Classification Board on issue No 46 was not consistent with previous decisions, that is, issue No 45; and
- b the cover was similar in content and tone to others on public display.

The Review Board took the view that a) should be noted, but was not relevant to the consideration of the present publication, and that b) was not relevant.

7. *Summary*

The Review Board's decision is to classify the publication *Penthouse Couples No 46* as 'Category 2 — Restricted'.

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

13 and 17 February 1998.

PRINT AD FOR VIDEO *Great Lovers Are Made Not Born*

APPLICANT:

August House Media Pty Ltd

BUSINESS:

To review the decision of the Classification Board, under the *Classification (Publications, Films and Computer Games) Act 1995*, to approve the print advertisement for the video *Great Lovers are Made not Born* (R 18+), subject to the condition that the advertisement not appear on the front or back cover of a submittable publication.

Decision and Reasons for Decision

1. *Decision*

The Classification Review Board decided to set aside the decision of the Classification Board to approve the print advertisement for the video *Great Lovers are Made not Born* (classified R18+) subject to the condition that it not appear on the front or back cover of a submittable publication, and to approve the advertisement without conditions.

2. *Legislative provisions*

The *Classification (Publications, Film and Computer Games) Act 1995* (the Act) governs the approval of advertisements and the review of approval decisions. The Act provides that print advertisements for videos be approved in accordance with Sections 11, 29(3), (4) and (6) of the Act, and the *Printed Matter Classification Guidelines*. Relevantly, the *Printed Matter Classification Guidelines*, in regard to Covers and Advertising posters of both 'Unrestricted' and 'Category 1 – Restricted' publications, provide that "Photographs must be suitable for display in public. They may depict discreet nudity if it is not overtly sexually suggestive or if it does not imply sexual activity. Language on covers should not be assaultive or sexually suggestive ...".

3. *Procedure*

Six members of the Classification Review Board perused the print advertisement for the video *Great Lovers are Made not Born* (R18+) at its meeting of 13 February.

4. *Evidence*

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

- a the applicant's Application for Review
- b the print advertisement for the video *Great Lovers are Made not Born* (R18+).
- c the relevant provisions in the Act
- d the current *Printed Matter Classification Guidelines* determined under Section 12 of the Act.

5. *Findings on material questions of fact*

The advertisement

5.1 The print advertisement for the video *Great Lovers are Made not Born* (R18+) contains a photograph of a clothed male and female couple embracing in what appears to be a bathroom. The text describes the content of the video, which is one in the *Better Sex Video* series, which “helps you master the techniques that lead to exciting lovemaking”. The text includes a warning that the series is “highly explicit and intended for adults over the age or 18 only”.

5.2 A majority of the Classification Board found the language to be sexually suggestive, and that the warning noted above in 5.1 provided a context that sexualised the advertisement copy.

The Review Board took the view that for the language in the advertisement to be “sexually suggestive” it should in itself be titillating. The Review Board found that while the text referred to material that might be “sexually suggestive” or titillating, the text was of itself not so. The warning was found to be a necessary part of the advertisement, given that the video was classified ‘R’, and was not itself sexually suggestive.

5.3 The Review Board accordingly found that the advertisement was suitable for public display.

6. *Reasons for the Decision*

6.1 The Review Board based its unanimous decision to approve the print advertisement for the video *Great Lovers are Made not Born* (R18+), without conditions, on its photographic and textual content as described in 5.1 and 5.2 above, and the requirements for Covers and Posters in the *Printed Matter Classification Guidelines*, viz “Photographs must be suitable for display in public ... Language on covers should not be assaultive or sexually suggestive ...”.

6.2 The applicant argued, in part, that:

- a the language in the advertisement included phrases such as “great lovers”, “best aphrodisiac”, beautifully filmed explicit scenes, and “making love is an art”, and that these could not be regarded as sexually suggestive;
- b the advertisement was similar in content and tone to others on public display;
- c the video was educational in nature; and
- d the advertisement had already appeared in the *Weekend Australian* magazine.

The Review Board took the view that a) should be supported, that b) and c) were not relevant, and that d) should be noted.

6.3 The Review Board therefore concluded that the print advertisement for the video *Great Lovers are Made not Born* (R18+) was suitable for public display.

7 Summary

The Review Board's decision is approve the print advertisement for the video *Great Lovers are Made not Born* (R18+) without conditions.

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

13 and 17 February 1998.

Primary Colors

APPLICANT:

REP Distribution

BUSINESS:

To review the decision of the Classification Board to assign the classification 'MA 15+' under the *Classification (Publications, Films and Computer Games) Act 1995* to the film *Primary Colors* with the consumer advice "Medium Level Coarse Language".

Decision and Reasons for Decision

1. Decision

The Classification Review Board decided to set aside the decision of the Classification Board to classify the film *Primary Colors* 'MA15+', and to assign the classification 'M', with the consumer advice "Medium Level Coarse Language" and "Adult Themes".

2. Legislative provisions

The *Classification (Publications, Films and Computer Games) Act 1995* (the Act) governs the classification of films and the review of classification decisions. The Act provides that films be classified in accordance with the National Classification Code and the classification guidelines. Relevantly, the National Classification Code (the Code) in paragraph 4 of the Table under the heading "Films" provides that films (except 'RC' films, 'X' films, and 'R' films) that depict, express, or otherwise deal with sex, violence, or coarse language in such a manner as to be unsuitable for viewing by persons who are under 15, are to be classified 'MA15+'. Paragraph 5 of the Table provides that films that cannot be recommended for viewing by those under 15 are to be classified 'M'.

3. Procedure

Four members of the Review Board viewed the film *Primary Colors* at its meeting on March 20 1998.

- 3.2 Mr Rob Watson attended the meeting to make representations on behalf of the applicant.
4. *In reaching its decision the Board of Review had regard to the following:*
- a the applicant's Application for Review;
 - b oral submissions made on behalf of the applicant;
 - c the film *Primary Colors*;
 - d the relevant provisions in the Act;
 - e the relevant provisions in the Code as amended in accordance with Section 6 of the Act; and
 - f the current *Guidelines for the Classification of Films and Videotapes* determined under Section 12 of the Act.
5. *Findings on material questions of fact*
- The plot*
- 5.1 This political drama is said to be based on Bill Clinton's campaign, when Governor of Arkansas, to be elected as president of the US. The film reveals the political machinations behind the fictional Governor Jack Stanton's campaign, and the efforts to suppress his alleged sexual indiscretions.
- The content*
- 5.2 The Board of Review considered the content cited by the Classification Board as warranting an 'MA15+' classification.
- The Classification Board found the film warranted an 'MA15+' classification for its frequent, though contextually justified, use of coarse language, ie., frequent use of "fuck" language, occasionally with sexual connotations, and with single uses of "cunt" and "motherfucker".
- 5.3 A majority of the Classification Review Board found that the use of "fuck" language was not gratuitous, was of a variety commonly heard in the community, and as such, could be accommodated in the 'M' category according to the Glossary of Terms found in the *Guidelines for the Classification of Films and Videotapes*, viz "Coarse language: at 'M' it includes 'fuck'".
- Further, the Review Board found that the use of "fuck" in reference to sexual activity, did not increase the impact of the coarse language to the extent that it could not be accommodated in the 'M' category.
- 5.4 The Review Board noted the treatment of the themes of adultery, political dishonesty, drug addiction, nervous breakdown and suicide as identified by the Classification Board and agreed that these could be accommodated in the 'M' category.

5.5 A minority of the Review Board found that the frequency of the use of the “fuck” language (close to 70 uses), often in combination with “asshole” and “shit” and mostly in an aggressive manner towards persons, its occasional connection with sexual references, constituted “strong” and “very aggressive” coarse language, and as such was more appropriately accommodated in the ‘MA15+’ classification.

6. *Reasons for the Decision*

6.1 The Review Board based its decision to set aside the decision of the Classification Board, and to assign the classification ‘M’ to the film *Primary Colors* on the content of the film as set out in 5.2, 5.3 and 5.4. above.

6.2 The majority of the Review Board took the view that most of the coarse language in the film was not used very aggressively, was contextualised, and was such as would be commonly heard these days. The words used were acceptable in the ‘M’ category, according to the meaning ascribed to “coarse language” in the Glossary of terms contained in the Guidelines, and were at a level and frequency that could be accommodated in the ‘M’ category.

It was considered that the verbal references to sexual activity were not such as to increase their impact, and therefore meet the ‘M’ criteria.

The stronger coarse language, ie. “motherfucker” and “cunt” were each only used once, and therefore was “infrequent” and as such could be accommodated in the ‘M15+’ category.

6.3 In oral submissions to the Review Board, the applicant said that the film was an important one, but which was definitely for a mature audience. He argued in part that:

- a the language was in context, and
- b many other films classified ‘M’ had a greater frequency of the use of “fuck” language, and
- c the audience being aimed for was “the quality end of the market”, who may be deterred from seeing the film by an ‘MA15+’ classification, and
- d there were significant commercial implications from an ‘MA15+’ classification, in that such films could not be trailed with ‘M’ films.

The Review Board took the view that:

- a was relevant;
- b whilst not irrelevant, in the absence of other evidence no great weight can be given to this;
- c was irrelevant to the Review Board’s consideration, but was a factor that could be remedied by the use of the consumer advice lines, in publicity, to indicate the reason(s) why a film received a particular classification’ and
- d was irrelevant to the Review Board’s consideration.

- 6.4 The Review Board concluded that the film did not contain elements that made the film unsuitable for viewing by persons under the age of 15 years. Rather, it contained elements which made the film unsuitable to be recommended for viewing by children under the age of 15 years, and is therefore classified 'M', within the meaning of Table 5 under the heading "Films" in the Code.

The Review Board's decision to assign the consumer advice lines "Medium Level Coarse Language", "Adult Themes", is made having regard to the content of the film as described in 5.3 and 5.4 above.

7. Summary

- 7.1 The Review Board's decision is to classify the film *Primary Colors* 'M' with the consumer advice lines "Medium Level Coarse Language", "Adult Themes".

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

20 March 1998.

Salo o le 120 Giornate di Sodoma (Pasolini's 120 Days of Sodom)

APPLICANT:

The Hon Daryl Williams AM QC MP, Commonwealth Attorney-General, at the request of the Queensland Attorney-General and Minister for Justice, the Hon Denver Beanland MLA, pursuant to subsection 42(2) of the *Classification (Publications, Films and Computer Games) Act 1995*.

BUSINESS:

To review the decision of the Classification Board to assign the classification 'R' under the *Classification (Publications, Films and Computer Games) Act 1995* to the film *Salo o le 120 Giornate di Sodoma (Pasolini's 120 Days of Sodom)*, with the consumer advice lines "Adult themes of high intensity, Strong depictions of violence, Strong sexual references".

Decision and Reasons for Decision

1. Decision

The Classification Review Board decided to set aside the decision of the Classification Board to classify the film *Salo o le 120 Giornate di Sodoma* 'R 18+', with consumer advice lines "Adult themes of high intensity, Strong depictions of violence, Strong sexual references", and to classify the film 'RC'.

2. Legislative provisions

The *Classification (Publications, Film and Computer Games) Act 1995* (the Act) governs the classification of films and the review of classification decisions. The Act provides

that films be classified in accordance with the National Classification Code and the classification guidelines.

Relevantly, section 11 of the Act requires that the matters to be taken into account in making a decision on the classification of ... a film ... include:

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

The National Classification Code (the Code) requires that 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.

Paragraph 1 of the Table under the heading "Films" in the National Classification Code provides that films that:

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

3. Procedure

- 3.1 Six members of the Review Board viewed the film *Salo o le 120 Giornate di Sodoma* at its meeting on 13 February 1998, and further discussed the film by teleconference on 17 February 1998.

4. *In reaching its decision the Board of Review had regard to the following:*
- a the request to review the classification of the film from the Attorney General, the Hon Daryl Williams;
 - a the film *Salò o le 120 Giornate di Sodoma*;
 - b the relevant provisions in the Act;
 - c the relevant provisions in the National Classification Code as amended in accordance with Section 6 of the Act; and
 - d the current *Classification Guidelines for the Classification of Films and Videotapes* determined under Section 12 of the Act.

5. *Findings on material questions of fact*

The plot

- 5.1 Four powerful Fascists in World War II Italy make a pact to explore the theme "all things are good when carried to excess". They select and abduct a group of 16 young teenagers to pursue this end.

The content

- 5.2 As indicated by the consumer advice lines assigned to the film by the Classification Board, the film contains a number of depictions of strong violence, strong sexual references and adult themes of high intensity.

In the majority view of the Classification Board:

- a these themes and depictions occur in the context of a film which is unambiguously anti-violence, and which makes a strong statement about the abuse of power;
 - b the film's treatment of sex, violence and power is not exploitative but requires an adult perspective;
 - c the film's depictions of violence are not gratuitous as they are justified in the context of a defensible story line, in a film of considerable artistic merit;
 - d the film's depictions of violence are not excessive as they do not exceed reasonable limits in terms of detail, duration or frequency; and,
 - e the actors who play the victims do not appear to be under 16 years of age.
- 5.3 The Classification Review Board considered the scenes and themes cited by the Classification Board as being appropriately accommodated by assigning an 'R' classification to the film.

A majority of the Review Board differed from the majority of the Classification Board in that, in its view, many scenes in the film not only depicted violence or

sexual violence, but additionally depicted cruelty and portrayed persons in a demeaning manner.

Violence is usually defined as physical force inflicted with the intent to seriously hurt or kill, or the outcome of such. Cruelty on the other hand, involves delight in the infliction of, or indifference to another's pain. In the Review Board's view the following scenes depicted cruelty. Further, the Review Board found these scenes were of high impact (ie. had very strong effect on the viewer), and were offensive (ie. likely to cause outrage or extreme disgust to most people).

Scenes of offensive cruelty with high impact:

31 mins: prolonged scene of boy being whipped

32 mins: girl eats cake with nails in it, screams, and blood runs from mouth

63 mins: girl forced to crawl across the floor and eat faeces

71-73 mins: all in the dining room are forced to eat faeces as meal

102 mins: girls tied up in a vat of filth (faeces and urine)

105-111 mins:

- > boy has penis burned with candle
- > girl has nipple burned with candle
- > boy has tongue tip cut off
- > girl endures forced anal sex and is hanged
- > boy has eye gouged out
- > girl endures forced anal sex
- > girl is scalped
- > girl and others are whipped
- > boy is branded with branding iron

5.4 The age of the young people

A majority of the Review Board believed that the apparent youth of some of the abducted teenagers was also a matter for concern. Some of the young people who were sexually abused throughout the film could have been under the age of 16 years. Further, there were many scenes in the film in which they were dressed as school children, and this gave emphasis to their youth.

However, in the view of a majority of the Review Board, the age factor by itself was not considered to be of sufficient certainty to cause the film to be refused classification, as would have been required if any of the abused young people had "looked like they were under the age of 16 years" (National Classification Code). The youthfulness of the abused was nevertheless seen by the majority to be an important

factor, and one that should be taken into account when considering the issue of "offensiveness".

- 5.5 Further, the Review Board found the film to contain a number of scenes of sexual violence which were offensive (in the sense of likely to cause outrage or extreme disgust to most people), and of sexual activity accompanied by fetishes which were offensive.

The scenes of sexual violence, sexual activity accompanied by offensive fetishes included:

29 mins: girl forced to urinate on face of male sexual aggressor

49–52 mins: girl forced, with screams, on to all fours, for extended (with some scene cutting) anal intercourse with soldier

62 mins: girl cries, is stripped under extreme duress, with the dialogue "the little slut's howling is the most exciting thing in my life"

77 mins: girl forced to urinate on face and into mouth

- 5.6 A majority of the Review Board found that the film contained many offensive depictions of cruelty with a high impact, of sexual violence, and of sexual acts with offensive fetishes.

A majority of the Review Board also found many of the scenes of cruelty and sexual violence to be demeaning to the young persons portrayed (ie. were depictions directly or indirectly sexual in nature, which debase, or appear to debase the person or character depicted). Such scenes included the young persons being forced to act like dogs, being forced to eat faeces, being forced to urinate on the faces of their oppressors, having faces smeared with faeces, being forced to line up naked and on all fours so that the best "arse" could be chosen.

6. *Reasons for the Decision*

- 6.1 The Review Board based its decision to set aside the Classification Board's decision to classify the film *Salo o le 120 Giornate di Sodoma* 'R' on the content and findings as described in 5.3 to 5.6 above.

- 6.2 A majority of the Review Board found the film to contain depictions of cruelty (defined as delight in inflicting pain or indifference to another's pain) which had a high impact, and which would be offensive (ie cause outrage or extreme disgust) to most people. Such depictions included the forced eating of faeces by young people for the sexual gratification of their captors, and the extended sequence of torture of the young people from 105 to 111 mins.

Further, the film contains a large number of offensive depictions of both sexual violence and of sexual activity with offensive fetishes, the offence of which was increased by the involvement of young people who, if not clearly under 16 years, nevertheless looked like persons under the age of 18.

The film would not therefore fall into the 'R' category.

- 6.3 The Review Board was mindful of the requirements of Section 11 of the Act, to take into account, in classification, the literary, artistic or educational merit of a film. The Review Board recognised that the film was Pasolini's last and as such has importance in the study of his work.

The film is said to have been intended as a serious work of art, aimed at making a metaphorical statement about fascism and the corruption engendered by absolute power. It has been argued that the film's depictions of sexual violence inflicted on young persons, and the portrayal of young persons in a demeaning manner, are justified in this context.

The majority of the Review Board considered that this metaphor was not clearly established (for example, the connections of the acts with fascism alone, rather than generalised corruption, were tenuous). As a consequence, this intention cannot be used as a justification for the inclusion of scenes which do not meet aspects of the Code or Guidelines. In the view of the majority, such an intention could also have been achieved without the degree or density of cruelty and sexual violence, and without the overall depth of offensiveness, to which the Guidelines clearly refer.

The majority of the Review Board considered that, while the film could be said to have artistic merit, it was not such as to outweigh the clear prohibitions in the Guidelines against offensive and high impact depictions of cruelty, against offensive depictions of sexual violence, and against offensive depictions of sexual activity accompanied by fetishes which are offensive, and of which there were a number.

Further, the majority of the Review Board took the view, based on the scenes described in 5.6, that there were a number of portrayals of persons which were demeaning. The preamble to the National Classification Code requires consideration, not only of the principle that adults should be able to see, hear and read what they want, but also of community concerns about depictions that portray persons in a demeaning manner.

In the view of a majority of the Review Board, the film deals with matters of sex, cruelty, and abhorrent phenomena in such a way that it offends against the standards of morality, decency and propriety generally accepted by reasonable adults to the extent that it should not be classified. It is therefore classified 'RC'.

7. Summary

- 7.1 The Review Board's majority decision is to classify the film *Salo* 'RC' (Refused Classification).

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

A minority of the Review Board does not agree with the majority. The minority's report follows.

Minority Report

A minority of the Review Board had the view that *Salo* should be classified 'R18+' Restricted accompanied by appropriate consumer advice.

The minority had regard to principles in the Code that "adults should be able to read, hear and see what they want", and that classification decisions should take account of community concerns about "depictions that condone or incite violence particularly sexual violence; and the portrayal of persons in a demeaning manner." In the minority view the film condemns violence and its portrayals do not "demean" the victims, rather their Fascist oppressors do. At no time does the filmmaker allow any possibility of identification on the spectator's part with the Fascists or their activities.

Another possible ground for refusing the film classification is on the ground that it contains exploitative or offensive depictions involving a person who is or who looks like a child under 16. In the minority view, whilst young people are certainly involved, the filmmaker does not intend those people to be under 16 years of age and their appearance would not entitle a reasonable viewer to conclude that any person is or looks like a child under 16.

The other relevant grounds for refusing the film classification are that it contains depictions of a sexual or violent nature proscribed by the Code and which are "gratuitous, exploitative or offensive" as these terms are defined in the Code.

In assessing the application of these definitions to *Salo*, the context of the film is significant:

- > Its director, Pasolini, is one of the most important film makers of post war Italy.
- > The film is based on de Sade's *120 Days of Sodom* updated to 1944 when Italy had fallen to the Allies. Its theme is terminal Fascism. It has been generally accepted by major critics to be a metaphor for the oppression of Fascism and the corrupting effects of absolute power.
- > It has been analysed and discussed both in its own right and in the context of Pasolini's work and the development of post-war Italian cinema by respected critics and film historians in many publications dealing with the art or history of cinema.
- > It has been permitted public screening in many countries with which Australians have an affinity, including Britain, US, France, Japan and many others. In recent years it has been screened with an 'R' certificate in Australia.

Turning to the definitions in the Code, in the view of the minority:

- > The relevant depictions were not gratuitous in that they were not excessively prolonged nor detailed within the context of the storyline.
- > The film is not exploitative in that it does not lack moral, artistic or other values.
- > The film is not offensive in that whilst the material would cause outrage or extreme disgust to many people, it would not do so "to most" people who elect to see it bearing in mind the storyline, theme and artistic seriousness of the film.

Accordingly, the minority agreed with the finding of a previous Board of Review that the film “whilst certainly challenging from a classification stand point, could nonetheless be accommodated in the Restricted Category, defined as this is to encompass material considered possibly offensive to some sections of the adult community ... although the film deals with indecent or obscene phenomenon, it does so in a manner which is neither indecent nor obscene in itself when viewed in the context of a film of merit where even the most problematic of elements clearly serve the director’s metaphorical purpose. For the minority, the film is neither exploitative nor voyeuristic, but a powerfully realised political statement on the violation of innocence and freedom”.

13, 14 and 17 February 1998.

Searchlight No 44

APPLICANT:

Searchlight Publications

BUSINESS:

To review the decision of the Classification Board to assign the classification ‘Refused Classification’ under the *Classification (Publications, Films and Computer Games) Act 1995* to the publication *Searchlight No 44*.

Decision and Reasons for Decision

1. *Decision*

The Classification Review Board decided to vary the decision of the Classification Board, and to classify the publication *Searchlight No 44* ‘Category 2 – Restricted’.

2. *Legislative provisions*

The *Classification (Publications, Film and Computer Games) Act 1995* (the Act) governs the classification of publications and the review of classification decisions. The Act provides that publications be classified in accordance with the National Classification Code and the classification guidelines. Relevantly, the *Printed Matter Classification Guidelines* provide that (in relation to covers and advertising posters), “Photographs must be suitable for display in public. They may depict discreet nudity if it is not overtly sexually suggestive, or if it does not imply sexual activity. Depictions of genitals, pubic hair ... are not permitted. ... Covers ... which do not comply with these guidelines are considered unsuitable for public display and would result in a ‘Restricted – Category 2’ classification.”

3. *Procedure*

Prior to the teleconference, the above five members of the Classification Review Board read the publication *Searchlight No 44*.

4. *In reaching its decision the Board of Review had regard to the following:*
- a the applicant's Application for Review and supporting documents;
 - b the publication *Searchlight No 44*;
 - c the relevant provisions in the Act;
 - d the relevant provisions in the National Classification Code as amended in accordance with Section 6 of the Act; and
 - e the current *Printed Matter Classification Guidelines* determined under Section 12 of the Act.

5. *Findings on material questions of fact*

The content

- 5.1 The sex review (newspaper format) *Searchlight No 44* contains photographs depicting male and female nudity, implied sexual activity, advertisements etc. The emphasis of the magazine is on highly sexualised portrayals of women.

The photographs and text cited by the Classification Board as problematic

- 5.2. The Classification Board cited a contribution entitled "The Mad spanker", on the back cover of the sex review, as warranting the publication being classified 'Refused Classification'. In the view of the majority of the Classification Board, this contribution includes "a detailed and unjustifiable description of sexual violence against a non-consenting person".
- 5.3 The Review Board unanimously found that the written description of the unsolicited spanking of a woman in a lift, by an unknown man, did not constitute either a detailed description or an unjustifiable description of sexual violence against a non-consenting person.
- 5.4 However, the Review Board found that the large colour photograph of an almost naked woman, which occupied most of the front cover, depicted genitals and pubic hair, and was overtly sexually suggestive.

The Review Board therefore found that the cover of the publication was unsuitable for public display, and should therefore be classified 'Restricted — Category 2'.

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

6. *Reasons for the Decision*

- 6.1 The Review Board based its decision to vary the decision of Classification Board to classify the publication *Searchlight No 44* 'Refused Classification', and to classify the

publication 'Restricted — Category 2', on the content and cover of the sex review in 5.3 and 5.4 above.

- 6.2 This decision is based on the Review Board's unanimous view that the material described in 5.3 above did not constitute a description of "detailed or unjustifiable sexual violence against non-consenting persons" as would have been required if the publication were to be refused classification.

In the view of the Review Board, the context of the back page piece "The Mad Spanker", ie. one of three contributions to a page to which readers' contributions sent for the benefit of the "thousands of people out there just waiting to be turned on by what you got up to last night", was such as to position the piece as fantasy and as frivolous. Further, the letter opens with a paragraph wishing "your paper would stress that sex should be between 'consenting' adults". In this context, the Review Board found the description to be not unjustifiable.

Further, the Review Board found the two paragraph description of the spanking of a woman by a male stranger in a lift was a relatively lightweight treatment and was not sufficiently detailed to warrant being classified 'RC'.

- 6.3 However, based on the content of the cover as described in Para 5.4 above, the Review Board unanimously agreed with the Classification Board that the cover was overtly sexually suggestive and therefore unsuitable for public display. A publication with such a cover must therefore be classified 'Restricted Category 2'. As noted in the Review Board's decision on *Penthouse Couples No 46* (13 February 1998), the Review Board is unable to consider making a publication decision conditional on the use of an opaque cover. Accordingly that option was not available here.
- 6.4 The applicant lodged three documents to support his Application for Review. Two of these were *The Sexuality and Violence Controversy in Modern Western Entertainment* and "Searchlight readers' comments on the subject of censorship [sic]". While interesting, the Board found these to be not relevant to the classification of this particular publication. The third, included argument that the contribution was sent in "so that other sexual beings like herself could enjoy the story"; and that it did not contain "violence for sexual gratification". These arguments were partially accepted by the Review Board.

7. Summary.

The Review Board's decision is to vary the decision of the Classification Board, and to classify the publication *Searchlight No 44* 'Restricted — Category 2'.

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

25 May 1998.

Wild in the Woods/Fist Full/Service Me/Cousins

APPLICANT:

The Axis Group (Aust) Pty Ltd

BUSINESS:

To review the decision of the Classification Board to assign the classification 'RC' under the *Classification (Publications, Films and Computer Games) Act 1995* to the videotape *Wild in the Woods/Fist Full/Service Me/Cousins*.

Decision and Reasons for Decision

1. *Decision*

The Classification Review Board decided to set aside the decision of the Classification Board to classify the videotape *Wild in the Woods/Fist Full/Service Me/Cousins* 'RC', and to classify the videotape 'X 18+', with the consumer advice line "Contains sexually explicit material".

2. *Legislative provisions*

The *Classification (Publications, Film and Computer Games) Act 1995* (the Act) governs the classification of films and the review of classification decisions. The Act provides that films be classified in accordance with the National Classification Code and the classification guidelines. Relevantly, the National Classification Code (the Code) in paragraph 2 of the Table under the heading "Films" provides that films (except 'RC' films) that (a) explicitly depict sexual activity between adults, where there is no sexual violence, coercion or non-consent of any kind, in a way that is likely to cause offence to a reasonable adult; and (b) are unsuitable for a minor to see, should be classified 'X'.

3. *Procedure*

3.1 Six members of the Review Board viewed the videotape *Wild in the Woods/Fist Full/Service Me/Cousins* at the meeting on June 26th 1998.

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

- a the applicant's Application for Review;
- b the videotape *Wild in the Woods/Fist Full/Service Me/Cousins*;
- c the relevant provisions in the Act;
- d the relevant provisions in the National Classification Code as amended in accordance with Section 6 of the Act; and
- e the current *Classification Guidelines for the Classification of Films and Videotapes* determined under Section 12 of the Act.

5. *Findings on material questions of fact*

The content

- 5.1 The video tape contains four short pieces, all of which depict actual male sexual intercourse and other sexual activity. Each contained minimal plot and dialogue, and all contained a background music soundtrack.

Cousins

- 5.2 The Review Board considered the piece *Cousins*, cited by the Classification Board as causing the videotape to be classified 'RC' for its depiction of an incest fantasy.
- 5.3 The Review Board found that after an initial scene in which the two men meet in a garage over a car engine, the piece consisted solely of their actual sexual intercourse and activity. The Review Board unanimously found that the content of the piece did not establish an incest fantasy.
- 5.4 The Review Board found that the piece *Cousins*, and the other three pieces all depicted real sexual intercourse and other sexual activity between consenting adults. Their content was very similar and their titles seemed irrelevant to their content.

The Review Board therefore found that the videotape could be appropriately classified 'X'.

Reasons for the Decision

- 6.1 The Review Board based its decision to classify the videotape *Wild in the Woods/ Fist Full/Service Me/Cousins* 'X' on the content as described in 5.3 and 5.4, and on its unanimous view that the piece *Cousins* did not constitute an incest fantasy.
- 6.2 In the view of the Review Board, the physical appearance of the two male participants was not similar enough to establish that they were twins or brothers or cousins. Further, there was no plot or depiction which suggested or implied that the two were related or that the relationship was incestuous. The only link to a possible "incest fantasy" was in the title.

The Review Board noted that there is no legal prohibition against a sexual relationship between adult cousins. Further there is no suggestion in the segment of any kind of incestuous relationship involving power (eg. of a father over a daughter or son), which the community would find abhorrent.

- 6.3 The Review Board found that the piece *Cousins* and the three other pieces on the videotape explicitly depicted sexual activity between adults where there is no sexual violence, coercion, or non consent of any kind, in a way that is likely to cause offence to a reasonable adult; and was unsuitable for a minor to see, within the meaning of Para 2 of the Table "Films" in the National Classification Code. The videotape is therefore appropriately classified 'X 18+'.

7. *Summary*

- 7.1 The Review Board's decision is to set aside the decision of the Classification Board to classify the videotape *Wild in the Woods/Fist Full/Service Me/Cousins* 'RC' and to classify the videotape 'XI8+' with the consumer advice "Contains Sexually Explicit Material".

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

26 June 1998.

***People With Pix* (27 MAY 1998)**

APPLICANT:

Australian Consolidated Press

BUSINESS:

To review the decision of the Classification Board to assign the classification 'Category I – Restricted' under the *Classification (Publications, Films and Computer Games) Act 1995* to the publication *People With Pix* (27 May 1998).

Decision and Reasons for Decision

1. *Decision*

The Classification Review Board decided to confirm the decision of the Classification Board to classify the publication *People with Pix* (27 May 1998) 'Category I – Restricted'.

2. *Legislative provisions*

The *Classification (Publications, Film and Computer Games) Act 1995* (the Act) governs the classification of publications and the review of classification decisions. The Act provides that publications be classified in accordance with the National Classification Code and the classification guidelines. Relevantly, the National Classification Code (the Code) in paragraph 3 (b) and (c) of the Table under the heading "Publications" provides (in part) that publications that "describe or express in detail violence ... in a way that is likely to cause offence to a reasonable adult", or that "are unsuitable for a minor to see or read" are to be classified 'Category I – Restricted'.

The *Printed Matter Classification Guidelines* provide (in part) that "Publications which contain exploitative, realistic and gratuitous descriptions of violence will warrant a 'Category I – Restricted' classification".

3. *Procedure*

Prior to the meeting, the above six members of the Classification Review Board read the publication *People with Pix* (27 May 1998). The Board met on June 26 to make its decision.

4. *In reaching its decision the Review Board had regard to the following:*
- a the applicant's Application for Review;
 - b oral representations made by Mr Nick Chan, representing the applicant;
 - c the publication *People with Pix* (27 May 1998);
 - d the relevant provisions in the Act;
 - e the relevant provisions in the National Classification Code as amended in accordance with Section 6 of the Act; and
 - f the current *Printed Matter Classification Guidelines* determined under Section 12 of the Act.

5. *Findings on material questions of fact*

The content of the magazine

- 5.1 The magazine *People with Pix* (27 May 1998) contains photographs depicting nudity, articles, advertisements for sex services etc. The emphasis of the magazine is on highly sexualised portrayals of women.

The article "Driven To His Death" cited by the Classification Board

- 5.2. The Classification Board cited the article entitled "Driven To His Death" (which included text and photographs), at pages 2 and 3, as causing the publication to be classified 'Category 1 – Restricted'. The article describes the suicide of a Los Angeles man who shot himself on a freeway. It features a large photograph of the bloodied corpse lying on the freeway, and two smaller photographs. One of these shows the huge numbers of cars held up on the freeway, and the other shows the man taking his gun from the back of his utility.

The Classification Board noted the factual tone of the article and the notoriety of the incident and its news coverage in Australia. The Classification Board found the level of detail in the article, being one which depicted the aftermath of real violence, namely suicide, and its prominent placement in a magazine featuring material with a sexual orientation, to be unsuitable for minors and likely to be considered offensive.

- 5.3 The Review Board found the photographs and the text in combination constituted an exploitative description of violence, namely the aftermath of a violent suicide. The article was considered to be likely to cause offence to a reasonable adult, and to be unsuitable for a minor to see or read. It therefore falls into the 'Category 1 – Restricted' classification.
- 5.4 A majority of the Review Board found the remainder of the content of the publication to be such as is currently assigned an 'Unrestricted' classification.

6. *Reasons for the Decision*

- 6.1 The Review Board based its decision to confirm the Classification Board's decision to classify the publication *People with Pix* (27 May 1998) 'Category 1 – Restricted' on the content of the magazine as set out in 5.2 and 5.3 above.
- 6.2 This decision is based on the Review Board's unanimous view that the text and photographs of the material in question described and expressed "in detail violence ... in a way that is likely to cause offence to a reasonable adult" (National Classification Code Para. 3(b)) and is "unsuitable for a minor to see or read" (National Classification Code Para. 3(c)); and, further, that it warranted a 'Category 1 – Restricted' classification because it contained an "exploitative, realistic and gratuitous" description of violence (*Printed Matter Classification Guidelines*).
- 6.3 The Review Board found that the photographs emphasised the public (and almost theatrical) nature of this real-life event. The large photograph was a wide shot of the death scene and showed the body and the lengthy spread of blood. A helicopter shot showed the thousands of cars and spectators held up on the freeway. These photographs, combined with the text, which highlighted the television coverage, tended to dramatise and sensationalise the suicide. Further, the text gave precise detail of the method used.
- 6.4 The Review Board noted that there has been considerable concern expressed by suicide prevention authorities around the world about the contribution of media coverage of suicides to the problem of copycat suicides, particularly by the young (see below Hazell, P (1993); Martin G (1998)). This concern is reflected in published codes for journalists (eg. *Canadian Guidelines for Reporting Stories about Suicide* (attached)). Similar concerns also underlie media guidelines which it is understood will be released in Australia by the Commonwealth Department of Health and Family Services in September 1998. Such guidelines call on the media to avoid or minimise "reporting of very specific details of the method of suicide"; and, among others, "reporting simplistic or sensational reasons for the suicide".
- 6.5 In the Review Board's opinion, there is considerable community concern about the possible effects of the sensationalising of suicide, and this coverage is likely to be offensive to reasonable adults. Further, the Review Board believes that evidence that such media coverage is likely to contribute to the problem of "copycat suicides" among the young makes this coverage unsuitable for minors to see.
- 6.6 The applicant argued that the Classification Board's three principal reasons for classifying the publication 'Category 1 – Restricted' viz. (a) the level of detail in the depiction, (b) the prominent placement of the article, and (c) its placement in a magazine featuring nudity and material with a sexual orientation were not valid. He also argued that the violence was no worse than that seen on television and at times in daily newspapers.

The Review Board has concluded, above, that the level of detail regarding the method of the violent suicide (aside from the issue of violence per se) and the sensationalising of it provided via both text and pictures is unacceptable in an

'Unrestricted' publication. Although not relevant to its decision, the Review Board also notes that similar content, if screened on television, would generally be classified, thereby providing consumer advice, and warnings would usually accompany any such material transmitted as news.

The Review Board noted that the prominent placement of the article on page 3 had the effect of adding to the sensationalising of the suicide, but did not consider this a factor in its decision.

However, the Review Board agreed with the applicant's view that the placement of the article in a magazine which includes nudity and has a sexual orientation did not add to its offensiveness.

7. Summary

The Review Board's decision is to confirm the decision of the Classification Board to classify the publication *People with Pix* (27 May 1998) 'Category 1 – Restricted'.

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

References:

Hazell P (1993): *Adolescent Suicide Clusters: Evidence, Mechanism and Prevention*, ANZ Journal of Psychiatry, 27(4) Dec 1993, pp. 653-665.

Martin G (1998): *Media Influence to Suicide: the Search for Solutions*, Arch. Suicide Res. 4(1), 1998, pp. 51-66.

26 June 1998.

The Australian Marijuana Grower's Guide

APPLICANT:

The Federal Attorney-General, the Hon Daryl Williams AM QC MP, at the request of the NSW Attorney-General, Mr Jeff Shaw QC MP, and the South Australian Attorney-General, the Hon K Trevor Griffin MLC.

BUSINESS:

To review the decision of the former Chief Censor to assign the classification 'Restricted — Category 1' under the ACT *Classification of Publications Ordinance 1983* and corresponding State and Northern Territory provisions, to the publication *The Australian Marijuana Growers' Guide* in NSW and South Australia.

Decision and Reasons for Decision

1. *Decision*

The Classification Review Board decided to assign the classification 'RC' to the publication *The Australian Marijuana Growers' Guide* in NSW and South Australia.

2. *Legislative provisions*

The *Classification (Publications, Film and Computer Games) Act 1995* (the Act) governs the classification of publications and the review of classification decisions. The Act provides that publications be classified in accordance with the National Classification Code and the classification guidelines. Relevantly, the National Classification Code (the Code) in paragraph 1(c) of the Table under the heading "Publications" provides that publications that "promote, incite or instruct in matters of crime or violence", are to be classified 'RC'.

3. *Procedure*

Four members of the Classification Review Board read the publication *The Australian Marijuana Growers' Guide*, and met for discussion on 20 March 1998. After seeking and receiving legal advice, they subsequently met on 26 June 1998 to make their decision.

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

- a the request from the Federal Attorney-General, the Hon Daryl Williams AM QC MP;
- b the publication *The Australian Marijuana Growers' Guide*;
- c the relevant provisions in the Act;
- d the relevant provisions in the National Classification Code as amended in accordance with Section 6 of the Act;
- e the current *Printed Matter Classification Guidelines* determined under Section 12 of the Act;

- f the relevant provisions in the *New South Wales Drug Misuse and Trafficking Act 1985* and the *Controlled Substance Act 1984* (South Australia); and
- g written advice from the Australian Government Solicitors Office.

5. Findings on material questions of fact

The content

- 5.1 *The Australian Marijuana Growers' Guide* was published by Otter Publications (Redfern NSW), but is currently the property of Next Publishing (Redfern NSW). It is a 51-page paperback book which contains a series of chapters, with illustrations, describing how to cultivate marijuana.
- 5.2 The Introduction to the publication says (in part) that...
- "Growing pot is easy. Unfortunately, the Australian Government spends \$300 million per year trying to make it extremely hard. This policy is called marijuana prohibition, and it certainly doesn't stop use. One third of the Australian population over 14 years of age have tried cannabis; six per cent use cannabis once a week or more.
- However, close to 250,000 Australians have received criminal convictions as a result of cannabis use or supply. This is a ridiculous waste of resources of the police, courts and prisons. So do your country a favour! Make sure victim number 250,000 is not you! ... The upside of marijuana prohibition is that it is an incredible economic boon for the marijuana farmer, with revenue incredibly high. Currently the slightly manicured dried flowers of what is an essentially growing weed sells for more than gold ..."
- 5.3 The publication contains three major sections, viz., "Setting up", "Indoor growing", "Outdoor growing".
- The chapter headings include "Species and varieties", "Breeding, Flowering", "Choosing indoors or outdoors", "Growing, flowering, ventilation", "Watering systems", "Seeds, cloning plants", "Choosing a site", "Preparing a patch", "Planting out the crop", "Transplanting young plants, pruning your plants", "Fertilising your crop", "Picking your crop", "Curing, stashing your crop".
- The text provides the detail necessary to achieve the end of cultivating a crop of marijuana. It reflects the fact that the cultivation of marijuana is a crime in Australia, and includes hints on to how to avoid detection.
- 5.4 The Review Board unanimously found that the publication sets out to, and does in fact, provide instruction in the cultivation of marijuana. The Review Board received advice that the cultivation of marijuana is a crime in the States of NSW and South Australia. The Review Board consequently found that the publication instructs in crime, and therefore should be classified 'RC' in NSW and South Australia in accordance with Para. 1 (c) of the National Classification Code for publications.

5.5 Background note: *The Australian Marijuana Grower's Guide* was first classified by the Chief Censor on 21 December 1995. The Chief Censor found that the publication instructed in the cultivation of marijuana. At that time, publications were classified under the cooperative scheme then in operation. All States, other than South Australia and NSW, had in place classification of publications provisions which unequivocally prohibited publications that instruct in crime. Accordingly the publication was then classified 'RC' in all participating States other than South Australia and NSW. In South Australia and NSW, the publication was classified 'Restricted — Category 1'. Since 1 January 1996, all States and Territories other than Tasmania and Western Australia have participated in the national classification scheme for publications as administered under the Act.

6. *Reasons for the Decision*

- 6.1 The Review Board based its decision to classify the publication *The Australian Marijuana Growers' Guide* 'RC' in NSW and SA on the content of the magazine as set out in 5.1, 5.2 and 5.3 above.
- 6.2 The Review Board unanimously found that the publication sets out to and does provide instruction in the cultivation of marijuana. This is evident from the title, the introduction, the sections and chapter headings, and the detailed nature of the text.
- 6.3 Further, the Review Board accepted advice from the Australian Government Solicitor's Office that the cultivation of marijuana is a crime in New South Wales and in South Australia. For the purposes of classification in New South Wales and South Australia, the Review Board accordingly found that the publication fell into the class of those which instruct in crime. The Review Board concluded that the publication should therefore be classified 'RC' under Para 1(c) of the *National Classification Code*, viz., publications that "promote or incite or instruct in matters of crime or violence".
- 6.4 The Review Board noted that the publication had already been refused classification in December 1995 in all other participating Australian jurisdictions on the grounds that it instructed in crime.

7. *Summary.*

The Review Board's decision is to assign the classification 'RC' to the publication *The Australian Marijuana Grower's Guide*. This decision applies in those States and Territories which participate in the national classification scheme for publications. Those States include New South Wales and South Australia.

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

26 June 1998.



A P P E N D I X | *three*

3

FREEDOM
OF
INFORMATION

The Board examines films, videotapes for sale or hire, computer games and publications classifying or refusing to classify them under Classification Act on behalf of the State and Territory Governments. The Western Australia and Tasmanian Governments maintain their own publications classification schemes. Decisions on all matters are determined by majority vote.

State and Territory Governments are responsible for the enforcement of decisions made under the Classification Act and complementary enforcement legislation has been passed in all jurisdictions.

Those aggrieved by decisions of the Board may apply to the Classification Review Board to vary the decisions under the Act.

Application for review of classifications assigned to publications, films, videotapes for sale or hire, or computer games may be made by the persons who applied for the classification, the publisher of the film, computer game, or publications, the Attorney-General, or a person aggrieved by the decision.

During 1997-98 two requests for access to documents under the *Freedom of Information Act 1982* were received by the OFLC. One was granted in full. The other applicant was requested to clarify the nature and scope of its request.

CATEGORIES OF DOCUMENTS MAINTAINED BY THE OFLC

The OFLC maintains the following categories of documents:

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

The Classification Review Board maintains the following categories of documents:

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

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

- > information sheets and bulletins for applicants and general inquirers;
- > OFLC annual reports on activities (some years are out of print);
- > biographical listings of members of the Board and Classification Review Board;
- > application forms for classification and review; and
- > classification guidelines for films, videos, computer games and publications.

FACILITIES FOR ACCESS

Facilities for examining documents and obtaining copies are available at the address shown below as the initial contact point. Information about the facilities available to assist people with disabilities to obtain access to documents can be obtained from the officer nominated below as initial contact. If necessary, special arrangements can be made to overcome any difficulties in physical access. Documents available free of charge upon request outside the *Freedom of Information Act 1982* are available from the initial contact point.

FREEDOM OF INFORMATION (FOI) PROCEDURES AND INITIAL CONTACT POINTS

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

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

The Freedom of Information Officer

Office of Film and Literature Classification
Level 1
255 Elizabeth Street
SYDNEY NSW 2000

Telephone: 02 9581 7000
Facsimile: 02 9581 7001

Business hours are from 8.30am to 5.30pm.



A P P E N D I X | *f o u r*

4

STAFFING
MATTERS

STAFFING OVERVIEW

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

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

HISTORICAL PROFILE 1993-94 TO 1997-98

Provided below are human resource statistics, showing operative and paid inoperative staff and unpaid inoperative staff, as at 30 June of each year from 1993-94 to 1997-98. The tables represent a summary for all elements of the OFLC.

In relation to the method of recording:

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

Operative and Paid Inoperative Staff

1993-94	1994-95	1995-96	1996-97	1997-98
39	43	37	38	39

Unpaid Inoperative Staff

1993-94	1994-95	1995-96	1996-97	1997-98
*	*	*	—	2

(* figures are unknown as they were reported in aggregate in the Attorney-General's Department Annual Report.)

STAFF FIGURES AS AT 30 JUNE 1998

This table is a breakdown of the tables above as at 30 June 1998 by State. It shows staff employed under the Public Service Act and appointed to the Board under the Classification Act and reflects full time equivalent for part-time staff. It also includes temporary (including permanent APS staff on temporary transfer from other Departments), and casual staff as well as paid inoperatives and those acting in a higher position as at 30 June 1998. Numbers have been rounded to whole numbers.

STATE	SES & EQUIVALENT		CLASS. BOARD MEMBERS		SENIOR OFFICERS		ASO 1-6 & EQUIVALENT		TOTAL	
	M	F	M	F	M	F	M	F	M	F
NSW	1	1	5	6	2	3	13	7	21	17
VIC	—	—	—	—	—	—	1	—	1	—
TOTAL	1	1	5	6	2	3	14	7	22	17

PART TIME AND TEMPORARY STAFF AS AT 30 JUNE 1998

This table is a breakdown of part-time and temporary staff as at 30 June 1998 by State and classification group. It shows staff employed under the Public Service Act and appointed to the Board under the Classification Act and reflects actual numbers for both part-time and temporary staff rather than full-time equivalents. It also includes paid inoperatives and those acting in a higher position as at 30 June 1998. Temporary Staff include permanent APS staff on temporary transfer from other Departments.

STATE	CLASSIFICATION GROUP	PART-TIME STAFF			TEMPORARY STAFF		
		M	F	TOTAL	M	F	TOTAL
NSW	SES & EQUIVALENT	—	—	—	—	—	—
	SENIOR OFFICERS & EQUIVALENT	4	3	7	4	8	12
	ASO 1-6 & EQUIVALENT	2	2	4	4	1	5
VIC	ASO 1-6	—	—	—	—	—	—
TOTAL		6	5	11	8	9	17

CLASSIFICATION BOARD MEMBERSHIP

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

CLASSIFICATION BOARD MOVEMENTS

The Board, which includes the positions of Director and Deputy Director, currently has 7 members. During the year the terms of appointment of four members expired: Mr Simon Webb on 31 July 1997, Ms Sharon Stockwell on 7 August 1997, Mr Damien Power on 16 October 1997 and Mr John Dickie on 31 January 1998. An instrument of appointment for two new members, Mr Ross Smith and Ms Jillian Olarens Shaw, was signed on 30 June 1998.

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

SES MOVEMENTS

There are no SES officers within the OFLC. The positions of Director and Deputy Director are statutory offices equivalent to SES 3 and SES 2 respectively. The position of Director fell vacant on the expiration of the term of appointment of Mr John Dickie on 31 January 1998.

TRAINING AND DEVELOPMENT PROGRAMS

Expenditure by the OFLC on training and development activities in 1997-98 was \$7 135. The total number of person days spent in participation by staff in training and development programs during the year was 106. There were 86 attendances at training and development activities during 1997-98.

A significant proportion of training for Classification Board members comprised attendance at the 'Violence, Crime and the Entertainment Media' conference organised by the Australian Institute of Criminology and the OFLC and a Classifiers Conference also hosted by OFLC. Expenditure on this training is not included in the above amount. Similarly, the cost of computer applications training undertaken by staff during the year is not included. This expenditure can not be separately identified as it was incorporated in an annual amount paid to the Attorney-General's Department for IT support.

CONSULTANCIES

The total number of consultancies used by the OFLC during 1997-98 was 15 involving a total expenditure of \$232 587.

PERFORMANCE PAY

Performance pay is not currently in use in the OFLC.

REPRESENTATION OF EEO GROUPS WITHIN SALARY LEVELS AT 30 JUNE 1998

These figures relate to permanent and temporary officers of the APS and full time and temporary Board members and are based on actual (rather than substantive) classifications. Percentages are shown as whole numbers. Percentages for women and staff with EEO data are based on total staff. Percentages for other groups are based on staff for whom EEO data was available.

Representation of EEO Groups within salary levels at 30 June 1998

SALARY RANGE	TOTAL NUMBER OF STAFF	WOMEN	PEOPLE OF NON ENGLISH SPEAKING BACKGROUND (1ST GENERATION)	PEOPLE OF NON ENGLISH SPEAKING BACKGROUND (2ND GENERATION)	ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE	PEOPLE WITH DISABILITIES	STAFF WITH EEO DATA
27091-30042	5	2	1				5
ASO 2		40%	20%				100%
28015-29427	2						-
GSO 6							
30857-33304	4	2					3
ASO 3		50%					75%
34391-37341	6	3	1	1	1		6
ASO 4	50%	17%	17%	17%	17%		100%
38359-40675	2	1					2
ASO 5	50%						100%
41430-47591	6	1				1	5
ASO 6		17%				20%	83%
49309	13	6					8
CB		46%					62%
50931-55170	3	2	1				3
SOG C		67%	33%				100%
57983-66175	3	2					3
SOG B		67%					100%
62597	2	2					2
CB		100%					100%
77651	1						1
CB							100%
95701	1	1					1
CB		100%					100%
TOTAL	48	22	3	2	1	1	39
		46%	8%	5%	3%	3%	81%



A P P E N D I X | *f i v e*

5

FINANCIAL
STATEMENTS



A P P E N D I X | *s i x*

6

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GLOSSARY OF TERMS AND ABBREVIATIONS

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

Code, the	National Classification Code.
Commonwealth Film Censorship Office	Commonwealth agency replaced by the OFLC
Community Assessment Panel scheme	A new scheme established by SCAG: panels representing a cross-section of the Australian community will assess and provide advice on some of the Board's film classification decisions.
Community Liaison Officer (CLO)	A scheme designed to assist retailers and distributors of publications, films and computer games to comply with their legal obligations under the national classification scheme.
Consumer advice	Phrase providing advice on the content of films, videos and computer games in addition to the classification symbol.
Community and Public Sector Union (CPSU)	The union with coverage of permanent OFLC staff.
Deputy Director	Full-time member of the Classification Board who may exercise the Director's powers in the Director's absence.
Director	Full-time member of the Classification Board who is responsible for the management of the Board's administrative affairs.
EEO	Equal Employment Opportunity.
Eligible unclassified film	An unclassified film that may be advertised under certain conditions determined by the Director.
Film Censorship Board	Body replaced by the Classification Board.
Film and Literature Review Board	Body replace by the Classification Review Board.
FMA Act	<i>Financial Management and Accountability Act 1997.</i>
Guidelines	The Classification Guidelines.
Ministerial Committee on the Portrayal of Violence in the Media	A special ministerial committee formed in 1996 to examine the issues surrounding regulation of the portrayal of violence in the media.
National classification scheme	A cooperative regulatory scheme for classification composed of Commonwealth, State and Territory legislation.
National Classification Code	A schedule to the Classification Act, that specifies the classification categories and their content.

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

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