

# RECOMMENDATIONS

## Recommendation 1

**12.79** The committee recommends that an express statement should be included in the National Classification Code which clarifies that the key principles to be applied to classification decisions must be given equal consideration and must be appropriately balanced against one another in all cases. Currently, these principles are:

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

## Recommendation 2

**12.80** Further to Recommendation 1, the committee recommends that the fourth key principle in the National Classification Code should be expanded to take into account community concerns about the sexualisation of society, and the objectification of women.

## Recommendation 3

**12.81** The committee notes that there has been no further consideration by the Senate of the Senate Environment, Communications and the Arts Committee's 2008 report, *Sexualisation of children in the contemporary media*. The committee recommends that the Senate should, as a matter of urgency, establish an inquiry to consider the progress made by industry bodies and others in addressing the issue of sexualisation of children in the contemporary media; and, specifically, the progress which has been made in consideration and implementation of the recommendations made in the *Sexualisation of children in the contemporary media* report.

## Recommendation 4

**12.82** The committee recommends that the *Guidelines for the Classification of Films and Computer Games* and the *Guidelines for the Classification of Publications 2005* should be revised so that the preamble to both sets of guidelines expressly states that the methodology and manner of decision-making should be based on a strict interpretation of the words in the respective guidelines.

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## **Recommendation 5**

**12.83** The committee recommends that the emphasis on context and the assessment of impact should be removed as principles underlying the use and application of the *Guidelines for the Classification of Films and Computer Games*.

## **Recommendation 6**

**12.84** The committee recommends that the Australian Government introduce Standing Community Assessment Panels to assist in the determination of community standards for the purpose of classification decision-making.

## **Recommendation 7**

**12.85** The committee recommends that the classification of artworks should be exempt from application fees.

## **Recommendation 8**

**12.86** The committee recommends that the Australian Government, through the Standing Committee of Attorneys-General, pursue with relevant states the removal of the artistic merit defence for the offences of production, dissemination and possession of child pornography.

## **Recommendation 9**

**12.87** The committee recommends that provision be made in the *Classification Act 1995* for an exemption for cultural institutions, including the National Film and Sound Archive, to allow them to exhibit unclassified films. This exemption should be subject to relevant institutions self-classifying the material they exhibit and the Classification Review Board providing oversight of any decisions in that regard.

## **Recommendation 10**

**12.88** The committee recommends that the Australian Government take a leadership role through the Standing Committee of Attorneys-General in requesting the referral of relevant powers by states and territories to the Australian Government to enable it to legislate for a truly national classification scheme.

## **Recommendation 11**

**12.89** In the event that a satisfactory transfer of powers by all states and territories is not able to be negotiated within the next 12 months, the committee recommends that the Australian Government prepare options for the expansion of the Australian Government's power to legislate for a new national classification scheme.

## **Recommendation 12**

**12.90** The committee recommends that, as a matter of priority, the Standing Committee of Attorneys-General should consider the development of uniform standards for the display and sale of material with a Restricted classification.

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## **Recommendation 13**

**12.91** The committee recommends that:

- **Category 1 and 2 Restricted publications, and R18+ films, where displayed and sold in general retail outlets, should only be available in a separate, secure area which cannot be accessed by children; and**
- **the exhibition, sale, possession and supply of X18+ films should be prohibited in all Australian jurisdictions.**

## **Recommendation 14**

**12.92** The committee recommends that, as a matter of priority, the Commonwealth and the states and territories should establish a centralised database to provide for information-sharing on classification enforcement actions.

## **Recommendation 15**

**12.93** The committee recommends that the Classification Liaison Scheme should substantially increase its compliance and audit-checking activities in relation to, for example, compliance with serial classification declaration requirements.

## **Recommendation 16**

**12.94** The committee recommends that the Classification Liaison Scheme should have at least one representative in each state and territory.

## **Recommendation 17**

**12.95** The committee recommends that the Classification Liaison Scheme should be charged with responsibility for establishing and maintaining the centralised database to provide for information-sharing on classification enforcement actions, as proposed in Recommendation 14.

## **Recommendation 18**

**12.96** The committee recommends that the Classification Liaison Scheme should provide assistance to state and territory law enforcement agencies in relation to enforcement actions for failure to respond to call-in notices issued by the Director of the Classification Board.

## **Recommendation 19**

**12.97** The committee recommends that more detailed information should be included in the Attorney-General's annual report about the operations of the Classification Liaison Scheme.

## **Recommendation 20**

**12.98** The committee recommends that the Australian Government should increase the size of, and commensurate funding to, the Classification Liaison Scheme as a matter of priority.

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### **Recommendation 21**

**12.99** The committee recommends that the Australian Government should, through the Standing Committee of Attorneys-General, signal its intention to make enforcement actions for failing to respond to call-in notices a matter of priority.

### **Recommendation 22**

**12.100** The committee recommends that, to the extent possible, the National Classification Scheme should apply equally to all content, regardless of the medium of delivery.

### **Recommendation 23**

**12.101** The committee recommends that industry codes of practice under current self-regulatory and co-regulatory schemes, including those under the *Broadcasting Services Act 1992*, the ARIA/AMRA Labelling Code and the advertising industry, should be required to incorporate the classification principles, categories, content, labelling, markings and warnings of the National Classification Scheme. The adoption of these measures by industry should be legally enforceable and subject to sanctions.

### **Recommendation 24**

**12.102** The committee recommends that industry bodies wishing to exercise classification decision-making functions should be required to be accredited by the Australian Government.

### **Recommendation 25**

**12.103** The committee recommends that the Classification Board should be responsible for the development of a content assessor's accreditation, including formalised training courses for all industries covered under the National Classification Scheme.

### **Recommendation 26**

**12.104** The committee recommends that the accreditation of content assessors should be subject to disqualification as a result of poor performance.

### **Recommendation 27**

**12.105** The committee recommends that transgressions of classification requirements within codes of practice by industry participants should, if verified by the Classification Board, be punishable by substantial monetary fines.

### **Recommendation 28**

**12.106** The committee recommends that the terms of appointment for members of the Classification Board and the Classification Review Board should be for a maximum period of five years, with no option for reappointment.

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### **Recommendation 29**

**12.107** The committee recommends that the Australian Government should establish a 'Classification Complaints' clearinghouse where complaints in relation to matters of classification can be directed. The clearinghouse would be responsible for:

- receiving complaints and forwarding them to the appropriate body for consideration;
- advising complainants that their complaint has been forwarded to a particular organisation for consideration; and
- giving complainants direct contact details and an outline of the processes of the organisation to which the complaint has been forwarded.

### **Recommendation 30**

**12.108** The committee recommends that the Attorney-General should specifically direct the ALRC to consider, as part of its current review of the National Classification Scheme, all the findings, proposals and recommendations put forward in this report.

