

Senate Inquiry into the ***Classification (Publications, Films and Computer Games) Amendment (Classification Tools and Other Measures) Bill 2014.***

The Media Classifiers' Association of Australia (MCAA) welcomes the opportunity to make a submission in relation to the *Classification (Publications, Films and Computer Games) Amendment (Classification Tools and Other Measures) Bill 2014* and are happy to provide further feedback should it be required.

BACKGROUND: The Media Classifiers' Association of Australia (MCAA)

The MCAA is the official industry association representing professional Classifiers from the broadcasting sector and includes individuals from free-to-air television, subscription television and the national broadcasters, as well as film and internet industries. Most MCAA members are former members of the Classification Board.

Our objectives are to:

- Provide a forum for communication between the various media classification bodies
- Apply specific expertise and knowledge to complex issues emerging within a sector undergoing rapid technological change and a more varied structure of media
- Engage in ongoing dialogue about classification issues across the spectrum of regulatory environments
- Identify, develop and disseminate knowledge relevant to classification practice
- Promote professional training and practices which expand classification expertise
- Contribute to the education and training of colleagues, sharing knowledge and practice wisdom
- Participate, facilitate and contribute to classification research and consultation
- Act as a professional group to achieve the best possible standards of classification practice

BACKGROUND: CLASSIFYING TELEVISION

Television broadcasters have the primary responsibility for ensuring that the material they broadcast reflects community standards.

Classification of television content proceeds principally from two legislative instruments: the *Broadcasting Services Act 1992* (BSA) and the *Classification (Publications, Films and Computer Games) Act 1995* (Classification Act). These instruments are supported by the Guidelines for the Classification of Films (the Guidelines) which, following a consultative process, are ratified on

agreement by all Commonwealth, State and Territory Attorney Generals, ensuring that they are reflective of the wider Australian community.

The BSA sets up a framework for classifying programming through the various industry Codes of Practice:

- Free TV Code of Practice – (regulating Channel 7, 9 and 10 and the six multi-channels)
- ABC Codes of Practice
- SBS Codes of Practice
- ASTRA Codes of Practice – (regulating subscription TV)

These Codes of Practice reflect differences between the various broadcast mediums. However, the classification provisions in all these Codes are largely consistent with the Classification Act and the Guidelines.

BACKGROUND: TV AUDIENCES

Australians experience the classification scheme predominantly through their televisions.

Australians are spending more time watching television than they did a year ago and are also using internet-connected devices to complement their viewing of TV. The Q4 2013 Oztam survey¹ showed that Australians watch an average of 92 hours and 32 minutes of television each month. By contrast, 69% of Australians visited the cinema in the last 12 months, and are on average likely to see six films a year at the cinema.

Television audiences value classification and consumer advice (the reasons for a classification, for example, 'contains strong violence'). They value knowing what to expect from a program and whether it will be suitable for themselves or children in their care, before deciding whether or not to view it. Research by the Australian Communication and Media Authority (the ACMA)² and Free TV³ highlighted the importance and usefulness of the existing classification system in assisting people to make decisions about their own viewing, and viewing for children.

¹ Oztam: Australian Multi-Screen Report Quarter 4 2013:
http://www.oztam.com.au/documents/Other/Australian%20Multi-Screen%20Report%20Q4%202013_FINAL.pdf

² Australian Communications and Media Authority Digital Australians – Expectations about media content in a converging media environment October 2011

³ Research conducted by Nielsen for Free TV Australia, November 2011

PROPOSED AMENDMENTS TO THE CLASSIFICATION ACT

1. CLASSIFICATION TOOL

The MCAA notes the following section in the Bill:

Section 22CA

The Minister may approve a tool (a *classification tool*) for the purposes of classifying one or more of the following (the *relevant material*):

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

We will address these subsections in reverse order:

Computer Games

The MCAA welcomes the introduction of a classification tool for use by the mobile and online games industry to classify simple mobile phone games and apps which lack realism, emotional impact and narrative complexity.

The proposed tool, provided by the International Age Rating Coalition (IARC), is in the form of an online questionnaire and is used by entertainment software providers in countries including US, Canada and parts of Europe. This tool:

globally unifies and streamlines the age classification process for digitally delivered **games and apps**, ensuring the consistent accessibility of established, trusted rating systems by today's digital consumers.⁴

Regarding the IARC classification tool, the MCAA notes that it is currently only considered appropriate for simple digitally delivered mobile games and apps.

Films

The MCAA considers a questionnaire-style classification tool (such as the IARC questionnaire) unsuitable for classifying films. It is important to note that under the Classification Act 'films' are defined to include content such as TV programs.

Accurate classification and consumer advice requires careful consideration of a program in full. It is not only an assessment of impact of the six classifiable elements (themes, violence, sex, language, drug use, and nudity), but also an assessment of the importance of context. As the Guidelines state, 'Context is crucial in determining whether a classifiable element is justified by the storyline or themes.'

⁴ Globalratings.com. 2014. *About IARC | International Age Rating Coalition*. [online] Available at: <https://www.globalratings.com/about.aspx> [Accessed: 30 Apr 2014].

The impact of themes (social issues such as suicide, drug and alcohol dependency, death, and racism) is particularly dependent on context. For example, the impact of a depiction of an attempted suicide on *The Simpsons* would be significantly less than the depiction of an attempted suicide in a serious drama. In the MCAA's view, this nuance would be very difficult to accurately capture in a questionnaire-style classification tool.

In addition, assessing the impact of material requires considering not only the treatment of individual classifiable elements but also their cumulative effect. It also requires considering the purpose and tone of a sequence. Again, the MCAA considers this is difficult to accurately capture in a questionnaire-style classification tool.

Recent amendments to classification legislation in Australia, concerning the introduction of an R18+ classification for computer games, also saw the separation of the classification guidelines, into three distinct areas: films; publications; and computer games. This distinction provides further evidence that one tool may not be suitable for all media.

Classification requires the ability to assess content against community standards, the Guidelines, TV Codes of Practice, and the Classification Act. You cannot automate the classification decision making process just as you cannot automate a teacher's assessment of a student's Shakespeare essay, or a lawyer's assessment of a case.

Publications

No further comments to make.

2. CONSUMER ADVICE FOR G CONTENT

The MCAA notes the following section in the Explanatory Memorandum:

Item 5 – paragraphs 20(1) (a) and (b)

Item 5 will amend existing paragraphs 20(1)(a) and (b) to require the Board to determine consumer advice in relation to films or computer games that are classified G. This is appropriate because parents and guardians value additional classification information in relation to what their children see and play.

Schedule 5, Item 5 would amend the Classification Act to make it mandatory for the Classification Board to provide consumer advice at G. The G classification is for a General audience and contains material that should be 'very mild only'. The Board currently has the discretion to provide consumer advice at G but has only done so in rare instances when it has deemed it useful. To make it mandatory to include consumer advice for a children's program classified G (for example, *Dora the Explorer*) would be redundant, misleading and possibly alarmist. By nature, the G classification is a safe place that parents and guardians can trust that no impactful material exists and in our view, does not require the provision of consumer advice. To provide additional classification information in this instance would be counterintuitive and confusing to consumers.

SUMMARY

The MCAA believes that the introduction of a classification tool, in the form of an online questionnaire, is suitable only for the classification of simple digitally delivered mobile phone games and apps.

However, the MCAA considers a questionnaire-style classification tool (such as the IARC questionnaire) unsuitable for classifying films (including TV programs). The tool is unsuitable as accurate classification and consumer advice requires careful consideration of a program in full. It is not only an assessment of impact of the six classifiable elements (themes, violence, sex, language, drug use, and nudity), but also an assessment of the importance of context.

The MCAA considers that films and TV programs should continue to be classified by Classification Board members and professional TV Classifiers using the existing classification tools.

Further, the MCAA believes that the use of consumer advice for programs classified G would be counterintuitive and confusing to consumers. Consumer advice at G should remain a discretionary process by the Classification Board and used in the rare circumstances where a warning may be appropriate.

Regards,

Media Classifiers' Association of Australia (MCAA)

www.mediaclassifiers.org