

27 May 2011

Ms Julie Dennett  
Secretary  
Senate Legal and Constitutional Committee  
PO Box 6100  
Parliament House  
CANBERRA ACT 2600

*By email: [legcon.sen@aph.gov.au](mailto:legcon.sen@aph.gov.au)*

Dear Ms Dennett

**INQUIRY INTO THE AUSTRALIAN FILM AND LITERATURE CLASSIFICATION SCHEME  
RESPONSES TO QUESTIONS ON NOTICE**

I refer to Ms Ann Palmer's email of 9 May 2011 requesting answers to questions on notice from the committee hearing on 27 April 2011 regarding the above inquiry. Thank you for agreeing to extend the deadline for responding to today.

**Question 1 – training from the Classification Board**

This question concerns:

- the training provided to NFSA employees who self-classify titles for publishing on the NFSA's *australianscreen online* website, and
- the NFSA's interaction with the Classification Board, especially in relation to training.

As stated in the NFSA's submission, the NFSA's self-classification activities are currently limited to titles published on *australianscreen online*. These activities are conducted by a small number of employees who have been trained internally under a program based on the Classification Guidelines and the relevant codes of practice. The program was developed in consultation with the Classification Board's predecessor, the Office of Film and Literature Classification, using material obtained from that organisation.

The NFSA is aware that the Attorney-General's Department provides classification training to television personnel as required. If the NFSA's status as a self-classifier was extended to other activities, it could arrange for some employees to attend some of these training sessions in order to extend its internal training to cover this expanded role.

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## **Question 2 – breakdown of film classification ratings in the NFSA’s collection**

This question concerns:

- the proportion of the NFSA’s collection that is classified at the level of M or below, and
- an analysis of the classification ratings for films in the collection.

This question is difficult to answer precisely as the NFSA does not collect data about classification ratings for the films in its collection except where this is necessary for an access activity, such as:

- screenings in its Arc cinema program or at National Program events,
- loans made from its non-theatrical collection to researchers, film societies, cultural institutions and schools for non-theatrical screenings, and
- publishing titles on *australianscreen online*.

For the great majority of its collection, it does not have any data about classification ratings because, other than for access activities like those above, these are not relevant for its operations.

There are 118,055 film titles in the NFSA’s collection and a further 18,000 titles in the non-theatrical collection. A significant number of these are unclassified, but most of those that have been would be rated as M or below. This would reflect that most published films that are relevant to the NFSA’s collection policy and the needs of its clients are of this kind.

### **Clarification**

The NFSA is seeking broader self-classification rights in relation to its own access activities for unclassified material in its collection. It is not proposing that it should self-classify titles for the benefit of clients borrowing them for their own purposes. Where clients do this, the NFSA expects they will assess for themselves whether its content is appropriate for their purposes. The non-theatrical loans catalogue provides some information about content and classification ratings, which clients can use for deciding this.

## **Question 3 – Classification in overseas jurisdictions**

This question asks whether the NFSA can provide any examples of foreign cultural institutions (particularly in the USA, the United Kingdom, Canada or New Zealand) having a self-classification status similar to that sought by the NFSA.

Classification schemes vary widely between countries, so it is difficult to find many meaningful examples of the model the NFSA is proposing. For example, the US classification scheme is based on self-regulation, but this has evolved from the constitutional right of freedom of speech rather than from a legislative framework based on user demand.

However the NFSA is aware of one potential example from the United Kingdom. The National Film Institute—which is part of the British Film Institute—is responsible for collecting and screening UK films. Like the NFSA, it also operates a mediatheque providing public access to some titles. The NFSA understands that the Institute has a blanket exemption for screening television material.

As outlined in the NFSA’s submission, there are domestic examples of self-classification (e.g. in the television and advertising industries) that support the model the NFSA is seeking.

#### **Question 4 – Archiving of X18+ films**

This question concerns whether the NFSA's collection includes R18+ and X18+ material.

The NFSA does hold R18+ film titles. While exact figures are not available, these titles would constitute less than ten percent of the collection. The NFSA would only acquire these titles where they are relevant to its collecting policy (e.g. because they were representative of a particular genre or featured the work of a key Australian or international film industry figure). The NFSA identifies all R18+ titles appearing in its screening advertising or its loan catalogue.

The NFSA also holds pornographic titles that are rated (or would be expected to be rated) as R18+ and X18+. There are 180 pornographic/erotic film titles and home movies in the NFSA's collection, which constitutes less than 0.2 percent of its holdings. There are no X-rated titles in the non-theatrical collection.

#### **Further questions**

We thank the Committee for considering the NFSA's submission and for giving it the opportunity to appear at the hearing on 27 April 2011.

If you have any further questions regarding the submission or these responses, please contact Mark Murphy, Principal Legal Officer, in the first instance. Mr Murphy may be contacted by phone on  
or by email at

Yours sincerely

Ann Landrigan  
Acting Chief Executive Officer