

Telstra Corporation Limited
Answers to Questions on Notice – Senate Legal and Constitutional
Affairs Committee

Question 1 (Senator Barnett, pp 40-41 of *Hansard*) – Classification of Apps

CHAIR—...*I would like to know how these games and the applications are categorised, and give us a couple of examples.* Again I am happy for you to take this on notice to give us a bit more information as to how they are categorised. *Then I would like to know what numbers, per year for example, are categorised in which category and how many are refused classification or refused sale as a result of their inappropriate classification.*

....

CHAIR—I wonder if Telstra would like to make an observation and input in that particular matter?

Mr Shaw—In respect of the apps that we sell through our BigPond store online, we have assessors on staff who assess that content to ensure that I think MA15 is the limit to which we go in terms of providing content to the BigPond store.

CHAIR—We have got P, PG and you go P, PG and MA15. Have you got the three categories?

Mr Shaw—Correct.

CHAIR—I do not want to put you to too much effort, but *can you break down as to how many in different categories per year and how many you would refuse?* Would that be possible?

Mr Shaw—Yes.

Answer:

1. In circumstances where it is a Commercial Content Service Provider under Schedule 7 of the *Broadcasting Services Act 1992*, Telstra engages Trained Content Assessors to categorise the likely classification (eg G, PG, MA15+, R18+) of relevant content that has not been classified by the Classification Board. Telstra then restricts access to this content as appropriate in different ways depending on the nature of the service being provided.

All classification categorisations are based on criteria set out in the *Classification (Publications, Films and Computer Games) Act 1995*, the *National Classification Code* and the *Guidelines for the Classification of Films and Computer Games 2005*.

2. BigPond Games currently offers 1814 digitally downloadable games for PC (referred to below as Online Games) and 1666 Games/Applications available for Mobile phones (Mobile Games/Applications).

The classification breakdown of this content is:

Online Games breakdown: Total 1814

- 128 games are MA15+;
- 44 are M;
- 52 are PG;
- 1590 are G.

Mobile Games/Applications breakdown: Total 1,666

- 211 are classified as M;
- 1,455 are G.

3. Between March 2010 and March 2011, Telstra's Trained Content Assessors categorised:
 - 538 Online Games;
 - 455 Mobile Games/Applications.
4. Between March 2010 and March 2011, Telstra's Trained Content Assessors categorised 68 Mobile Games above M and were not made available for sale.

There were no PC games categorised above MA15+ by Telstra's Trained Content Assessors during this period. Our partner (Real Networks USA) is a family brand and does not provide games above PG.

As Telstra declines to include a large number of Mobile Applications in the BigPond Applications Store for technical and quality reasons, we do not specifically track the number of applications that we reject on the grounds of the appropriateness of the content.

Question 2 (Senator Barnett, p. 41 of *Hansard*) – Numbers of Assessors

CHAIR—If I could just go to Telstra now. *Can you give us a feel for how it works at Telstra in terms of how many assessors you have, their qualifications, how long the assessments take, and the volume of the material that is flowing through that assessment process per year, for example?*

Mr Shaw—I think you are going a little bit beyond what I can answer today, so I might have to come back on those. I think we have a number of assessors on our staff, more than one or two. In terms of the classification arrangements they are trained I believe to the Classification Board qualification. The volume is something we would like to come back to; suffice it to say though volumes are growing at a very great rate and I think Mr Althaus' opening comments alluded to that. We can give you a snapshot now and perhaps over the last couple of years.

CHAIR—That is fine.

Mr Watts—I might add to Mr Shaw's evidence that the content assessors at Telstra are trained in accordance to processes set out in the Classification Board. There are formal training processes that these people go through in order to gain that qualification to do that process with Telstra.

CHAIR—You will come back with further and better particulars then. Are you happy to take that on notice?

Mr Shaw—Certainly.

Answer:

1. Telstra employs at least 6 currently qualified Trained Content Assessors. A further 4 more Telstra employees will soon be completing this qualification.
2. All Trained Content Assessors have undergone training approved by the Director of the Classification Board within the past 12 months.

The Trained Content Assessor training program covers:

- an overview of the national classification scheme, including legislative instruments;
 - the meaning of the classification types;
 - practical use of the classification guidelines; and
 - practical assessment of material.
3. Under Schedule 7 of the *Broadcasting Services Act* 1992, Trained Content Assessors are required to assess the probable classification of content for the purposes of determining whether particular content is potentially prohibited.

Telstra's games partners provide us with games that are rated by the Office of Film and Literature Classification if they are M or over. For all other game content (eg Mobile Games) Telstra's Trained Content Assessors review screens from the games and the game dynamics, including playing the game. Each individual assessment takes approximately one hour.

4. As outlined in response to Question 1, Telstra's Trained Content Assessors assessed 538 Online Games and 455 Mobile Games/Applications in this way during the past 12 months.

Question 3 (Senator Barnett, pp 45-46 of *Hansard*) – Complaints mechanism

CHAIR—What about complaints? *If I am a consumer and I make a complaint, I presume I make it to Telstra or BigPond but then what happens?*

Mr Shaw—I would prefer to get some detail on notice to be able to explain to you precisely how we would handle complaints that come through. Suffice it to say, we get complaints from a variety of sources. Some people will go back through the BigPond front of house, others will be just ringing up the Telstra call centres and the like and we get letters. Having multiple points of entry, I would like to be able to come back to you and describe how those work.

CHAIR—No, that is fine. When you do that and come back to us *could you give us an idea of the quantum of complaints that may come in and the nature of those complaints?*

Mr Shaw—In respect of classification material because we do get complaints about a variety of issues?

CHAIR—*In respect of the applications that are approved and then people complain to say, ‘This is not appropriate for my kids’ or whatever, so give us some quantum.*

Mr Shaw—Yes.

Answer:

1. While Telstra does not specifically track complaints based on appropriateness of content, we are not aware of any complaints in the last year regarding the classification assessments made by Telstra’s Trained Content Assessors under this system.

Question 4 (Senator Crossin, pp 46, 49-50 of *Hansard*) – BigPond Music

Senator CROSSIN—...We were just talking to ARIA and AMRA really about *the classification of songs and video music clips essentially with the problem being of course that iTunes is housed overseas so essentially you are downloading from America or Canada. That would be a similar problem with your BigPond Music stream because it is housed in Singapore, is that correct?*

Mr Shaw—You are testing me, I am afraid. That is a question we would have to take away and come back to you.

Senator CROSSIN—I wanted to explore whether there is *any capacity to actually regulate the classification of I suppose the content of those songs or particularly video clips because they are uploaded in Singapore?*

Mr Shaw—Can I go back into the business and get further information on that very issue? First of all whether what you understand to be the case is correct and flowing from that, how we deal with issues of classification around content.

....

(At p. 49 of the *Hansard* Mr Watts provided some information as to offshore content and Senator Crossin asked the following supplementary question)

Senator CROSSIN—Is there a capacity to review those decisions?

Mr Shaw—We might take that on notice, I suspect there is but let me just confirm.

Answer:

1. All Telstra media content is streamed from servers located in Australia. As such, Telstra complies with both Schedule 7 of the *Broadcasting Services Act 1992* and the *Content Services Code* when providing this content.

2. The initial decision of the Trained Content Assessor initially tasked with categorising content is briefly reviewed by a second assessor that uploads the game to the platform ready for sale.

Consumers who are unsatisfied with the classification treatment of online content provided by Telstra also benefit from the additional safeguard of the complaints regime for Online Content under Schedule 7 of the *Broadcasting Services Act*.

Question 5 (Senator Crossin, pp 47, 49-50 of *Hansard*) – BigPond Movies

Senator CROSSIN—*I suppose my question goes the same to movies as well. I am curious to know whether an Australian classification gets picked up if you download through BigPond or whether you rely on no classification seeing it is coming out of Singapore.* I am not clear how that works.

Mr Shaw—I stand to be corrected, and that is why I would like to get some further advice, but my suspicions are that we do classify the material that we sell through the BigPond site with our own internal assessors. The result would be that they have assessed that material irrespective of which site it is being downloaded from. I would like to confirm that to ensure I am not misleading the committee. I cannot see how we would apply a different set of arrangements to that material as opposed to the other material that we sell through the BigPond site.

...

(At p. 49 of the *Hansard* Mr Watts provided some information as to offshore content and Senator Crossin asked the following supplementary question)

Senator CROSSIN—Is there a capacity to review those decisions?

Mr Shaw—We might take that on notice, I suspect there is but let me just confirm.

Answer:

1. Big Pond Music is streamed from servers located in St Leonards, New South Wales, Australia.

Telstra complies with both Schedule 7 of the *Broadcasting Services Act 1992* and the *Content Services Code* when providing online content in Australia.

Question 6 (Senator Barnett, p. 48 of *Hansard*) – International Forums

CHAIR—...There was a question to the previous witnesses on this very issue. *Have you discussed this with your international counterparts*—indeed Telstra

operates globally as well—*and considered the merits of the best approach for Australia based on the fact that this is a global phenomenon that we are talking about?* Have any of you discussed that in the international forums and meetings that you go to?

...

Mr Shaw—I am not personally aware of any, but I will check with our people that are involved in the media side and do have international contacts. I suspect though that what is driving our considerations mainly at this stage is the fact that so many different jurisdictions are looking at these issues and we are having to handle them at that level. It arguably almost comes down to something that an intergovernmental approach would facilitate that rather than the different jurisdictions driving off in different directions and taking all of the bandwidth, so to speak, that is available to address these issues

Answer:

1. To the best of our knowledge, Telstra has not discussed proposals for classification reform in international forums.

Question 7 (Senator Barnett, p. 48 of *Hansard*) – Classification Liaison Scheme

CHAIR—... Finally, *I wanted to get your thoughts on the Classification Liaison Scheme* which operates across the nation supported by the Attorney-General's Department and the various state and territory A-G departments, where they are on the ground in terms of classification services. *Are you aware of their services and do you have a view as to the merit of that service?*

Mr Shaw—I personally am not so I would like to take that on notice and come back with some advice.

Answer:

1. To the best of our knowledge, Telstra has not had any formal interactions with the Classification Liaison Scheme to date.