Australian Government

Classification Board and Classification Review Board

Annual Reports 2019–20

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Contact details

This report can be viewed online at **www.classification.gov.au**
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Introduction

This report includes the reports of the Classification Board and the Classification Review Board. A copy of this report is available online at **www.classification.gov.au** as are Annual Reports from previous years.

Information about the Classification Board and the Classification Review Board is also available on the Australian Classification website at **www.classification.gov.au**

The Classification Branch of the Department of Infrastructure, Transport, Regional Development and Communications provides administrative support to both the Classification Board and the Classification Review Board. Further information about the Classification Branch is available in the Department of Infrastructure, Transport, Regional Development and Communications Annual Report 2019–20 at **www.infrastructure.gov.au**

Overview of the National Classification Scheme

The National Classification Scheme (the **Scheme**) is a co-operative scheme established and maintained by agreement between the Commonwealth and all State and Territory governments in Australia. The Intergovernmental Agreement on Censorship that was executed in 1995 underpins the Scheme.

The *Classification (Publications, Films and Computer Games) Act 1995* (Cth) (the **Classification Act**), provides for a *National Classification Code* (the **Code**) and Classification Guidelines for films, computer games and publications (the **Guidelines**). The Classification Board (the **Board**) makes decisions about films, computer games and certain publications. The Board is independent from government. The Classification Review Board (the **Review Board**) is an independent statutory body responsible for reviewing certain decisions of the Classification Board. The Review Board is independent of both the Board and the Government.

The states and territories are responsible for regulating the sale, exhibition and advertising of classifiable content. Each state and territory has its own classification Act that is enforced by state or territory police or law enforcement bodies. There are some offence provisions in the Commonwealth Classification Act which are part of the *Stronger Futures in the Northern Territory* legislation package (formerly known as the Northern Territory Emergency Response) as well as offences regarding the unlawful use of markings in relation to goods other than films, computer games or publications.

Commonwealth

Classification (Publications, Films and Computer Games) Act 1995 (Cth)

The Classification Act establishes the Classification Board and the Classification Review Board (collectively, the **Boards**). The Boards are independent from government and from each other. The Classification Act requires that, in appointing members of the Boards, regard is to be had to the desirability of ensuring that membership of the Boards is broadly representative of the Australian community.

The Classification Act also sets out:

▶ powers and functions of the Boards

▶ statutory criteria for review of classification decisions

▶ powers of the Minister responsible for the administration of the Classification Act to approve classification tools to generate decisions and consumer advice

▶ the assessor schemes that enable industry to self-classify content and submit their classification recommendations to the Board

- statutory requirements for applications for classification
- rules regarding exemption from classification of unclassified films, computer games and certain publications
- requirements for advertising of films, computer games and publications
- provisions for the approval of advertisements for certain products
- provisions for reclassification, and handling prohibited material in prohibited material areas.

The Classification Act is available online at **www.legislation.gov.au**

There is a range of determinations, instruments and principles made under the Classification Act available online at **www.classification.gov.au** or **www.legislation.gov.au**

When making decisions, Boards apply the Classification Act, the Code, and the three statutory Guidelines.

National Classification Code

The Boards must make classification decisions in accordance with the Code which broadly describes the classification categories. The Code is agreed to by Commonwealth, state and territory ministers with responsibility for classification. The Code is available in the Appendix at page 82.

Classification Guidelines

The Guidelines are used by the Boards to assist them in applying the criteria in the Code by describing the classification types, and setting out the scope and limits of material suitable for each classification type. The Guidelines are approved by all ministers with responsibility for classification.

States and territories

As partners in the Scheme, each state and territory has classification legislation that complements the Commonwealth Classification Act. The legislation sets out how films, publications and computer games shall be sold, hired, exhibited, advertised and demonstrated in that jurisdiction. It prescribes penalties for classification offences and provides for enforcement of classification decisions. Some states and territories retain powers to classify or reclassify material. The Northern Territory has legislated concurrent classification powers, and the Northern Territory and Tasmania have reserved the power to re-classify publications, films and computer games already classified by the Classification Board: the *Classification (Publications, Films and Computer Games) Enforcement Act 1995* (Tas) s 41A; and the *Classification of Publications, Films and Computer Games Act 1995* (NT) s 16.

Other functions

In addition to making classification decisions about films, computer games and certain publications, the Classification Board and its Director perform a number of other functions under the Scheme.

Exemptions to show unclassified content

Under the Conditional Cultural Exemption Rules, event organisers self-assess their eligibility for exemption to exhibit unclassified films, computer games and certain publications. If they comply with the standard conditions, event organisers can register their event online.

Some organisations that conduct activities of an educational, cultural or artistic nature and have a sound reputation may be eligible

to become an Approved Cultural Institution (**ACI**). An ACI is not required to register its events but instead undertakes training provided by the Classification Board. Trained persons then assess unclassified material for events held under the auspices of the ACI and must ensure compliance with legislative requirements.

In exceptional circumstances, where the prescribed conditions cannot be met, an organisation may still apply to the Director of the Classification Board for a waiver or variation to the exemption rules.

Assessor schemes

Several schemes have been established that enable authorised industry assessors to submit content for classification. Under the schemes, the Classification Board is still responsible for the decision, which is informed by the assessor's report.

Applications for classification may be lodged under the following voluntary assessor schemes:

Authorised Assessor Scheme for Computer Games (AACG)

The Director of the Classification Board may authorise trained persons to recommend the classification for a computer game.

An authorised assessor may submit an application recommending the classification and consumer advice for a computer game if the computer game is likely to be classified G (General), PG (Parental Guidance) or M (Mature). The Classification Board may accept the recommendation or may vary or reject the recommendation and determine the classification rating and consumer advice.

Additional Content Assessor (ACA) Scheme

The Director of the Classification Board may authorise trained persons to assess additional content which accompanies a previously classified or exempt film released for sale or hire. Additional content includes material such as "making of" documentaries, out-takes, alternative endings and commentaries or interviews with the director or actors and does *not* include television programs, series or computer games.

An authorised assessor may submit an application recommending the classification and consumer advice for the additional content for any classification category from G (General) up to and including R 18+ (Restricted). The Classification Board may accept the recommendation or may vary or reject the recommendation and determine the classification rating and consumer advice.

Authorised Television Series Assessor (ATSA) Scheme

The Director of the Classification Board may authorise trained persons to assess films that consist of one or more episodes of a television series, as well as any series-related content. At least one episode of the television series must have been broadcast in Australia. The scheme does *not* apply to films that would be classified X 18+ (Restricted) or RC (Refused Classification). An authorised assessor may submit an application recommending the classification and consumer advice for the series and related additional content for any classification category from G (General) up to and including R 18+ (Restricted). The Classification Board may accept the recommendation or may vary or reject the recommendation and determine the classification rating and consumer advice.

Advertising of Unclassified Films and Computer Games Scheme

The Advertising of Unclassified Films and Computer Games Scheme (**the Advertising Scheme**) allows for the advertising of unclassified films and computer games under certain conditions. The conditions are prescribed in the *Classification (Advertising of Unclassified Films and Computer Games Scheme) Determination 2009* (the **2009 Determination**).

The primary condition is that advertising for unclassified films and computer games must display the message "Check the Classification" (or "CTC" in its shortened form).

Check the Classification

For certain forms of advertising, once a film or computer game is classified, the "Check the Classification" or "CTC" message must be replaced with the classification marking.

Prior to classification, however, trailers/advertisements for unclassified films and games may be advertised with films or games that have already been classified, provided that an assessment of the likely classification of the film or game has been made, *either* by the Classification Board, *or* by a trained advertising assessor employed by industry. Once this assessment has been made, the "commensurate audience" rule becomes applicable. This means that the trailers/advertisements for unclassified films and games may only be advertised with content of the same or higher classification. For example, if there is an advertisement for an unclassified game and it is determined by the Classification Board or an assessor, that the game will have a likely classification of M, then the advertisement may only be shown alongside games that already have an M, MA 15+ (Mature Accompanied) or R 18+ classification.

The Advertising Scheme includes a number of safeguards and sanctions. These include the Director of the Classification Board having the power to revoke or suspend an assessor's authorisation, and to prohibit a distributor from advertising their unclassified products for up to three years, in certain circumstances (Part 4 Sanctions of the 2009 Determination).

Permission to import or export objectionable goods

The *Customs (Prohibited Imports) Regulations 1956* (the **Prohibited Imports Regulations**) prescribe classes of goods that must not be imported into Australia. The *Customs (Prohibited Exports) Regulations 1958* (the **Prohibited Exports Regulations**) prescribe classes of goods that must not be exported from Australia.

The Australian Border Force can detain or seize any material that may contravene regulation 4A of the Prohibited Imports Regulations or regulation 3 of the Prohibited Exports Regulations. The criteria in regulation 4A and regulation 3 accord with the RC (Refused Classification) criteria in the Code and the Classification Act. The Australian Border Force may apply for classification of items intercepted at the border. Organisations such as the Australian Border Force, the various Australian police forces, and public and private art galleries apply to import and export material from time-to-time.

The Director and Deputy Director of the Classification Board are authorised under sub-regulation 4A(2A) of the Prohibited Imports Regulations and sub-regulation 3(3) of the Prohibited Exports Regulations to grant requests for permission to import goods to which the Prohibited Imports Regulations apply, or to export goods to which the Prohibited Exports Regulations apply.

Online content

Under Schedule 7 of the *Broadcasting Services Act 1992* (the **BSA**), the Classification Board classifies internet content on application from the Office of the eSafety Commissioner. If the Office of the eSafety Commissioner receives a valid complaint about Australian hosted online content, or discovers potential prohibited content on its own initiative, it may, and in some cases must, submit the content to the Board for classification. The eSafety Commissioner then takes appropriate action in respect of online content.

Corporate overview

Legislative governance structures

The Classification Board

The Board is an independent statutory body established under the Classification Act which comprises a Director, a Deputy Director and other members.

The Board classifies films, computer games and certain submittable publications (all of which are defined in the Classification Act).

The Director

The Director of the Board has a range of statutory functions under the Classification Act which includes:

▸ managing the administrative affairs of the Board

▸ convening and presiding at Board meetings

▸ determining the constitution of the Board for classifying particular products

▸ determining how decisions are recorded

▸ arranging the business of the Board

▸ calling in publications, films and computer games for classification

▸ determining procedures for the Board

▸ providing the Minister with the Board's Annual Report.

In addition to the Director's powers in relation to the Board, the Classification Act and a number of Determinations made pursuant to the Act confer a number of additional functions and powers on the Director which includes:

▸ approving forms for the purpose of the Classification Act

▸ providing certificates and notices of decisions, including evidentiary certificates

▸ authorising industry assessors.

Further, pursuant to sub-clause 18(2) of Schedule 7 of the BSA, the Director must approve the training for Trained Content Assessors (**TCAs**) whose role is to provide advice to a Commercial Content Service on the classification of content that has not been classified by the Board. The training for TCAs needs to provide instruction about content that might be considered to be restricted, that is: for films and computer games, likely to be classified MA 15+, R 18+, X 18+ and Refused Classification (**RC**); and for publications, likely to be classified Category 1 – restricted, Category 2 – restricted and RC. During the year, the Director developed an online Fact Sheet for TCAs which forms part of the online training for films and computer games. The Fact Sheet also addresses publications as there is no online training course for publications.

The Director and Deputy Director of the Board are authorised to grant permission to import or export prohibited or potentially prohibited goods in accordance with the Prohibited Imports Regulations and Prohibited Exports Regulations.

The Review Board

The Review Board is an independent statutory body established to review decisions of the Classification Board, upon application.

The Convenor

The Convenor of the Review Board has a range of statutory functions under the Classification Act which includes:

- managing the administrative affairs of the Review Board
- determining the constitution of panels of the Review Board to review decisions
- determining how decisions are recorded
- arranging the business of the Review Board
- providing the Minister with the Review Board's Annual Report.

In addition to the Convenor's powers in relation to the Review Board, the Classification Act confers a number of additional functions and powers which includes:

- approving forms for the purpose of the Classification Act
- providing certificates and notices of decisions, including evidentiary certificates.

Administrative arrangements

The Department of Infrastructure, Transport, Regional Development and Communications (the department) is responsible for the financial management of the operations of the Boards.

The Classification Branch in the department undertakes the following functions:

- processing applications for the consideration of the Boards
- providing policy and operational advice on classification issues to the Commonwealth minister with classification responsibilities
- providing secretariat services to the Review Board
- providing classification education and training for Australian Border Force personnel, as the Classification Board has assumed the training of industry.

Meetings

The Classification Board has meetings, generally weekly, to discuss classification decisions and other procedural issues.

The Review Board is a part-time board and convenes only to deal with applications for review.

Effective liaison with the Department of Infrastructure, Transport, Regional Development and Communications

The Boards maintain effective liaison with the department through both formal and informal meetings and contacts.

Stakeholder liaison

The Classification Board maintains effective liaison arrangements with officials with responsibility for classification, peak industry body and university representatives, international classification colleagues, community members and interest groups, and other classification stakeholders. The Board provides information about decisions to interested parties as well as advice to industry assessors to promote professional development on classification issues.

The Review Board provides information to interested parties.

Financial management, accountability and reporting

Classification is carried out largely on a cost recovery basis with fees for classification set out in the *Classification (Publications, Films and Computer Games) Regulations 2005* (the **2005 Regulations**). Fees for the review of a decision are based on partial cost-recovery to enable access to reviews of a classification decision, while discouraging vexatious or frivolous applicants. The classification application revenue from 1 July 2019 to 30 June 2020 is **$3,402,680**, which is a decrease of $225,240 (about 6.2%) compared with the previous year which totalled $3,627,920.

The funding for the classification service is included in the appropriation for the department. The department's Annual Report is available at **www.infrastructure.gov.au/ department/annual_report/**

Risk management

Management of risk is undertaken in accordance with the department's risk management framework and fraud control plan and procedures.

Website

The Australian Classification website address is **www.classification.gov.au** Information is tailored to user groups such as the public, industry and law enforcement agencies. The website contains a public access database, the *National Classification Database* (**NCD**) of classification decisions made by the Boards and the Netflix film classification tool and the International Age Rating Coalition (**IARC**) computer games classification tool. Information on the NCD incorporates classification ratings and consumer advice in the search results, including a classification matrix (except for IARC decisions) which shows the level of impact of material for each of the six classifiable elements in a film or computer game. The NCD also includes classification decisions for submittable publications.

In the reporting year, there have been 3,137,612 visits to the website.

Establishment and maintenance of appropriate ethical standards

Ethical standards

The Classification Act makes provision for the disclosure of potential conflicts of interest by members of the Boards.

The Classification Act provides that full-time members of the Classification Board must not engage in outside employment without the

consent of the Minister. This requirement does not apply to service in the Australian Defence Force. During the reporting year, there were no requests to consider any external employment for permanent members of the Board. It is noted, however, that temporary Board members undertake other paid employment elsewhere, and these Board members disclose such work to the Director who ensures that there is no perceived or actual conflict of interest when temporary Board members are engaged to classify material.

The Board is bound by the same terms and conditions in the code of conduct applicable to Australian public servants.

External accountability

The Boards work within an accountability framework which includes parliamentary scrutiny, the *Crimes Act 1914*, the *Freedom of Information Act 1982*, the *Privacy Act 1988* and the *Ombudsman Act 1976.*

Membership

Appointments to the Boards are made by the Governor-General, following a recommendation by the Minister. Before making a recommendation, the Classification Act requires that the Minister consult with state and territory ministers with responsibility for classification about the proposed recommendations. Appointments are made for fixed terms of up to five years and members are eligible to serve a statutory maximum term of seven years.

Under section 50 of the Classification Act, the Minister may appoint temporary members of the Classification Board if it is necessary to do so for the efficient dispatch of the

Classification Board's business. The Minister has authorised the Director to perform this function.

Sections 66 and 84 provide that the Minister may appoint a person to act as a member during a vacancy on the respective Boards.

Conditions

The Remuneration Tribunal determines the entitlements of the members of the Boards in relation to remuneration, annual leave and official travel. These determinations are available on the Remuneration Tribunal website at **www.remtribunal.gov.au**

Freedom of Information

In accordance with section 8 of the *Freedom of Information Act 1982* (the **FOI Act**), this section of the report contains information about FOI procedures and access to documents.

One application was received for access to Classification Board or Review Board documents under the FOI Act during the reporting period, which was finalised.

Applicants seeking access to documents under the FOI Act should contact:

The FOI Officer
Department of Infrastructure, Transport, Regional Development and Communications
GPO Box 2154
CANBERRA ACT 2601
foi@infrastructure.gov.au

Categories of documents

The following categories of documents are maintained by the department on behalf of the Boards:

‣ applications under the Classification Act

‣ documents relating to decisions of the Boards.

Reasons for decisions of the Review Board are available on the Australian Classification website at **www.classification.gov.au**

The following categories of documents are publicly available at **www.classification.gov.au**

‣ the Classification Act, the Code, the Guidelines and the 2005 Regulations

‣ the Determinations, Principles and other instruments made under the Classification Act

‣ Annual Reports

‣ application forms for classification and review.

Privacy

The *Australian Privacy Principles* in the *Privacy Act 1988* set out the requirements for agencies in handling personal information. The relevant privacy policy is at **www.classification.gov.au** It outlines how responsibilities in relation to records containing personal information held by the department in administratively supporting the work of the Boards are met. For more information please contact the department's Privacy Officer:

Privacy Officer
Department of Infrastructure, Transport, Regional Development and Communications
GPO Box 594
Canberra ACT 2601
Tel: +61 2 6274 6495
Email: **privacy@infrastructure.gov.au**

Reports by the Auditor-General

There were no reports on the operation of the Boards by the Auditor-General in the reporting period.

Changes to the National Classification Scheme

There were no changes to the National Classification Scheme in the reporting period.

Commonwealth Ombudsman

No matters involving the Boards were dealt with by the Commonwealth Ombudsman in the reporting period.
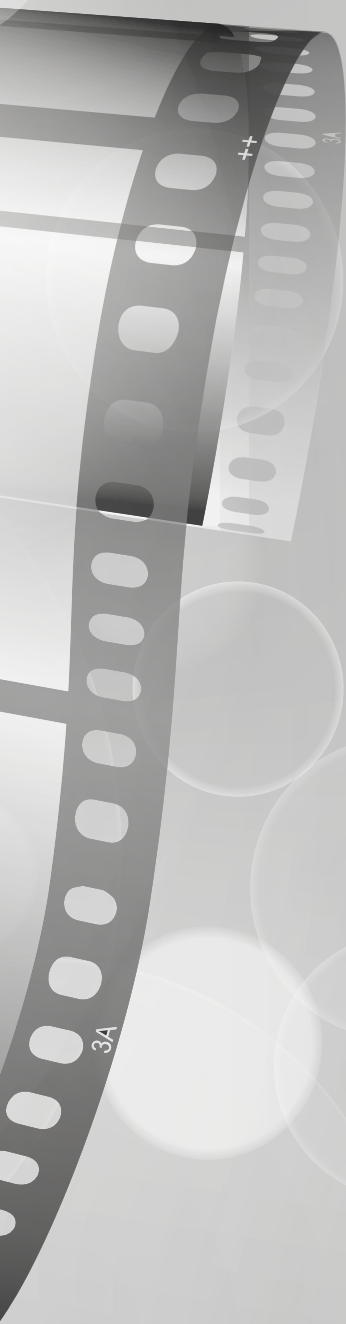
Classification
Board
Annual Report
2019–20

Australian Government

Classification Board

The Hon Paul Fletcher MP
Minister for Communications, Cyber Safety and the Arts
Parliament House
CANBERRA ACT 2600

Dear Minister

In accordance with subsection 67(1) of the *Classification (Publications, Films and Computer Games) Act 1995*, I am pleased to submit a report on the management of the administrative affairs of the Classification Board for the period 1 July 2019 to 30 June 2020.

Yours sincerely

Sally Ryan
Acting Director

16 September 2020

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Director's overview

Australians will remember 2019–2020 for a long-running drought, the worst bushfire season in living memory followed by the ubiquitous floods, and then the social and economic fractures caused by COVID-19. Through all this calamity, some aspects of our lives continued – computer games were played, films were watched and publications were read – and the Classification Board never stopped functioning. While many in the Australian community, including Board members, lived with the upheaval caused by a virus and embraced the challenge of working from home, the Board never completely left its building – someone was always in; sometimes, it was a multitude who graced the floor. Classification did not stop. Despite the temporary closure of cinemas, some of the story-telling migrated to online platforms, while others were stored waiting

for the inevitable return to the energy and delight of the shared cinematic experience. As for computer games, demand soared and creatives continued to deliver content to the Board for players ensconced at home, searching for their next encounter. I cannot thank the Board members enough for their resilience and adaptability – those full-time members who almost entirely worked from home, having to create, innovate, improvise, adjust and re-calibrate business processes – literally overnight; and those temporary members who continued to commute to the office in order to provide classifications and advice to inform and protect Australian consumers and deliver certainty to our film, game and publication industries.

Classification Review

On 16 December 2019, the Hon Paul Fletcher MP, Minister for Communications, Cyber Safety and the Arts released terms of reference for a review of Australia's classification regulation, to be led by Mr Neville Stevens AO. A discussion paper was released on 8 January 2020, seeking formal submissions to inform a new classification framework fit for the modern content market. It included questions about the *National Classification Code*, the *Guidelines for the Classification of Films* and the *Guidelines for the Classification of Computer Games*, with the aim of developing a revised classification framework that would serve community needs and reflect today's increasingly digital content environment.

Mr Stevens provided his report to Minister Fletcher at the end of May 2020 and the Australian Government is currently considering it. The results of this review will inevitably impact the shape and role of the Classification Board in any future classification system. Still, the Board welcomed the review and the opportunity to present a case for change and reform. We are proud of our submission, which was broad-ranging and offered many reforms for consideration, and I would personally like to thank the Deputy Director, Ms Sally Ryan, Mr Andrew Humphreys and other Board members for their valuable contributions.

I would also like to thank Mr Stevens for his courtesy and diligence, and especially for the time and consideration he gave to the Board throughout the review process. Mr Stevens held regular meetings with myself and other Board members, using their experiences on the "frontlines" of classification content to help inform his views. His grace and good humour through long and, at times, difficult discussions were appreciated by all.

Those who took the time to make individual submissions to the review deserve not just my thanks, but the thanks of all Australian consumers. Gamers were particularly vocal, with many lamenting the differences between the current *Guidelines for the Classification of Films* and *Guidelines for the Classification of Computer Games*, which can result in content that would be allowable in a film causing a game to be Refused Classification (**RC**). This goes back to one of the fundamental principles underlying the *National Classification Code*: that adults should be able to read, hear, see and play what they want. Recognition that the large majority of Australian gamers are, in fact, adults and deserve to be treated as such is long

overdue. So thank you all for engaging with the classification review process. Your individual efforts and collective voice have the potential to effect real change in public policy.

While many of the review submissions argued in favour of the status quo or advocated minimal change, the Board started from the position that change was not just inevitable, but was also desirable. Board members use classification Guidelines and legislation every day, and are well aware of their differences, limitations and outmoded restrictions. Equally, we are aware of gaps in legislative application and compliance across different media types and delivery platforms.

The Board's submission therefore argued for the harmonisation of both classification categories and guidelines for all classifiable content, regardless of delivery platform, so that films, computer games and publications (or hybrids of all three) would be classified to the same standards whether they are broadcast on television screens, watched in theatres, played or read in homes, or streamed to or read on tablets or mobile phones. In the Board's experience, it is highly desirable that there is a single set of guidelines[1] for the classification of media content as we progress further into the 21st century. The distinctions between films, games and publications are rapidly eroding.

Consistent with past reflections in its recent Annual Reports, the Board advocated for the inclusion of a new classification category to sit between the existing PG and M classifications, functionally equivalent to the US classification of PG-13. This would be for that level of content that exceeds mild in impact (the PG classification) but does not requires a mature perspective (the M classification). It may include content that may be inappropriate for some

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1   In 2003, there were combined Guidelines for the Classification of Films and Computer Games.

children under 13 years, for example, violence of a slightly more sustained nature towards fantasy or human-like characters, or some sexual innuendo or costuming. Importantly, this classification category would acknowledge the deliberate creation of content aimed at young people, which is intended to explore their lives, experiences and worlds. The Australian Independent Distributors Association, Independent Cinemas Australia, the Motion Picture Distributors Association of Australia, the National Association of Cinema Operators, and the Walt Disney Company all supported the creation of a PG-13-type category.

Whatever changes lie ahead for the classification of content in Australia, it is imperative that a single government regulator be maintained to oversee industry training and compliance, as well as to provide an avenue for the review of individual classification decisions where required. Greater self-classification of content will bring new challenges and it is important that those challenges are met. Time and resources must be employed to ensure that a culture of classification excellence and compliance is created at the outset and maintained – across individual classifiers, content providers and organisations, as well as across industry as a whole.

To this end, the Board suggested in its submission that industry be required to adopt and implement 'Best Interest Duty' with the following norms of conduct making up the duty:

▸ obey the classification laws, codes and standards

▸ act fairly and do not mislead or deceive

▸ undertake classification of content with reasonable care and skill

▸ ensure that classification decisions are fit for purpose and

▸ act in the best interests of the Australian public.

The Board is wary that the creation of a system of self-classification, where a number of different bodies and organisations classify their own material, may cause a shift in Australian classification standards, resulting not in harmonisation but consumer confusion. Government oversight and regulation will therefore be critical in order to ensure that Australian consumers remain confident in the classifications and viewing advice that a new regulatory scheme and self-classification system might provide.

The Netflix Classification Tool and an Australian Classification Tool for Film

The Netflix Classification Tool was launched, in pilot form, in December 2016. The aim of the tool is to produce Australian classification ratings and consumer advice for Netflix content that are "*broadly consistent*" with Australian community standards and classification decisions of the Board. Ongoing approval for the use of the tool was granted in October 2018.

The Board has continued to voice its concerns over the tool's performance (as reflected in previous Annual Reports) since the pilot was launched. Decisions of the Netflix tool are taken, for the purposes of the Classification Act (section 22CF), to be decisions of the Board, so it is concerning that, nearly four years after the tool was launched, issues with the consistency and accuracy of these decisions remain. These problems were noticed and commented upon during the classification review in the submissions of the ABC[2] and the SBS[3].

2   www.communications.gov.au/sites/default/files/submissions/abc_1.pdf
3   www.communications.gov.au/sites/default/files/submissions/sbs_3.pdf

Despite the Board writing to Netflix following each review by the Board where a classification of the Netflix tool has been changed, identifying the reasons for the change and asking Netflix to advise the Board in writing as to how it will address these issues, to date no reply has been received. During the reporting year, no Board member was included in feedback sessions with Netflix initiated by the Classification Branch (the **Branch**); however, there was a meeting in February 2020 between me, the Deputy Director, the Branch Assistant Secretary and Netflix's Director of Public Policy to discuss the Board's ongoing concerns. The Branch is working with Netflix to address areas of improvement with the Netflix tool.

It is a condition of the approval of the Netflix Classification Tool (contained in the approval instrument[4]) that it must *not* produce a classification and consumer advice for a film, *if that film has already been classified* by the Board or the Classification Review Board. This is the ninth key performance measure (**KPM**) for the Netflix tool, and while it was quantified in the pilot report, evaluating the performance of the tool written by the Branch, it was not counted and referenced in the Branch's subsequent monitoring report. Despite this, these decisions still occur regularly and remain on Australia's National Classification Database (**NCD**) until a Board member or a member of the public notices and brings it to the attention of the

Branch for removal. Mainstream media[5] and social media[6] is increasingly commenting on both over-classifications and purported re-classifications by the Netflix tool. A good example is the Oscar-winning film, *Moonlight*, which went from the Board's M (Drug use, coarse language, sex and violence) to Netflix's MA 15+ (Strong Themes Strong Coarse Language Strong Drug Use Strong Sex Scenes), the latter being reflective of conservative American values compared with Australia's standards and cultural mores. The classification decisions listed in the NCD for *Moonlight* have since been corrected to display the Board's decisions only for the theatrical release and DVD/Blu-ray versions of the film. This issue will continue to be monitored by the Board and the Branch to eliminate the incidence of erroneous re-classifications of already classified films by the Netflix tool.

From the Board's perspective, ongoing monitoring and evaluation of the Netflix tool, preferably by an independent third party, is required. It has been a source of frustration to the Board that the numbers presented by the Branch in its pilot and monitoring reports (which are not immediately accessible from the **classification.gov.au website**[7]) do not mesh with the Board's interpretation of the results of its assessments of decisions made by the tool. An appropriate means of engaging public confidence is to have a third party comment upon and verify the results.

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4 The Classification (Publications, Films and Computer Games) (Netflix Classification Tool) Approval 2016 is not a legislative instrument and therefore not published on the Federal Register of Legislation. However, the Classification Act section 22CA(6)(c) says that it must be published on the department's website: **www.classification.gov.au/sites/default/files/2019-10/classification-netflix-classification-tool-approval-2016.pdf**

5 For example: **www.smh.com.au/entertainment/tv-and-radio/viewers-claim-this-netflix-film-is-too-gory-the-watchdog-disagrees-20190604-p51uft.html** ; and **www.smh.com.au/entertainment/tv-and-radio/live-rats-torn-apart-not-high-impact-violence-classifications-watchdog-20180621-p4zmwy.html**

6 For example: **studentedge.org/article/why-did-netflix-raise-the-classification-rating-for-moonlight-in-australia**

7 Links to the Classification Branch's Netflix Reports: *Report on the Pilot of the Netflix Classification Tool*, August 2018: **www.classification.gov.au/sites/default/files/2019-11/report-on-pilot-of-netflix-classification-tool_0.pdf** ; and *Monitoring Program for the Netflix Classification Tool 2018–19*, September 2019: **www.classification.gov.au/sites/default/files/2019-11/monitoring-program-for-the-netflix-classification-tool-2018-19_0.pdf**

For example, according to the Branch's *Monitoring Report*[8], of the random sample of 66 decisions made by the Netflix tool, 53 of those decisions, or 80%, were revoked by the Board. While 36 decisions were revoked by the Board owing to differences in consumer advice, it must be understood that such differences are mostly caused by the tool's failure to either identify a classifiable element as contributing to the rating, or incorrectly claiming that an element is present. These changes were not motivated by stylistic preference. This means that the classification rating was correct, but not necessarily because the tool had identified the correct classifiable elements.

Thirteen of the 66 decisions, or 20%, were revoked because the tool had produced a rating that was one level *higher* than the rating produced by the Board, and four decisions (or 6%) were revoked because the rating was one level *lower.* This means that the tool produced an inaccurate classification rating (excluding consumer advice) 26% of the time (the accuracy of the tool for classification ratings only was therefore 74%).

This interpretation and assessment of the result of the tool's performance is a metric used by the Board and differs from that used by the Branch. In the Branch's analysis, each decision in which the Netflix tool produced a decision that was one classification level higher than the Board's was assumed to be a "*borderline decision*", and therefore compliant with the requirement of being "*broadly consistent*". Using that analysis, the accuracy of the Netflix tool was purported to be 89%. In the Board's opinion, monitoring of the Netflix tool requires analysis of three components: the rating produced; the consumer advice determined; and the impact level of all six classifiable elements.

In its reviews of Netflix tool decisions since the last formal monitoring program, the Board has found that the Netflix tool continues to over-classify various classifiable elements (often sex, nudity and language) and produce decisions that are not in keeping with Australian Board classification and community standards. Despite clause 6 of the Schedule of the Netflix Classification Tool Approval instrument stating, in part, that the tool must *produce classification decisions and consumer advice that are accurate and reliable to the extent that there is a high level of confidence in the tool*, there is no indication as to who is to make the assessment that the level of confidence is 'high', nor an explanation as to how this measure is to be made.

Satisfaction amongst Australian Netflix users (complaints management) is the sixth KPM for the Netflix tool[9]. The Board has always been concerned that after years of informing the Australian public that the Board and Branch are *not* the repository of complaints about free-to-air TV, there was no education campaign to inform the public that complaints about Netflix classifications were to be made to the Board, as those decisions are, after all, deemed decisions of the Board (section 22CF). Instead, the measure states that, *The Department and Netflix will continue to advise each other about complaints. All complaints will be provided to the Board for assessment*. It is the Board's preference that the Australian public is informed and invited to lodge its complaints or concerns about Netflix classification decisions directly with the Board.

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8   *Monitoring program for the Netflix Classification Tool 2018–19*, September 2019, Op cit.

9   Page 10, *Report on the Pilot of the Netflix Classification Tool*, August 2018, Op.cit

The third KPM for the Netflix tool is that it has to have the *Ability to display classifications (ratings and consumer advice) produced by the Tool on the Australian Netflix web browser interface*. The measure is *Ensuring Tool decisions are being published on the Australian Netflix interface in an accurate (agreed format) and timely fashion.* The Board has expressed ongoing concern that Netflix runs the consumer advice for consecutive film series together. This means that the consumer advice for successive seasons is combined and displayed simultaneously, when it is not applicable for a particular season. It has also been noticed by Board members that Netflix will advertise and make available films prior to the films being classified for Australia – a prominent example of this is the documentary series *The Last Dance*, about Michael Jordan and the Chicago Bulls. The film was released to the Australian market on 20 April 2020 and one week later was listed as "Adult" on the Netflix portal. It has appeared subsequently on the portal with an M rating without consumer advice displayed; however, as at 17 July 2020 there was no classification entry in the National Classification Database for the film. Netflix has now confirmed the oversight and rectification action has been initiated. This highlights the need for consistent cross-checking procedures to be developed and implemented between the Branch and Netflix.

Notwithstanding the foregoing, Netflix should be commended for its commitment to classifying its content, as classification is a requirement of Australian laws and there are other content platforms and distributors who currently choose not to classify their products. However, the Board still believes that the Netflix tool must meet the conditions of its approval. These are, by necessity, high standards, and must also be applied to any classification tools or schemes that may be developed and employed in the future.

The Board undertook preliminary work with the Branch on the early development of a prototype of a film classification tool, providing feedback on the assessment of all classifiable elements and paying particular attention to sexual violence, standards for coarse language and thematic content. The Board awaits further development of the tool and would value the opportunity of undertaking further work with the Branch on this project.

Conferences, Exhibitions and Media Releases

In July 2019, I attended the Australian film industry's International Movie Convention with Ms Alison Bickerstaff, Board Member, and in September 2019, I attended the Toronto International Film Festival during my travels while on annual leave – a truly outstanding experience.

In October 2019, I visited Melbourne to attend PAX, a gaming culture festival, and participated in a panel discussion titled, *Games and Moral Panic: Why Are We Here Again?* The panel strove to answer questions many gamers ask, in particular, why classification is such an important and enduring issue. It was a fully subscribed session with in excess of 400 people sitting and standing in the venue. The panel was chaired adeptly by Mr Ron Curry, CEO of the IGEA (Interactive Games & Entertainment Association). While some of us knew one another prior to the panel, none of us knew everyone – yet we worked seamlessly to engage with our audience and share with them our various roles within gaming. My thanks to all panel members and our audience for an excellent session!
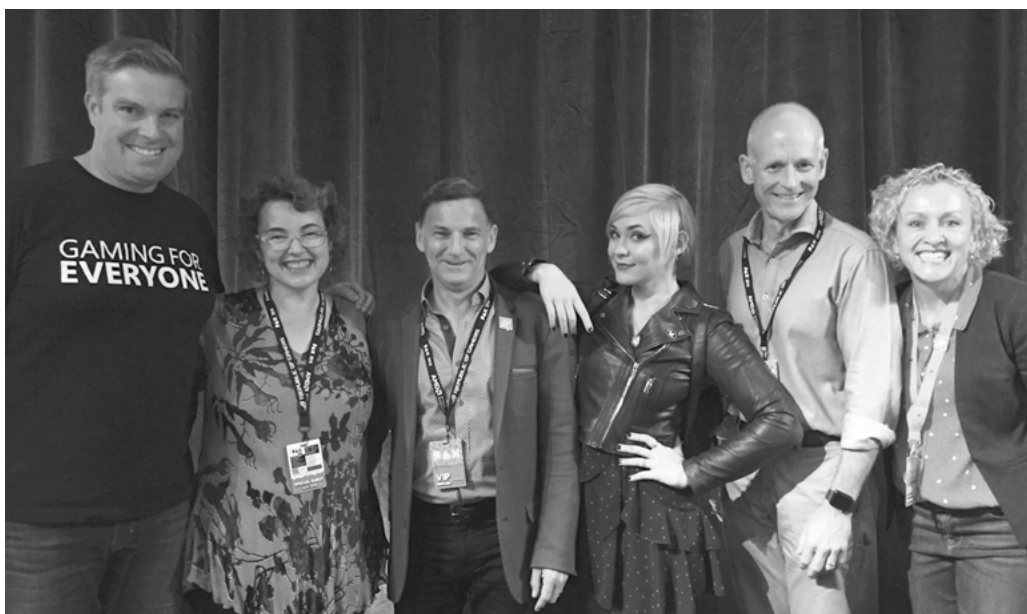
Left to right: Dave McCarthy, Corporate VP (Gaming/Xbox) Microsoft; Margaret Anderson, Director, Classification Board; Ron Curry, CEO, IGEA; Ella Lowgren, games developer; Jeff Brand, Professor, Bond University; and Raelene Knowles, Chief Operating Officer, IGEA.

Although the agenda had been set and I was looking forward to delivering jointly with my colleague, David Austin, Chief Executive of the British Board of Film Classification at the International Classifiers' Conference in Vancouver in April, the closure of international travel resulted in the abandonment of the conference for 2020.

Media releases I issued this year concerned the game *DayZ* and its forced RC owing to the current *Guidelines for the Classification of Computer Games* which prohibit "drug use related to incentives and rewards" at any classification level; the launch of the new Australian classification website; and concerns about the classification of certain Japanese anime films. Some of the media engagements I undertook this year included

an interview on Channel 7's *Weekend Sunrise*, and an arts feature piece in the *Sydney Morning Herald*[10] about classification generally. In April 2020, I participated in the global games' industry's *#PlayApartTogether* initiative[11], to encourage gamers to adopt best practices to help slow the spread of COVID-19.

Website redevelopment

The classification website is an important vehicle for providing information to members of the public about the classification of the content of entertainment media. The Board was consulted by the Branch during the reporting period on aspects of how the website would look and shared views on some key features. The end product has been highly beneficial to the Australian public and

10 www.smh.com.au/national/bongs-bare-bottoms-and-bad-language-behind-the-scenes-with-australia-s-chief-censor-20190904-p52nwd.html

11 igea.net/2020/04/playaparttogether-margaret-anderson-director-classification-board/

industry, with the Branch reporting that it has received positive feedback. The redeveloped website includes additional information the Board provides to further enhance consumer choices relating to upcoming theatrical release films.

Senate Estimates – Manga

On 3 March 2020, I appeared before Senate Estimates[12] and answered a series of questions from Senators Griff and Green about classification matters. Senator Griff followed up previous concerns he had raised in the Parliament about the classification of certain Japanese anime films and some manga titles that are not currently classified by the Board.

Online film and games classification training for industry

I have been able to finalise the creation of the course content for the eLearning modules called *Film Classification Training for G to R 18+* and *Consumer Advice for Films*. It has been a source of significant satisfaction to have developed resources for classification generally, the six classifiable elements, creation of consumer advice, as well as Fact Sheets for the authorised industry assessor schemes. A particular challenge was the finalisation of the Fact Sheet for Trained Content Assessors who provide advice to a Commercial Content Service. It is expected that the courses will shortly be available for use by industry. The equivalent eLearning module for the classification of computer games is currently in the stages of finalisation.

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12 Transcript – refer to pages 144-151

parlinfo.aph.gov.au/parlInfo/download/committees/estimate/c9f0f8f9-a8bd-44cc-b138-91154a03fbb0/
toc_pdf/Environment%20and%20Communications%20Legislation%20Committee_2020_03_03_7598_Official.
pdf;fileType=application%2Fpdf#search=%22committees/estimate/c9f0f8f9-a8bd-44cc-b138-91154a03fbb0/0000%22

The Classification Board
Left to right – Ms Ellenor Nixon, Mr Thomas Mann, Ms Rachel Merton, Ms Sally Ryan (Deputy Director),
Ms Alison Bickerstaff, Ms Margaret Anderson (Director), Mr Jarrah Rushton.

Thanks and Acknowledgements

On 17 February 2020, the Board farewelled its two longest-serving members, Dr Wayne Garrett and Mr Greg Randall. They both served with distinction and were lucky to enjoy a range of content and classifications over the maximum seven-year period of tenure.

This is my final overview as I, too, have almost served the statutory maximum of seven years. I have been blessed and fortunate to have had the opportunity to lead the Board, to position it in public fora like PAX and in the media landscape, and to champion its work and worth. I have been grateful to have the opportunity to forge relationships with different parts of three industries, academia, and overseas colleagues; to develop opportunities for collaboration, exploration and reform. This is an exciting time for classification – its construct and its policy intent, as well as its regulatory framework, are all under review. There is a need for reform and the government has taken positive steps to effect this.

I thank sincerely my fellow Board members for their commitment to classification and to ensuring that the Australian public is informed adequately and can exercise choices about the content they choose to read, see, hear and play. I also thank Mr Owen Mistler for his tenacity and determination to address our IT issues. I acknowledge the work of the Branch in its support of the operational functions of the Board; particularly Mr David Lock for his dedication, adept ability to problem solve and marvellous good humour, and thank Mr Aaron O'Neill for his leadership of the Branch and for his management of assorted issues over the past year. Finally, I extend my deep thanks to Ms Sally Ryan, Deputy Director. She has tackled many challenges this year, resolving myriad daily operational issues, delivering performance metrics, and ensuring statutory compliance and consistency in decision-making. I wish her well as she assumes the role of Acting Director upon my departure.

Margaret Anderson
Director
Classification Board

Classification Board profiles

Current Board members

Margaret Anderson

Director
APPOINTED 12 June 2018
APPOINTMENT EXPIRES 24 July 2020

Acting Director
APPOINTED 1 July 2017

Deputy Director
APPOINTED 25 July 2013
REAPPOINTED 25 July 2016

Ms Margaret Anderson, 54, was appointed Director of the Classification Board in June 2018. Prior to this, she was the Acting Director of the Classification Board for almost a year and the Deputy Director for four years.

Before her appointment to the Board, Ms Anderson completed an engagement in the Northern Territory working with Indigenous people, government agencies and non-government organisations to enhance services and personal development opportunities for disenfranchised youth and adult prisoners.

From 1995 to 2011, Ms Anderson held several positions with the NSW Department of Corrective Services including Director, Corporate Legislation and Parliamentary Support, as well as Executive Officer and Registrar of the Serious Offenders' Review Council. As Director, she led the development and implementation of numerous legislative reforms and as the Executive Officer and Registrar, she oversaw the case management plans of the state's most serious adult criminals.

Ms Anderson has held various positions with the Legal Aid Commission of NSW, the Cabinet Office and the NSW Legislature. She is also a member of the Executive Board of the Prisoners' Aid Association of NSW – a community organisation which offers support to prisoners and their families during and after imprisonment.

Ms Anderson has degrees in Arts and Law and holds a number of graduate certificates and diplomas in legal and management studies. When not watching a film, playing a computer game, listening to music, gardening, wandering through an old wares store, or reading a book, she is an avid participant in water-based exercise. If not in a pool or ocean, she may be found walking with family and friends by the coast or in a land-locked national park. The Northern Territory holds a special place in her heart: the Nightcliff foreshore of Darwin and the intense majesty and beauty of Tjoritja West MacDonnell National Park in central Australia.

Sally Ryan

Deputy Director
APPOINTED 21 March 2019
APPOINTMENT EXPIRES 20 March 2021

Ms Sally Ryan, 44, from Sydney was appointed as Deputy Director of the Classification Board in March 2019.

Prior to her appointment, Ms Ryan held various management roles in state government with the NSW Office of Sport and Venues NSW. As an experienced sport and leisure management professional, past roles have also included working with the Western Sydney Academy of Sport, University of Technology Sydney, Sydney 2009 World Masters Games Organising Committee, and Parramatta Stadium Trust.

Ms Ryan has a Master of Business Administration (MGSM), a Graduate Diploma in Law (Southern Cross University) and a Bachelor of Arts in Leisure Studies (UTS). As a parent of two, she is actively involved in her community through her children's school and sporting activities.

Alison Bickerstaff

Board Member
APPOINTED INITIALLY 21 August 2014
CURRENT APPOINTMENT EXPIRES 20 August 2021

Acting Deputy Director
APPOINTED 8 June 2018
APPOINTMENT EXPIRED 20 March 2019

Duties of Deputy Director
1 July 2017–7 June 2018

Ms Alison Bickerstaff, 40, was a small business owner prior to her appointment to the Classification Board in 2014, operating several busy hairdressing salons.

Ms Bickerstaff is a hairstylist by trade, and has experience as both an employee and proprietor. She has been responsible for training and mentoring apprentices and developing their competency. The training skills have been further developed in her current Board positions, as she has delivered first-instance and refresher training in classification to industry.

Ms Bickerstaff has a young family and has been involved in her local community through her children's school and sporting commitments. She has managed her son's junior rugby league team and has been a board member of the team's committee. She is also involved in a local group that gathers regularly to help control the spread of noxious weeds and help with bush and creek re-generation in her local area.

Ms Bickerstaff is passionate about the environment and wildlife conservation. Her interests include sustainable living, rugby league, horse riding, gardening, film and the arts and spending time with her family. She enjoys listening to a variety of music genres and is also involved in her local community's social media site, which covers issues such as neighbourhood watch, hazard/weather watch and cultural issues, and boosting community morale.

23

Jarrah Rushton

Board member
APPOINTED 21 August 2014
APPOINTMENT EXPIRES 20 August 2020

Mr Jarrah Rushton, 44, holds a Bachelor of Psychology and relocated from Western Australia to take up his position with the Board.

Mr Rushton has been involved in skateboarding for over 27 years as a participant, and as a volunteer for state and then federal skate associations for almost 20 years. He has concurrently worked in the skate industry, first in retail, then as a coach, as well as an event organiser and portfolio manager at a youth facility, co-founding a skate brand and managing various aspects of a wholesale and representative agency business.

His other interests include music, art, computer games, bushwalking, snowboarding, reading and supporting the Fremantle Dockers AFL team.

Thomas Mann

Board member
APPOINTED 1 June 2016
APPOINTMENT EXPIRES 3 April 2022

Mr Thomas Mann, 38, is a writer and teacher. He holds a Bachelor of Arts (Hons) in English Literature, and a Post Graduate Diploma in Editing and Communications. Mr Mann relocated from Melbourne to take up his position with the Board.

He has a background in writing for a variety of publications and was an editor for an online music website prior to his appointment. Through his work and personal interests, Mr Mann had an extensive involvement with the online community.

His local community involvement included support to the migrant community in Footscray as a volunteer English tutor and work with Melbourne's student community as a volunteer with the youth focused radio station SYN FM. Mr Mann has three children.

Ellenor Nixon

APPOINTED 1 June 2016
APPOINTMENT EXPIRES 3 April 2022

Ms Ellenor Nixon, 29, holds a Bachelor of Arts/Bachelor of Science and relocated from Merriwa, NSW, to take up her position with the Board.

Prior to her appointment, Ms Nixon was the assistant manager on her family's mixed farming property. She has been actively involved in the community through her work with the local rural fire brigade, landcare events, agricultural shows and charities as well as competing in local sporting competitions. She is currently studying for a Graduate Certificate in Agriculture.

Rachel Merton

APPOINTED 4 April 2019
APPOINTMENT EXPIRES 3 April 2022

Ms Rachel Merton, 44, lives in Mosman and holds a Bachelor of Arts in Psychology and Education from Macquarie University. She has extensive experience in both the private and public sector, including over 13 years as a senior executive with KPMG Australia. Prior to that, she worked in the Federal Government public policy areas of Family and Community Services as well as the Commonwealth Treasury.

Ms Merton is the mother of two young girls and pursues interests in equestrian activities as well as wool and beef farming through her family's pastoral and agricultural interests in the central west of NSW. She and her family are extensively involved in their local community through their local preschool, Church and in sport with netball and the North Sydney District Rugby League Football Club.

Temporary Board members

Under the Classification Act, the Minister has authorised the Director to appoint a person to be a temporary member of the Classification Board. A register of people suitable for temporary appointments is maintained and drawn on from time-to-time to provide short-term assistance in handling the workload of the Classification Board. Terms of appointment may be as short as one day and may extend to three months.

Jenny Burke

Ms Jenny Burke, 38, resides in the inner western suburbs of Sydney, and has a Bachelor of Commerce, majoring in Marketing and Organisational Behaviour.

Over the past 15 years, Ms Burke has worked as a freelance market research contractor and a research consultant for numerous social research firms and the Australia Council for the Arts. Ms Burke is a mother to two young boys and is actively involved in the local community. She particularly enjoys volunteering in a leadership role at a local playgroup.

Ms Burke worked 37 days as a temporary Board member during 2019–20.

Andrew Humphreys

Mr Andrew Humphreys, 50, lives in Sydney with his family. He is a writer and novelist with a background in publishing, having written for, edited and published a range of consumer magazines.

Mr Humphreys has degrees in Arts and Law and has also taught undergraduate and postgraduate media courses.

Mr Humphreys worked 83 days as a temporary Board member during 2019–20.

Jenny Fowler

Ms Jenny Fowler, 55, resides in the southern suburbs of Sydney. She has a Bachelor of Education, Primary.

Ms Fowler currently works as a Youth Justice Conference Convenor, conducting conferences for juvenile offenders as an alternative to court. She has also worked as a primary school teacher and as an "extra" in film and television. Ms Fowler has a 25-year-old son and a 22-year-old daughter. Her interests include travel, sport and keeping fit.

Ms Fowler worked 67 days as a temporary Board member during 2019–20.

Felix Hubble

Mr Felix Hubble, 28, splits his time between the inner west of Sydney and Melbourne's inner north. He has a Bachelor of Arts (Film Studies) (Digital Cultures) (Hons). Mr Hubble is a film programmer, avid gamer, and former editor of an online film journal.

Mr Hubble worked 67 days as a temporary Board member during 2019–20.

Wayne Garrett

Dr Wayne Garrett, 66, holds a BSc (Hons) and a PhD in Radiation Chemistry. He was a principal research scientist at the Australian Nuclear Science and Technology Organisation (ANSTO), was Head of the Nuclear Branch representing the interests of both ANSTO and the Australian Government as Counsellor (Nuclear) based at the Australian High Commission in London and was Australia's representative on the OECD's Nuclear Energy Agency steering committee in Paris. He was also involved in international programs with the International Atomic Energy Agency and the US Department of Energy to secure radioactive material from illicit uses, as well as to transfer peaceful uses of nuclear technology to developing countries in South East Asia.

Dr Garrett lives with his wife and daughter in Sydney, but grew up in Queensland. He has also lived and worked in Sweden, Japan and the United Kingdom as well as France and a variety of South East Asian countries and has wide experience with people from a diverse range of cultural backgrounds.

Dr Garrett worked 43 days as a temporary Board member during 2019–20. Dr Garrett finished his 7-year statutory maximum term of appointment on 17 February 2020.

Greg Randall

Mr Greg Randall, 59, has 35 years' experience in policing and criminal investigation within the NSW Police Force and other law enforcement agencies. He gained expertise in targeting, leading and commanding covert, complex and sensitive investigations into organised crime, as well as corruption in state, national and international jurisdictions. He attained the commissioned rank of detective inspector and received numerous awards and commendations, including being selected to participate in an international exchange program with the London Metropolitan Police.

Mr Randall is married with two teenage children. His interests include overseas travel, water and snow sports, politics and world affairs.

Mr Randall worked 22 days as a temporary Board member during 2019–20. Mr Randall finished his 7-year statutory maximum term of appointment on 17 February 2020.

Damien Carr

Mr Damien Carr, 32, is an actor based in the Inner West of Sydney who trained at Actors Centre Australia. Mr Carr also holds a Bachelor of Arts in Drama and English from Flinders University and a Diploma of Screen and Media from Sydney Film School.

Mr Carr worked 59 days as a temporary Board member during 2019–20.

Adam Hennessy

Mr Adam Hennessy, 45, lives in the western suburbs of Sydney. He has a Bachelor of Arts (History) and a Master of Policy and Applied Social Research. Mr Hennessy also holds an Advanced Diploma of Police Management and a Diploma of Policing from NSW Police where he served for 13 years.

Mr Hennessy has had further community involvement through his roles as a child protection caseworker for NSW Family and Community Services and the Department of Juvenile Justice. He also undertook the production of a monthly publication of local issues, events and social topics of interest within his community in western Sydney. Mr Hennessy is a father of three children.

Mr Hennessy worked 1 day as a temporary Board member during 2019–20.

Lora Pechovska

Ms Lora Pechovska, 32, lives in the north-western suburbs of Sydney. She has a Bachelor of Education (Secondary: Humanities) (Hons), a Bachelor of Arts (English Hons) and a Diploma in Digital and Interactive Games (Art).

Her community involvement includes working in educational environments such as teaching English as a Second Language (ESL), tutoring refugees and teaching English overseas. She currently works as a private English tutor and a retail assistant and visual merchandiser for a fashion retailer.

Ms Pechovska worked 46 days as a temporary Board member during 2019–20.

Raphael Richards

Mr Raphael Richards, 44, resides in the inner northern suburbs of Melbourne. He holds a Bachelor of Arts (Media Studies) and a Graduate Diploma of Education (Primary & Secondary). He has worked in the travel publishing industry and education sector for over a decade and has previously served as a board member for the Smartraveller program run by the Department of Foreign Affairs and Trade. Mr Richards is actively involved in his child's school community and sports programs.

Mr Richards worked 4 days as a temporary Board member during 2019–20.

Jennifer Marvello

Ms Jennifer Marvello, 56, now retired from full-time employment, lives in the south-western suburbs of Sydney. She holds a Certificate IV Training & Assessment and Certificate IV Government Administration and has trained Customs Officers in drug detection technologies, interpretation of x-ray images, and identification of prohibited imports and exports, particularly films and publications which had been, or were likely to be, Refused Classification.

Ms Marvello enjoyed many years in human resources, particularly rehabilitation and case management. She has previously worked intensively with students in a one-on-one remedial reading program in infants and primary schools.

Subsequently, Ms Marvello transferred to the Commonwealth Attorney-General's Department and developed and delivered training to industry assessors making classification decisions. She spent six years as Office Manager in a specialist dermatology practice, where she still works on an ad hoc basis. She has been involved in her community as a long-term fundraising chair at Kingsgrove Public School and the Kingsgrove Cricket Club.

Ms Marvello worked 14 days as a temporary Board member during 2019–20.

Iain Humphrey

Mr Iain Humphrey, 48, holds a Bachelor of Arts (French), from the University of Hull, UK. After graduation, he worked for a major brand consultancy as an operational specialist, before migrating to Australia in 2007.

In Australia, Mr Humphrey worked for Red Bee Media for 12 years, one of the leading providers of access services for blind and hearing-impaired audiences. He led production teams and oversaw the delivery of captioning and audio description services to major clients worldwide, including public and commercial broadcasters (both in Australia and overseas) and a number of government departments, including the Commonwealth Hansard Office and the New Zealand Parliament. Mr Humphrey also spent 4 years in Sydney working as a nanny providing care to children aged from birth to 7 years.

Mr Humphrey has strong computer skills, with extensive experience of captioning and audio description software and has been a hobby console "gamer" since his undergraduate days. An avid cinema-goer who visits a cinema 3–4 times a week, he has been exposed to the classification process in Australia and overseas, in both a professional and personal capacity. He has worked extensively in support of the hearing-impaired and blind communities and has voluntarily participated in a Sydney-based program for people affected by HIV/Aids.

Mr Humphrey worked 17 days as a temporary Board member during 2019–20.

Paul Tenison

Mr Paul Tenison, 66, resides in the northern districts of Sydney. Mr Tenison was previously a temporary Board member and has recently re-joined the Board following his retirement from full-time public sector employment with the Classification Branch. His previous work with the Branch included training of industry assessors and financial and policy management of the classification scheme.

Mr Tenison is married with 2 adult children and has 3 grand-children. He is active socially in his immediate community and through his grand-children's schooling and sporting activities. Thanks to family, Mr Tenison has travelled extensively through South America, New Zealand, Christmas Island and on the City Rail Network. His interests include motorbike riding, astronomy, current affairs and political science; he is an avid trivia player and is a prized asset in local competitions, as well as being an accomplished 'barbequer' at social gatherings.

Mr Tenison worked 10 days as a temporary Board member during 2019–20.

Other Temporary Board members

Mr Matt MacMaster did not work any days during 2019–20, as he re-located to the Northern Hemisphere.

Statistics

There are statutory time limits for the making of classification decisions – 20 days for standard applications and five days for priority applications.

Key achievements

The Classification Board (the **Board**) made 3,026 classification decisions in 2019–20, an increase from 2,833 in the previous year. There were no classification decisions on internet content referred by the Office of the eSafety Commissioner or enforcement agencies.

No decisions exceeded the statutory time limit of 20 days for standard applications and five days for a priority application.

A breakdown of the Board's workload is shown in Table 1.

Table 01: Board workload

Type of Classification Decision	Number of Decisions
Film (public exhibition (theatrical))	493
Film (sale/hire) – DVD/Blu-ray/Online	1,763
Film (sale/hire) – ACA	148
Film (sale/hire) – ATSA	283
Computer games	316
Publications	22
Serial publication declarations	1
Internet content	0
Enforcement	0
Sub-total	**3,026**
Other decisions	
Advertising assessment of likely classification – film	8
Advertising assessment of likely classification – computer games	0
Section 87 Certificates – Classification Act	0
Conditional cultural exemptions (section 6H – Classification Act)	12
Call ins	2
Revocation of classification	16
Decline to deal further	1
Unclassified	0
Total	**3,065**

Comparison with last year's workload

A comparison of the Board's workload this year compared with 2018–19 is shown in Table 2.

Table 02: Board workload – comparison

Measure	2018−19	2019−20	Percentage change
Overall classification decisions	2,833	3,026	7 percent increase
Public exhibition (theatrical) films	626	493	21 percent decrease*
Computer games	392	316	19 percent decrease
Film − (sale/hire) DVD/Blu-ray/Online	1,257	1,763	40 percent increase
Film − (sale/hire) ACA scheme	159	148	7 percent decrease
Film − (sale/hire) ATSA scheme	357	283	21 percent decrease
Publications/serial publication declarations combined	29	23	21 percent decrease
Board audits of serial declarations	0	1	100 percent increase

*It is important to note that the response of the Australian, state and territory governments to the COVID-19 pandemic, resulting in the closure of cinemas across Australia for several months, caused an unusual decrease in the number of Public Exhibition (**PE**) films classified over the reporting period. It is noted that in 2017−18 there was a 12 % increase in the number of PE films classified that year compared with 2016−17; and the number of PE films classified in 2016−17 represented a 6% increase on the number of PE films classified in 2015−16. Prior to the pandemic forcing restricted social conditions, the number of PE films being classified in this reporting year was on track to again be a likely increase on the number classified during 2018−19 (which was an increase on the number classified in 2017−18).

Pursuant to section 22CF, decisions made by an approved classification tool are taken, for the purposes of the Classification Act, to be decisions of the Board.

Table 03: Tool decisions deemed to be decisions of the Board – comparison

Measure	2018−19	2019−20	Percentage change
IARC tool	317,550	226,713	29 percent decrease
Netflix tool	1,923	1,525	21 percent decrease

Quality decision making

The Classification Board employs a number of practices and procedures to ensure quality of decision making:

▸ regular internal meetings are held and emails dispatched to ensure issues on current standards are communicated, debated and discussed

▸ all draft classification decisions are reviewed by the Deputy Director to ensure consistency in standards and approaches to decision making

▸ the new eLearning modules for films and computer games include contemporary examples of Board decisions and have replaced outmoded training material

▸ two professional development days are held each year attended by all members

▸ standardised internal procedures for managing applications.

Publications

The Classification Board made 23 decisions on commercial applications for classification of publications. This included 22 single issue publication classifications and one serial declaration.

Table 04: Commercial (single issue) publications decisions by classification

Classification rating	Number of decisions
Unrestricted	10
Category 1 restricted	10
Category 2 restricted	2
Refused Classification (RC)	0
Total	22

As indicated in Figure 1, 45.5 percent of single issue publications classified were Unrestricted, 45.5 percent were Category 1 restricted and 9 percent were Category 2 restricted and no publications were RC.

Figure 01: Publication classification decisions

Unrestricted
10
45.5%

Category 1
Restricted
10
45.5%

Category 2
Restricted
2
9%
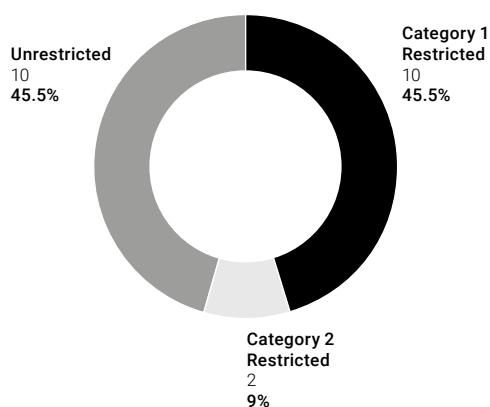
Serial classification declarations for publications

The Classification Act provides that the Board may declare that the classification granted for an original issue applies to future issues of a publication for a specified period or number of issues. The Board must have regard to the *Classification (Serial Publications) Principles 2005* in deciding whether to grant a serial classification declaration. As indicated in Table 05, the only serial classification application for declarations was for a publication that was classified Unrestricted.

Table 05: Serial classification declarations granted by classification

Classification rating	Number of Declarations
Unrestricted	1
Category 1 restricted	0
Category 2 restricted	0
RC	0
Total	1

The Classification Board revoked one serial classification declaration in 2019–20. This declaration was granted in 2018–19 to Bauer Media Limited.

Pursuant to section 13(5) of the Classification Act, the Board must revoke a serial declaration so far as it affects that issue and any future issues, if it is of the opinion that an issue of the publication covered by the declaration either: contains material that, if the issue were being classified separately, would cause it to be classified with a higher classification than the original issue; or contains an advertisement that has been refused approval.

# Films classified for public exhibition (theatrical release)

The Classification Board made 493 decisions on applications for the classification of commercial films for public exhibition. The reason for this year's marked reduction in the number of Public Exhibition (**PE**) films classified is noted under Table 02.

Table 06: Decisions on commercial films classified for public exhibition

Classification rating	Number of Decisions
G	34
PG	125
M	206
MA 15+	123
R 18+	5
X 18+	0
RC	0
Total	**493**

As indicated in Figure 2, 74 percent of PE film classifications during the year were in the advisory categories of G, PG and M with the highest number of individual decisions in the M category.

Figure 02: Decisions on films classified for public exhibition

R 18+
5
1%

G
34
7%

MA 15+
123
25%

PG
125
25%

M
206
42%
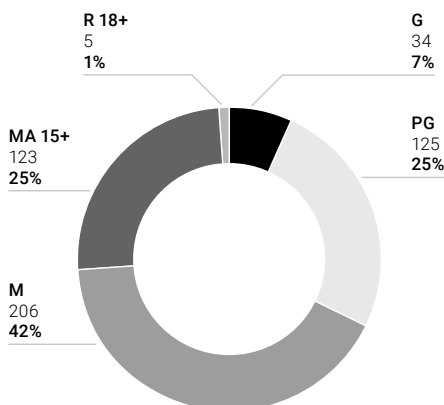
Films classified for sale/hire

The Classification Board made 2,194 decisions on applications for classification of commercial films for sale/hire including applications made under the ACA and ATSA schemes.

Table 07: Decisions on commercial films classified for sale/hire

Classification rating	Number of decisions
G	682
PG	431
M	640
MA 15+	418
R 18+	23
X 18+	0
RC	0
Total	**2,194**

As indicated in Figure 3, approximately 80 percent of classifications of films for sale/hire during the year were in the advisory categories of G, PG and M with the highest number of decisions in the G category. This is a change on past years, where the highest number of classifications has been in the M classification category, being aligned with the PE film decisions. The reason for the significant shift this year was the arrival of the Disney+ subscription video on-demand streaming service in Australia, and the compliance by Disney to have its older catalogue of films classified prior to the service launching on 19 November 2019.

No films for commercial sale/hire in the reporting period were RC.

Figure 03: Decisions on commercial films classified for sale/hire (including ACA and ATSA)

R 18+
23
1%

MA 15+
418
19%

G
682
31%

M
640
29%

PG
431
20%
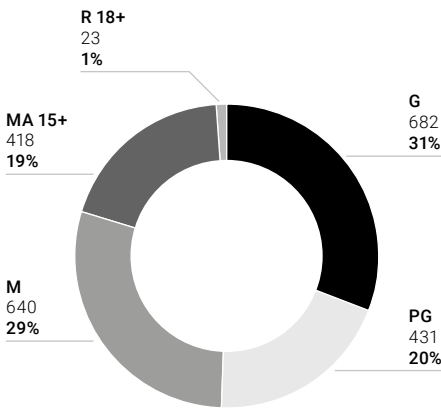
Film – sale/hire includes DVD/Blu-ray/Online content submitted directly to the Board for classification, as well as films submitted as part of the Authorised Assessor schemes (ACA and ATSA) where the Board is still responsible for the classification of the film, but its decision may be informed by an assessor's report and recommendation of classification rating and consumer advice.

Computer games

The Classification Board made 316 decisions on applications for computer games. The figures include applications made under the *Authorised Assessor Scheme for Computer Games* (**AACG**). Under this scheme, authorised assessors can make a recommendation about classification and consumer advice for a game at the G, PG or M classification levels. The Board is still responsible for the classification of the game, but its decision may be informed by an assessor's report and recommendation of classification rating and consumer advice.

Table 08: Commercial computer games decisions by classification

Classification rating	Number of decisions
G	84
PG	103
M	67
MA 15+	48
R 18+	13
RC	1
Total	**316**

80.4 percent of computer game classifications during the year were in the advisory categories of G, PG and M with the highest number of decisions falling in the PG category.

The Board determined one RC decision for computer games in the reporting period.

Figure 04: Computer game classification decisions (including AACG)

R 18+
13
4.1%

RC
1
0.3%

MA 15+
48
15.2%

G
84
26.6%

M
67
21.2%

PG
103
32.6%
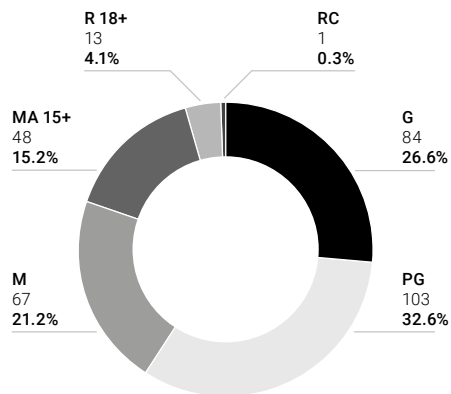
Table 09: Commercial computer game applications Refused Classification (RC) by reason

Reason	Number of decisions
Games RC 1(a)	1
Games RC 1(b)	0
Games RC 1(c)	0
Games RC 1(a) & 1(b)	0
Total	**1**

Note: The reason for refusing a computer game classification is a reference to the relevant item in the Code – refer to Appendix A.

Advertising approvals

The Board did not receive any applications for approval of advertisements under section 29 of the Classification Act.

Advertising assessments

The scheme for advertising of unclassified films and computer games allows advertising subject to conditions set out in the *Classification (Advertising of Unclassified Films and Computer Games Scheme) Determination 2009.*

During the reporting period, the Board made 8 assessments of the likely classification of films. No assessments were made of the likely classification of a computer game.

Table 10: Advertising assessments for films

Likely Classification	Number of Decisions
G	1
PG	2
M	5
MA 15+	0
R 18+	0
Total	**8**

Revocations

One decision was made to revoke the classification of a film, computer game, publication or serial declaration under sections 21A, 21AA, 21AB or subsection 13(5) respectively of the Classification Act during this reporting period. Revocations under approved classification tools are discussed in the section Approved Classification Tools on page 37.

Call ins

Under the Classification Act, the Director may call in, that is, issue a notice to the publisher to submit an unclassified film (section 23A), computer game (section 24), or a submittable publication (section 23) for classification. Similar call in provisions apply in relation to certain advertisements.

One call in notice was issued during the reporting period for a submittable publication, being Japanese manga.

Following Senate Estimates in February 2020, where the Director was questioned by Senator Griff (SA) about certain manga books, the Director wrote to two distributors to request that two titles be submitted for classification. These titles were: *Dragonar Academy 11* and *Inside Mari 5.*

The distributor of *Dragonar Academy 11* advised the book would be withdrawn from sale in Australia. The overseas distributor of *Inside Mari 5* did not respond so the Director exercised her call in powers from the retailer, Books Kinokuniya Sydney, which advised that the book would be withdrawn from sale.

Approved classification tools

The Classification Act provides for classification tools to be approved by the Minister to make classification decisions.

Decisions made by classification tools are deemed, pursuant to section 22CF of the Classification Act to be decisions of the Board. Section 22CH of the Classification Act provides for the Board to revoke a classification decision produced by an approved classification tool if the Board is of the opinion that it would have given the material a different classification or assigned different consumer advice. The Board may revoke a classification decision on its own initiative or on application.

During the reporting period, two classification tools were used to generate classification decisions pursuant to subsection 22CA(1) of the Classification Act:

▸ the International Age Rating Coalition (IARC) classification tool (the **IARC tool**) which produces Australian classifications for online games; and

▸ the Netflix classification tool (the **Netflix tool**) which produces Australian classifications for content delivered by the American technology and media-services provider and production company, which offers a subscription video on-demand service in Australia.

The IARC tool

During the reporting period, the IARC tool made 226,713 decisions which were published on the NCD. To ensure that the IARC tool makes decisions which align with decisions of the Board and Australian community standards, decisions of the IARC tool are monitored by way of the international program of participating IARC members called Global Overrides. Australia participates in this program, which checks games which might be high profile or which might be the subject of a complaint. During the reporting period, 2,644 IARC classifications were checked. If it was determined a classification should be changed as a result of a check, the National Classification Database was changed to reflect the new decision. Most of these checks caused the computer game to be given a higher classification.

In the Board's opinion, monitoring of IARC classification decisions is a significant responsibility and requires on-going dedicated resourcing.

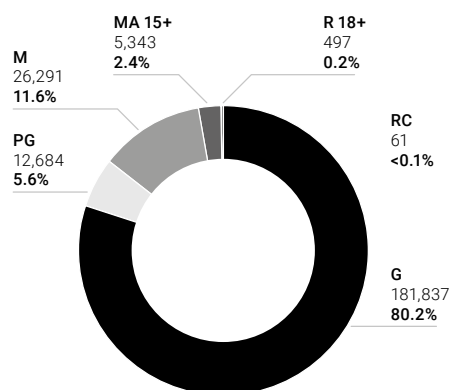**Figure 05: IARC tool classification decisions**

MA 15+
5,343
2.4%

R 18+
497
0.2%

M
26,291
11.6%

RC
61
<0.1%

PG
12,684
5.6%

G
181,837
80.2%

Table 11: IARC tool decisions by classification

Classification rating	Number of decisions
G	181,837
PG	12,684
M	26,291
MA 15+	5,343
R 18+	497
RC	61
Total	**226,713**

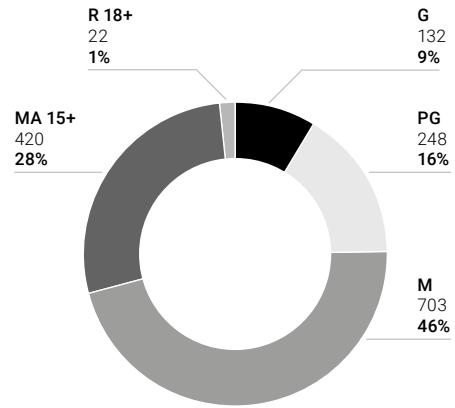## Figure 06: Netflix tool classification decisions

R 18+ 22 1%
G 132 9%
MA 15+ 420 28%
PG 248 16%
M 703 46%

The Netflix tool

From 1 July 2019 to 30 June 2020, the Netflix tool produced 1,525 decisions, at first instance, which were recorded on the NCD. No information is disclosed publicly on the number of Netflix tool decisions that were revoked by the Board in the reporting year, nor the number of duplicate classification decisions generated by the tool and removed from the NCD.

Table 12: Netflix tool decisions at first instance by classification

Classification rating	Number of decisions (at first instance)
G	132
PG	248
M	703
MA 15+	420
R 18+	22
RC	0
Total	**1,525**

Other functions

Exemptions to show unclassified content

Under the Conditional Cultural Exemption Rules, organisers for events such as film festivals and computer games expos, and for cultural institutions such as art galleries and museums, self-assess their eligibility for exemption to exhibit unclassified films, computer games and certain publications. If they comply with the standard conditions, event organisers register their event online in the classification portal.

During 2019–20, 381 festival events were registered.

During the reporting period, the Director received 12 applications for a waiver or variation to the exemption rules. Of these, the Director approved all of the applications in full.

Owing to the response of the Australian Government and state and territory governments to the COVID-19 pandemic resulting in the closure of cinemas across Australia for several months, a number of film

festivals still proceeded. They were, however, provided online and showed a limited number of films compared with previous years.

Subsection 6C(e) of the Act requires that the relevant material not be exhibited, demonstrated or screened more than the number of times specified in the Instrument, which is four screenings. The four screenings rule was clearly not designed for an online environment. While there may be an argument that each individual viewing of each film from a different device could itself be a separate showing of the film, the Director instead took the view that there were other means to assess the restricted number of screenings for example, through capped tickets and geo-blocking, rather than by reference to different viewers or devices.

Enforcement agencies

The Classification Board classifies films, computer games and publications submitted by law enforcement agencies. These classification decisions are often used in enforcement proceedings undertaken by the agency involved.

There were no applications made by enforcement agencies for classification decisions during the reporting period.

Internet content

Under Schedule 7 of the *Broadcasting Services Act 1992* (Cth), the Classification Board classifies internet content on application from the Office of the eSafety Commissioner. There were no applications for the classification of internet content during the reporting period.

Decisions

Films

Decisions for films were made using the *Guidelines for the Classification of Films* (2012) (the **Films' Guidelines**).

The Films' Guidelines explain the different classification categories and the scope and limits of material suitable for each category. Several principles underlie the use of the Films' Guidelines, including the importance of context and assessing the impact of the six classifiable elements (themes, violence, sex, [coarse] language, drug use and nudity).

The Board's general practice when providing consumer advice is to indicate the strongest classifiable element or elements which caused it to receive the designated classification level. The consumer advice is usually preceded by a descriptor to indicate impact or intensity, with this descriptor generally corresponding with the hierarchy of impact stated in the Films' Guidelines. The default consumer advice for G-rated films is 'general' where there is no content which in the Board's opinion warrants specific mention as consumer advice.

The following discussions and statistics about films relate solely to those decisions made by the Classification Board and exclude those made by the Netflix tool.

"ENCAPSULATES HOW ONE MAN BECAME AN EMPIRE"
Film Inquiry

HOUSE *of* CARDIN

a documentary about the life and design of the legendary icon
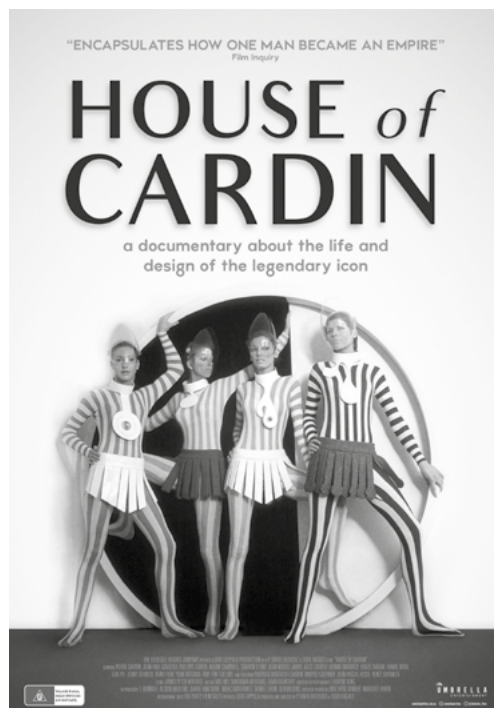
General

Out of the total of 2687 commercial films classified in 2019–20, 716 films were classified G.

The G classification is for a *general audience* and the films range across wide genres. Not all G-rated films are of interest or are suitable for a child or teenager because, for example, of storylines or thematic content.

Films classified in the reporting period include: *Cosmos*; *Giggle and Hoot: The Best of Giggle and Hoot*; *Jojo Siwa – Sweet Celebrations*; *Koko A Red Dog Story*; *Meeting Gorbachev*; *Paw Patrol: Ready, Race, Rescue*; *Shark School*; *The Christmas Letter*; and *The Tiger Who Came to Tea*.

Jumbo is an animated children's film in which two frogs scheme to cheat Jumbo the elephant out of his anticipated win in the local Spelling Bee. A dinosaur trains Jumbo to get his memory back and he wins the Spelling Bee. Given the largely verbal references to cheating and the moral lesson at the conclusion, the thematic content did not require consumer advice. The film also contains coarse language in the form of the words *"jerk"* and *"bum"*. This film's consumer advice is limited to 'very mild coarse language'.

Heavens to Betsy is an American comedy in which Betsy comes to a better understanding of God's will after all her prayers are suddenly answered at once, erasing her past and altering everything in her present. The film contains themes, including marital disagreement, violence (not requiring consumer advice) and very mild sexual references. After discovering that she is married to Darren, Betsy asks a servant, *"Do Darren and I sleep together?"* This film's consumer advice is 'very mild themes and sexual references'.

House of Cardin is a French documentary about the influential fashion designer, Pierre Cardin. There are interviews with his colleagues and friends as well as montages of his various collections and artistic pursuits. Themes including war, illness and death are explored over the course of examining Cardin's life and career. For example, black and white footage depicts a number of WWII battle aircraft, parachuting men, an explosion and a resulting smoke plume. Later in the film, a voiceover describes how Cardin's *"great*

love" died in 1983 from AIDS, with a tearful female friend saying, *"He died in my arms."* Given the depictions of violence use archival black and white footage and are in the context of describing Cardin's early life, consumer advice of very mild themes best describes the content and subsumes the element of violence. The film also contains very mild sexual references, including when Cardin says, *"I was very good looking so everyone wanted to sleep with me."* Montage footage of performances given in the *l'Espace Cardin* includes actors in tight-fitting flesh-coloured clothing which gives the appearance of nudity, as well as female breast nudity. The nudity is brief and appears in an artistic context, so can be accommodated within the G classification. This film's consumer advice is 'very mild themes, sexual references and brief nudity'.

L.O.L. Surprise! [On The Big Screen] is a cinematic event, hosted by Tahani and Mykal-Michelle, who are YouTube hosts for L.O.L. Surprise! videos. The film contains content centred on the L.O.L. Surprise! doll merchandise. The hosts talk directly to the audience and introduce segments of the film which include makeovers and short videos depicting L.O.L. Surprise! dolls in various scenarios. The film contains no classifiable elements and therefore warrants a G level of classification. The film's consumer advice is the default, 'general'.

PG

Parental guidance recommended

Out of the total of 2687 commercial films classified in 2019–20, 556 films were classified PG.

The PG classification stands for *Parental Guidance*. Films classified PG range across wide genres. Some films may contain material which some children or young people may find confusing or upsetting. It is intended that the viewing of PG-rated films by persons under 15 years of age is with the guidance of a parent or guardian.

Films classified in the reporting period include: *Around the World in a Flying Windmill*; *Bernie the Dolphin 2*; *Cats*; *Dolittle*; *First to the Moon*; *Frozen II*; *Garabandal: Only God Knows*; *Kings of Beer*; *Ocean to Sky*; *Ride like a Girl*; *Sir* *Edmund Hillary's Greatest Adventure*; *San Andreas Mega Quake*; *Scoob!*; *Steven Universe: The Movie*; *The Angry Birds Movie 2*; *The Call of the Wild*; *The Great Alaskan Race*; *Time Shifters*; and *Zombies 2*.

Dora and the Lost City of Gold is an American live-action adaptation of the animated television series Dora the Explorer. In one scene, short arrows start to whizz past Dora, some striking trees. Dora, Randy and Diego take cover inside the hollowed trunk of a fallen tree but some arrows begin to penetrate the rotted trunk – one striking a drink carton in Randy's backpack, causing him to think he is bleeding. One arrow then strikes the log at its apex, causing it to roll down a slope in the jungle with the group of friends still trapped inside. In another scene, the group strays into a pool of quicksand. Alejandro gradually sinks into the mire with his head disappearing below the surface. He is eventually pulled to freedom. Impact is further mitigated by the overall light tone of the film, with Dora often bursting into song or speaking directly to camera. As such, a classification of PG is warranted. The consumer advice is 'mild sense of threat'.

The Addams Family is a 3D animated comedy containing mild themes (including a car accident, scientific experiments and an exploration of the pressures of social conformity) and violence. Margaux and the mob of townspeople use a catapult to fire a boulder through one of the Addams' windows. Pugsley uses a slingshot to launch explosives at the boulders as they fall towards various family members, causing the boulders to explode into large bursts of flame. As the family tries to escape the damaged house, a boulder blocks their escape, trapping them inside. The ceiling above the trapped family begins to fall in, threatening to crush them. The collapsing ceiling is propped up by a magical tree, with Wednesday commanding

it to help her family, who are all pulled to safety by the tree's tendril-like branches. In the Board's opinion, the viewing impact is mitigated by the film's stylised animation and light-hearted, comedic tone. The consumer advice is 'mild themes and animated violence'.

Horrible Histories. The Movie Rotten Romans is a comedy about Atti, a Roman teenager who is sent to Britain after upsetting Emperor Nero. The film contains themes, including crude humour, and infrequent mild comedic violence that are inextricably linked within the film's narrative, which is loosely based on historical figures. Scenes include Claudius vomiting over a man's feet, and a man placing a metal container under his robes and implicitly urinating into it. The urine is heard splashing into the vessel in an extended sequence. During an implied gladiator battle scene (off-screen) in which the sound of clashing swords is heard, a woman sitting in the crowd has blood splashed over her tunic. During a highly stylised battle scene, a woman catches a man's decapitated head when it is implicitly cut off. She then tosses it to her husband, as she complains to him, *"Come on holiday, you said!"* The man says, *"Anyone missing a head?"* There is no blood or injury detail to the head, which is unrealistic in its depiction. The film's consumer advice is 'mild crude humour and comedic violence'. The German children's film (dubbed in English), *Little Miss Dolittle* (about a young girl who can talk to animals), similarly received consumer advice of 'mild crude humour' (a donkey has a bout of diarrhoea), 'violence' (a fox terrier is held hostage, threatened with a knife and the 'dognapper' is hit with a frying pan, accompanied by a comedic impact sound) and 'coarse language' (*"crap"* and derivatives).

Le Regard de Charles is a French documentary (with English subtitles) in the style of a visual diary, created from the hours of film which the singer and actor Charles Aznavour captured while touring the world, including footage from Senegal and central Africa. There are a number of occurrences of female breast nudity: a woman is viewed standing in a boat, smiling up at the camera; several women pole canoes; a woman walks on the beach and is then seen briefly rolling in the waves before getting to her feet. There are two utterances of coarse language: *"bullshit"* and *"hell"*. Given the naturalistic, non-sexualised context of the depictions of nudity and the occasional use of coarse language, the film's consumer advice is 'occasional mild coarse language and nudity'.

Legend of Deification is a Chinese animated fantasy film (in Mandarin with English subtitles) which depicts the quest of Jiang Ziya to find and kill the Nine-tailed Fox Demon. During the opening sequence, a montage of stylised battle scenes between rival fantasy creatures including demons and human characters takes place. Bright blasts, clashing swords and small splashes of blood are viewed as the frenetic battle continues. The film includes coarse language: *"shit"*, *"bullshit"*, *"bitch"* and *"bastard"*. The film's consumer advice is 'mild fantasy themes, animated violence and coarse language'.

Sonic the Hedgehog is a live-action adventure film based on the popular video game character. Despite the intensity and duration of the film's chase scenes, the lack of injury detail and the comedic tone mitigates the impact so that it can be accommodated within the upper most limit of the PG classification. The theatrically released version of the film received consumer advice of 'comedic action violence'; whereas the version released to home entertainment had 'and occasional mild coarse language' added to the consumer advice, because of the word *"ass"* in a deleted scene comprising part of the additional content.

Here Comes the Grump is an animated fantasy film in which a boy, Terry, is transported to the colourful Kingdom of Groovynham, where he must save Princess Dawn and her people from an evil wizard. Terry and Dawn enter an inflatable kingdom (the 'Helium Café') that is decorated with hookahs and shishas (oriental tobacco pipes with long flexible tubes used for inhaling substances) including menus for them on the wall. The bar is populated by anthropomorphic balloon figures sucking on straw-like devices protruding from 'gas canisters' and hookahs, and then exhaling rings of colourful gas. Several of the bar's patrons are depicted as stereotyped caricatures of various social-drug subcultures – such as beatniks, surfers or Rastafarians. The bartender (with bloodshot eyes) inhales from a canister and then speaks in a squeaky voice as he encourages Terry and Dawn to *"slow down"* and *"take a sip"*. Despite the fantastical and comical setting, the impact of the repeated verbal and visual allusions to real-world drug culture – and intoxication – warranted a PG classification. The consumer advice is 'mild drug innuendo'.

Fantastic Fungi: The Magic Beneath Us is an American documentary which explores the history of mushrooms and fungi, advocating for their medicinal usage. Thematic content includes in-depth discussions about the medicinal qualities of psychoactive mushrooms and footage of deceased animals, as well as drug use and drug references. In an extended montage of time-lapse photography there is a deceased mouse broken down by fungi. The overall impact of the treatment of themes and drug use within the context of the film is mitigated by the documentary format. The consumer advice is 'mild themes, drug use and occasional coarse language'.

Roxane is a French dramatic comedy (subtitled in English) that follows the story of a hen farmer, Raymond, and his hen, Roxane, as they launch a series of online videos in order to help save Raymond's farm from foreclosure. There are mild comedic sexual references such as when Wendy jokingly says to Raymond, *"To create a buzz for your co-op, do a sex tape with your wife. Or with your hen."* A subsequent video implies sexual innuendo between a rooster and a hen and includes the following lines, *"My big rooster! I've been so naughty today."* and *"Beat my eggs"*. The consumer advice is 'mild themes, coarse language and sexual references'.

Good Newwz is an Indian comedy (in Hindi with English subtitles) in which a mistake at an IVF clinic forces a couple of professionals from Mumbai to deal with a garish couple they detest. Thematic content includes references to abortion, following a mix-up with the sperm samples that have been used to inseminate the implanted eggs. Sexual references include, *"We were at it three times a day. Missionary, spooning, dog."* In addition, the film contains coarse language (*"shit"* and *"dick"*) and a comedic scene of drug use where it is implied that a man has smoked a marijuana joint which causes him to giggle uncontrollably at the mispronunciation of English words. The consumer advice is 'mild themes, sexual references, coarse language and drug use'.

IMOGEN POOTS   JESSE EISENBERG

VIVARIUM

YOUR HOME. FOREVER.

M   Recommended
for mature
audiences

Out of the total of 2687 commercial films classified in 2019–20, 846 films were classified M.

A film classified M is not recommended for persons under the age of 15 years. There are no legal restrictions on access.

Films classified in the reporting period include: *A Corner of the Earth*; *Ask Dr. Ruth*; *Beastie Boys Story*; *Bryan Callen: Complicated Apes*; *Chhapaak*; *Collingwood: From the Inside Out*; *Escape from Pretoria*; *God of the Piano*; *Il Bene Mio*; *Impractical Jokers: The Movie*; *Lockup*; *Loving Vincent: The Impossible Dream*; *Miles Davis: Birth of the Cool*; *Scarface 35th Anniversary*; *Space Battleship Tiramisu: Complete Season 1*; *The Peanut Butter Falcon*; and *Un Fils*.

The highest number of theatrical release and home viewing films was in the M classification category.

Seven Stages to Achieve Eternal Bliss by Passing Through the Gateway Chosen by the Holy Storsh is an American comedy in which a couple from Ohio, Paul and Claire, move into a Los Angeles apartment where members of a cult commit suicide in their bathtub. The film includes thematic content (suicide being the most impactful) as well as acts of violence. A cult member runs to the bathroom and startles Claire. The man then produces a cake-knife and climbs into the bathtub. He puts the knife to his throat and Claire shuts the shower curtain. Blood then sprays the inside of the shower curtain as the man implicitly cuts his own throat. A post-action visual depicts the man slumped in the bathtub with a small amount of blood on his neck as police officers inspect the body. Later, Paul throws an umbrella at Megan and it lodges in her torso. The umbrella opens and Megan falls backwards on the floor, with blood staining her clothing around the wound. In a point-of-view shot from Megan's perspective, Claire slams Megan with a birdhouse, implicitly killing her. The consumer advice is 'mature themes and violence'.

Midway is a dramatic action film based on true events during WWII between the US Navy and the Imperial Japanese Navy. The film contains war themes and violence which are inextricably linked within the film's narrative, which recreates the events surrounding the Battle of Midway. The film contains numerous lengthy sequences of battle footage between American and Japanese aircraft and warships, including dogfights between fighter planes, the bombing of warships and the use of missiles and artillery. There are frequent depictions of planes being shot down from the sky, with wings shot off or on fire, crashing onto aircraft carriers or into the ocean, and aircraft carriers

exploding after being attacked by torpedoes or bombs. There are occasional depictions of injured men, with bloody wounds, as a result of these battles. These depictions are brief and not graphic in nature. The film also includes coarse language in the form of the word "f**k". The consumer advice is 'war themes, violence and coarse language'.

Les Hirondelles de Kaboul is a French animated drama (subtitled in English), which follows the lives of two couples living in Kabul, Afghanistan, under the Taliban. The film contains themes, including religious zealotry and executions by firearm and stoning, and violence that are, at times, inextricably linked. The film is animated in a gentle, watercolour style, which is incongruous with many of the events of the narrative. Given the highly stylised animation techniques and the lack of explicit depictions of violence, the film can be accommodated within the M classification. The consumer advice is 'mature themes and animated violence'.

Vivarium is a Belgian/Irish/Danish drama (in English) in which a young couple, Gemma and Tom, go to a house viewing in a development of identical homes. When their realtor abandons them, they are trapped in the development. The film follows their slowly disintegrating mental health as they become increasingly distressed when they are unable to navigate their way out of the neighbourhood and unseen authorities order them to raise a baby which is delivered in a cardboard box.

As well as this thematic material, the film contains sexual activity and nudity that are interlinked. For example, in a distant wide-shot, Gemma and Tom are viewed from outside their bedroom window, implicitly having sexual intercourse. The vertical blinds and low light from lamps limit detail. Tom is on top of Gemma, lying between her legs, with his lower body covered by blankets. His body moves back and forth slightly as they

both pant in time with his movements. Most of Gemma's side is visible, with her leg bent beside Tom and brief distant breast nudity is visible. Their breathing is still heard as the camera focuses on the door, which is slightly ajar, revealing the character known as Boy, watching them. The use of distant shots and dim lighting further mitigates the impact. The film also contains coarse language in the form of the word "f**k" and derivatives. The consumer advice is 'mature themes, sex scenes and coarse language'.

Military Wives is a UK comedy-drama in which Kate, Lisa and other military wives form a choir, finding freedom in song and respite from anxiety and loneliness. The film contains sexual references that are justified by context. In one scene, Kate rants angrily at Lisa, telling her, in part, that her daughter is probably *"handing out BJs"*. Lisa responds, *"You don't hand out blowjobs… you do them with your mouth. Not that I'd expect you to know that. You probably tell Richard to keep calm and carry on when he's shagging you."* The film also includes coarse language in the form of the word *"f**king"*. The consumer advice is 'sexual references and coarse language'.

Gorillaz: Reject False Icons is a documentary about the British band Gorillaz. The film contains use of coarse language including infrequent use of strong coarse language in the form of the word *"f**k"* and derivatives as well as themes, including crude humour and nudity that are inextricably linked. Band members discuss a couple of crudely drawn characters that one of them has done on pieces of paper. The first is female with three oversized breasts. Another is an anthropomorphic dog holding its oversized penis in its hand. The band members laugh as they discuss the images. The consumer advice is 'coarse language and crude humour'. Similarly, *ZZ Top: That Little Ol' Band from Texas* is a documentary about the Texan

band ZZ Top. The film contains use of coarse language (*"f**k"* and derivatives), as well as drug references. At one point, a band member goes into detail about his use of drugs including LSD and heroin, in the days before he *"got clean"*. The consumer advice is 'coarse language and drug references'.

Like a Boss is a US comedy in which a cosmetics company run by two best friends is bought out by a shady conglomerate. The film contains themes and sexual references that are inextricably linked throughout the film in the form of crude sexual humour. Mia describes a sex dream to Mel and is presented with a cake prior to a baby shower which appears to depict a baby emerging from a woman's vagina, with vulva and pubic detail visible, constructed out of fondant. The cake is referred to as a *"pussy cake"*. The cumulative impact of the elements of themes and sex within the context of this film, mitigated by the comedic tone, is able to be accommodated within the upper limit of the M classification. The consumer advice is 'crude sexual humour and coarse language'.

#ANNEFRANK: Parallel Stories is a documentary which uses brief historical footage and narration to create an account of World War II. The film is presented as a series of interviews with five women who survived the Holocaust and their families, intercut with scenes featuring Helen Mirren as she reads from Anne Frank's diary in a recreated version of the room Frank hid in from the Nazis. The thematic content and depictions of violence impart an impact which exceeds mild, so that an M classification is appropriate. The consumer advice is 'holocaust themes' which subsumes advice for violence.

Motherless Brooklyn is an American neo-noir thriller set in 1950s New York, which follows a private detective with Tourette's syndrome. The film contains inextricably linked themes and violence that involve mob-style shootings,

the staged suicide of a minor character and a program of corruption and fraud among city officials. The film also contains episodic use of strong coarse language. There are several scenes in the film when *"f**k"* and derivatives occur frequently, but usually in conversational style and with little aggressive intent. These scenes are intermittent, with long sequences where no coarse language is used at all. The film also contains drug use, as well as drug and sexual references. Lionel talks about using marijuana to alleviate his Tourette's. Billy is approached by an admiring musician who asks him how he learned to play trumpet. He responds, *"Sucking off little white boys like you."* The consumer advice is 'mature themes, violence, coarse language, drug use and sexual references'.

La Belle Epoque is a French romantic comedy-drama (subtitled in English) in which a retired designer, Victor, recreates his youth with the help of a company of actors and becomes obsessed with the actress portraying his wife, Marianne. The film contains themes, including infidelity and racism, as well as violence, with the two elements, at times, inextricably linked. The film also contains sexual activity and sexual references. Marianne is depicted lying on her back in bed as Francois implicitly performs cunnilingus below camera. The man raises his head and Marianne tells him, *"Don't stop."* Marianne and Francois are depicted in a view that frames their faces and shoulders, lying in bed on their sides as they implicitly have sex. In another scene, Antoine rants, *"What about a blow job? A doggy-f**k?"* The film also contains drug use (including scenes which show several marijuana plants in pots and large piles of marijuana on tables and the floor) and a brief depiction of a group of nude men and women through a doorway, lying on a pile of cushions and kissing. A woman's breasts are viewed but, owing to the poses of the people in the room, there is no depiction of

genital nudity. The consumer advice is 'mature themes, violence, sex, drug use, coarse language and brief nudity'.

Eating Animals is a documentary which examines the practices and effects of factory farming in the USA and includes numerous depictions of dead and injured animals as well as scenes of apparent animal cruelty, such as cows with fractured legs being pushed across enclosures with the prongs of a forklift and rolled into wooden pens. The consumer advice is 'scenes of animal cruelty'.

Machine is an Australian documentary which explores the advantages and disadvantages of artificial intelligence. The film contains themes, including depictions of surgical procedures, as well as sexual references and nudity. The film also contains a dramatised sequence of violence, where hundreds of miniature robots are released from the cargo hold of a military plane. The bots then fly into a university lecture theatre, attacking and killing members of the audience. A video feed from one of the bots depicts a male corpse lying in a pool of blood on the floor of the lecture theatre. The majority opinion of the Board is that the impact of certain scenes is mitigated by the film's documentary context, allowing the film to be accommodated within the M classification. In the minority opinion of the Board, the cumulative impact of these scenes exceeds moderate and therefore warrants accommodation within the MA 15+ classification. The consumer advice is 'surgical scene, nudity and violence'.
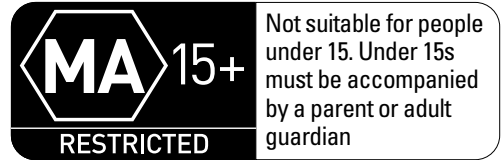
Out of the total of 2687 commercial films classified in 2019–20, 541 films were classified MA 15+.

Films classified in the reporting period include: *A Million Little Pieces*; *Alien Outbreak*; *Art of the Dead*; *Black Water*; *Chambre 212*; *Doom: Annihilation*; *Holly Slept Over*; *Iron Fists and Kung Fu Kicks*; *Night Hunter*; *Polterheist* [sic]; *Run Sweetheart Run*; *Sadistic Intentions*; *Satanic Panic*; *The Field Guide to Evil*; *The Murder of Nicole Brown Simpson*; *The Other Guy – Season 2*; and *Working Women*.

Butt Boy is an American comedy which follows Russel [sic], a newly sober detective who, as a result of his investigation surrounding the disappearance of a young boy, comes to suspect that his Alcoholics

Anonymous sponsor, Chip, has the power to absorb objects, animals and people into his rectum. Strong themes, primarily in the form of crude humour, are interlinked with violence. Russel pours liquid out of a bottle around the interior of Chip's intestines. Gas-clouds begin to form inside the tunnels of Chip's intestines and Russel is viewed lighting a lighter, causing the gas to ignite. Chip, standing behind a podium to deliver an award acceptance speech, farts audibly. The fart is immediately followed by the sound of a small explosion as Chip bursts into a spray of blood. Audience members, covered in thick, red blood, begin to scream and vomit. Viscous blood is depicted running down the fabric of an American flag in a close-up shot. The camera begins to zoom in on the overturned, blood-covered podium on the stage. As the camera zooms in, pieces of intestine and viscera are viewed on the podium as Russel emerges from behind it. The consumer advice is 'strong violence and crude humour'.

Measure for Measure is an Australian dramatic adaption of the Shakespearean play of the same title, set in a Melbourne housing commission apartment complex. The film's thematic content includes morality, mercy and justice. However, it is the scene at only 10 minutes into the film that necessitates an MA 15+ classification. A drug addict, who has been muttering racist comments, approaches two Asian women who are gardening in a courtyard. The man yells, *"What the f**k are you doing here?"* Another man tries to calm him, but the drug addict raises a gun and shoots one of the women. Blood sprays from the woman's side as she falls to the ground. The sound of the gunshot draws the attention of Angelo and Duke, who are standing by a window in an apartment overlooking the courtyard. The action is depicted from their view as the drug addict then shoots the man in the head, causing blood to burst and splatter onto the ground. The addict yells, *"F**king traitor!"* and briefly aims his gun at the other woman before fleeing. Close-up shots depict the addict's agitated state as he staggers around the courtyard, firing his gun as people run away. He walks to a basketball court and shoots a man in the leg. A close-up depicts blood bursting from the man's leg. The man drags himself across the court, away from the addict, and Jaiwara runs to assist him. The addict aims his gun at Jaiwara and fires. The bullet is depicted flying in slow-motion towards her. Claudio dives and tackles Jaiwara to the ground, saving her. The bullet strikes the man with the injured leg in the back and he falls to the ground. Angelo appears behind the addict and strikes him over the head with a bat. The addict falls from view and Angelo continues to swing the bat, implicitly beating the addict below screen. The consumer advice is 'strong violence'.

Le Daim (also known as *Deerskin*) is a French black comedy (with English subtitles) in which a man's obsession with his deerskin jacket causes him to blow his life savings and turn to crime. It contains comedic violence. A long montage sequence commences in which Georges follows people wearing jackets less special than his own, attacking them with a large sharpened fan-blade. He slashes one woman's neck, before impaling her through the torso. Blood stains the fan-blade as it protrudes through her back. Georges slashes a man's neck, resulting in a gaping wound and a large blood spray. In a close-up shot, the top half of the man's head, stained with blood, faces the camera as Georges stands over the body, filming it. The montage continues with Georges stabbing the fan-blade down through the roof of a car, impaling a woman through the top of the head, with blood running down her face. The consumer advice is 'strong comedic violence'.

The Gentlemen is a British-American crime comedy that follows an American expatriate who, having built a thriving marijuana empire in the UK, finds himself having to deal with various nefarious plots to steal his fortune. The film contains violence with several scenes depicting gangsters who have been shot surrounded by small pools of blood. The film also includes multiple uses of very strong coarse language in the form of the word *"c**t"*, in addition to use of the word *"f**k"* and derivatives, which is both aggressive and frequent. The consumer advice is 'strong coarse language and violence'.

Mob Psycho 100 II Complete Season 2 is a Japanese anime series (with English dialogue) about the adventures of Kageyama Shigeo (Mob), a high school student with psychic abilities who tries to live a normal life and keep his growing powers under control. The film contains strong supernatural themes and animated violence. In one scene, Mob enters a spirit realm and confronts Mogami, who refuses to leave the body of a young girl that he has possessed. Mogami uses supernatural powers to choke Mob, who uses his powers to summon a burst of energy. Flashes of blue light fly from Mob's body and strike Mogami, slicing through him and causing large bursts of blood to spray from his body, covering the screen. Mogami's torso is depicted lying in a large stylised smear of blood, his arms and lower body having implicitly been severed by the bursts of light. The consumer advice is 'strong supernatural themes and animated violence'.

The Lighthouse is a black and white drama in which two men tend to a lighthouse on a secluded island. The film contains strong themes as well as implied sexual activity and sexual references. These two elements are inextricably linked during a montage sequence which depicts Ephraim's descent into madness and contains thematic sexual content. Ephraim implicitly masturbates as he fantasises about a mermaid and recalls performing chores around the island. Brief shots depict Ephraim drinking heavily while shovelling coal and retrieving lobster traps. He stands, holding a mermaid statue, and implicitly stimulates himself, as insert shots depict the breast of a mermaid, fish tail-like vulva covering the mermaid's genital region, a spear being thrust forward, a mermaid's eyes rolling back in her head, tentacles wrapping other tentacles, Ephraim thrusting with his pants lowered while astride the mermaid, a mermaid pulling Ephraim into the ocean and a log floating on a body of water. Ephraim lets out a high-pitched squeal as he implicitly climaxes, before dropping to his knees, exhausted, throwing the mermaid statue and smashing it as he falls towards the ground. The film also contains strong violence in a scene in which blood splashes across Ephraim's face as he implicitly strikes Thomas with an axe below screen. The consumer advice is 'strong sexual themes and violence'.

The Nightingale is an Australian historical drama, set in colonial Tasmania in 1825. It follows the story of an Irish ex-convict, Clare, whose master, Lieutenant Hawkins, refuses to release her at the end of her sentence. The film contains strong themes, including cruelty, rape and the threat of sexual violence, linked with depictions of violence, including sexual violence.

In one extended sequence, Hawkins and two of his men arrive at Clare and her husband Aidan's home. When he sees they are planning to leave, Hawkins becomes angry and taunts Aidan about having had sex with Clare, saying, *"We've been f**king like mad."* Clare cries in shock, and the two men, Ruse and Jago, hold Aidan by the arms to restrain him. Hawkins hits Clare, and forces her onto a table where he proceeds to implicitly rape her. As he forces himself on the sobbing Clare, Hawkins turns

several times to look at Aidan, who screams and tries to break free of his captors, who are forcing him to watch Clare being raped. Their young baby can be heard crying loudly in the background.

Aidan manages to get away from the two men, and grabs Hawkins by the throat, but Hawkins is able to reach for his gun and shoots Aidan, implicitly killing him. Clare continues to sob and the baby screams nearby. Hawkins indicates to Ruse that it is his turn to rape Clare, which he does. Hawkins becomes increasingly agitated by the sound of the baby crying and orders Jago to shut it up. Jago picks up the baby and tries to quieten it but it continues to scream in distress. As Ruse continues raping Clare, Jago, in frustration, forcefully slams the baby against the door. He drops its lifeless body on the floor as Clare is forced to watch on, screaming. Ordered by Hawkins to *"finish her"*, Ruse strikes Clare with the butt of his gun and the screen cuts to black.

The threat of sexual violence and depictions of sexual violence are important to the film's narrative in its historical setting, and can be accommodated at the upper limit of the MA15+ classification. The consumer advice is 'strong sexual violence, violence, themes and coarse language'.

The Wild Goose Lake is a Chinese drama (in Mandarin with English subtitles) in which gangster Zhou Zenong hides out from the police and meets sex worker Liu Aiai, who has instructions to bring him in. The film contains violence and sexual violence that is strong in impact and justified by context. In one scene, Zhou impales an attacker with an umbrella. A close-up shot depicts blood on Zhou's hand as he clutches the weapon. The attacker drops a knife to the floor and winces in pain as Zhou implicitly drives the umbrella through his abdomen. Blood sprays onto the clear plastic

when Zhou opens the umbrella. The man is then shown hunched over in pain with the open umbrella protruding from his back.

In a later scene, Liu is shoved against a wall by a man who grips her neck as he forces his hand under her dress. He questions her about Zhou and she denies knowing him. Liu is then depicted leaning over a machine being jolted back and forth as the man forcefully holds her head down and implicitly rapes her. The man is depicted in an upper-body view as he implicitly thrusts and climaxes. Liu lies on the machine and slowly turns to discover that the man has slumped to the ground and has blood across his forehead. Liu adjusts her dress, walks away and is joined by Zhou, who drops the pipe he has implicitly used to strike the man.

The film also contains sex that is strong in impact and justified by context. In one scene, Liu lies on top of Zhou, kissing his chest and moving herself down towards his groin. Their legs and feet are viewed, intertwined, and Zhou's fingers are then depicted on the back of Liu's head as she implicitly performs fellatio. The boat they are lying on rocks gently with the waves and Zhou's face is viewed as he implicitly climaxes. Liu then leans over the side of the boat and spits a white fluid, implicitly ejaculate, into the water. The consumer advice is 'strong violence, sex and sexual violence'.

Color out of Space is a supernatural thriller in which an unsuspecting family, the Gardeners, is confronted with mutating alien forces when a meteorite crashes in their front yard. The film contains strong supernatural themes linked with strong violence. In one scene, Nathan enters the barn to find that his alpacas and other animals have been fused together to form one fleshy, bloody monstrous beast. He shoots the beast repeatedly with a rifle. Close-up shots depict the deformed alpaca heads exploding in sprays of blood

as he shoots them. Blood spatters his face and shirt. In another scene, Ward and the Sheriff enter a room to find Lavinia pinned to the floor by her mother and Jack, who have almost completely fused together to become a multi-limbed scuttling beast. Theresa raises her deformed head and snarls, before it explodes in a spray of blood as Nathan implicitly shoots it. He then places the gun to what remains of Jack's face on the beast's back before a shot is heard as he implicitly shoots it. The consumer advice is 'strong supernatural themes and bloody violence'.

Guns Akimbo is an action-comedy in which Miles is forced to participate in Skizm, a violent competition where people fight to the death for the entertainment of an online audience. The film contains strong themes, including crude humour, violence and nudity. The elements are, at times, inextricably linked.

In an early scene, Skizm goons enter Miles's apartment and knock him out by shooting a dart into his neck. A Skizm goon is viewed holding a large bloodied drill in a room with blood-splattered walls before Miles wakes to discover that he has bolts in the back of his hands and through his fingers that force him to hold a pair of guns. Later, Miles urinates into a toilet, struggling to control his aim as his hands are bolted to the guns. A phone rings and Miles turns towards it. The camera cuts to briefly show his penis, with a stream of urine continuing to spray from it over the toilet and bathroom.

The film also contains strong drug use. During a fight scene, Nix is knocked to the ground by a Skizm goon. She crawls to a bag of crystals (implicitly an amphetamine) that has spilled onto the ground during the fight and snorts the drug. An extreme close-up depicts the pupil of her eye rapidly widening and she leaps to her feet, proclaiming, *"I have the power!"* Nix then beats the goon with a hammer, with a series of X-rays depicting hammer strikes and the

goon's broken bones. The consumer advice is 'strong violence, crude humour, drug use and coarse language'.

The Australian Dream is an Australian documentary, focusing on the indigenous AFL player Adam Goodes and his story of race, identity and belonging. The film contains strong themes of racism as well as coarse language that is strong in impact, including three audible uses of very strong coarse language in the form of the word *"c**t"* in addition to written use of the word *"c**t"* as well as use of the word *"f**k"* and derivatives. The themes and language are inextricably linked.

Throughout the film, Goodes and fellow indigenous players describe their experiences as targets of racial vilification on and off the AFL field. Nicky Winmar describes playing an AFL match in 1993, and says, *"I can still hear them today… Then I was called a black c**t, and they were going to kill my family and they were going to find out where they lived. I just looked around, raised my jumper and I pointed to my skin and I said 'I'm black. I'm proud.'"* The consumer advice is 'themes of racism and strong coarse language'.

R 18+ — Restricted to 18 and over
RESTRICTED
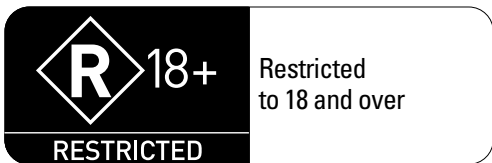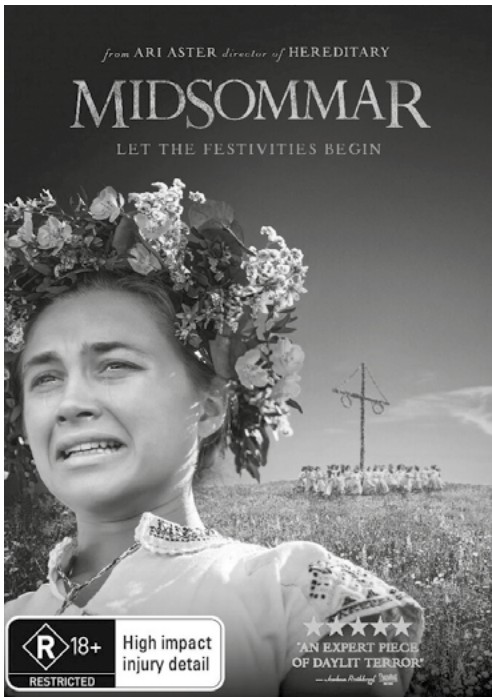
Out of the total of 2687 commercial films classified in 2019–20, 28 films were classified R 18+. There are virtually no restrictions on the treatment of themes within this classification.

Films classified in the reporting period include: *Bloodline*; *Clown*; *Cuck*; *Mapplethorpe*; *Marfa Girl 2*; *Secret Santa*; *The Boys: Season 1*; *The Courier*; and *Use Me*.

Koirat Eivat Kayta Housuja (Dogs Don't Wear Pants) is a Finnish drama (subtitled in English) which follows Juha, a widower whose experiments with consensual asphyxiation – administered by a dominatrix – induce near-death hallucinations in which he is reunited with his wife. The elements of themes and sex are inextricably linked throughout the film, which contains scenes of consensual asphyxiation and fetishes that are realistically simulated and high in impact. In the opinion of the Board, the implicit depictions of consensual asphyxiation and sexual fetishes are neither gratuitous nor exploitative and are contextually relevant to the exploration of grief and trauma within the narrative of the film. The consumer advice is 'high impact sexual themes'.

Midsommar is an American horror film in which a young woman, Danni, visits a remote Swedish village with her boyfriend and his friends to experience a traditional midsummer festival. The film contains themes including murder/suicide and graphic depictions of injury detail linked with violence that is high in viewing impact.

In an extended sequence, a ritual commences in which an older male and older female drink an unknown substance. It is previously indicated that at the age of 72, members of the "community" are to end their lives. Sombre music plays as the couple are carried, each sitting in a chair, to the top of a cliff. Fellow community members stand below the cliff and watch on, as the female nears the edge of the cliff. She spreads her arms and falls from the edge of the cliff, landing on a large rock below. She lands with a thud, and is viewed in a post-action visual, with a large cavernous hole in her skull. Brain matter and viscera is viewed as her mangled face (unrecognisable) and head (completely caved in) is viewed in a graphic close-up. The older male stands then jumps. He lands feet first with an accompanying thud/crunching sound. In a post-action visual, the male is viewed lying on the ground gasping and spluttering, still alive. His leg is contorted in a mangled mess, with bones protruding from his flesh. The on-looking community members wail as a man walks toward the injured man carrying an over-sized wooden mallet. The man raises the mallet, striking the injured male in the face.

The mallet is then passed to a female, who raises the mallet above her head and strikes him in the face. In close-up, the male's face is explicitly smashed-in with the mallet and his face opens up. Brain matter and viscera are viewed in a graphic close-up shot, as his face is smashed to a pulp. The consumer advice is 'high impact injury detail'.

3 From Hell is a crime film about a group of three serial killers who break out of prison and flee to Mexico. It includes frequent bloody violence with an emphasis on detailed acts of violence in the form of stabbings, which are high in impact. In one scene, the serial killer Baby Firefly chases a naked woman down a suburban street with a large knife. Baby tackles the woman and repeatedly stabs her in the stomach. The stabbing is clearly visible with a large amount of blood spray and splatter. The repeated stabbing is extended in duration with slow-motion effects used to highlight the blood splatter across Baby's face and the repeated plunging of the knife into the woman's abdomen. At one point, Baby plunges the knife into the woman's stomach and twists it around and around inside the wound. The twisting of the knife is depicted in a close-up camera angle with a large amount of blood detail visible. Owing to the extended duration of the film's most impactful examples of violence, and the frequency of the violence, the film must be accommodated at the R 18+ classification. The consumer advice is 'high impact violence'.

VFW is an American horror film in which a group of war veterans are forced to fight a group of punk mutants after a girl comes into their bar with a bag of stolen drugs. The film contains high impact violence, including a man's head exploding in a shower of blood and fleshy chunks. An axe is slammed down into a punk's shoulder. The punk falls to the floor and Walter begins stomping on the man's head. Shots of Walter yelling as he stomps are intercut with brief glimpses of the man's head being crushed by Walter's foot. Blood spatters the wall and squelching is heard, before a final close-up depicts the man's head completely obliterated into bloody mush as Walter stomps on it for the final time. The consumer advice is 'high impact violence, blood and gore'.

Slayer: The Repentless Killogy is an American narrative film which consists of an interview with the band-members of Slayer, a short film and a recorded live performance. The short film follows Wyatt, a former Neo-Nazi, who hunts down members of his old gang after his wife is murdered. It contains violence that is high in viewing impact, featuring extended sequences of bloody violence, including the use of guns and knives and depictions of injury detail. In one scene, Wyatt fights David in a carpark. They roll over several times, exchanging multiple punches to the face. Wyatt lands on top and pulls out a flick knife, extending the blade. In a close-up shot, David's bulging eye is depicted being levered out of its socket, causing a spray of blood detail. Viscera is visible attached to the eyeball as it is flicked out of frame. The camera immediately cuts to a side-view close-up shot of David's lower torso as Wyatt slices him open with the knife. Wyatt then explicitly shoves his hand up to the forearm inside David's chest cavity. After several seconds, Wyatt pulls out David's heart and shows it to David. The consumer advice is 'high impact violence'.

X 18+ Restricted to 18 and over
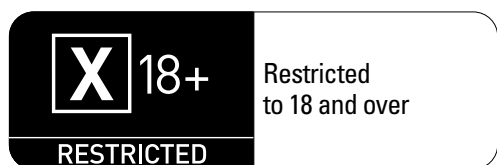
RESTRICTED

The X 18+ classification applies to films only. It is a special and legally restricted category which contains only sexually explicit material: that is, material which contains real depictions of actual sexual intercourse and other sexual activity between consenting adults. X 18+ films are restricted to adults 18 years and over. These films can only be legally sold or hired in the Australian Capital Territory and parts of the Northern Territory.

Films classified X 18+ can contain real depictions of actual sexual activity between consenting adults, but the classification does not allow violence, sexual violence, sexualised violence or coercion. Nor does it allow consensual depictions which purposefully demean anyone involved in that activity for the enjoyment of viewers.

No commercial films were classified X 18+ during 2019–20.

Refused Classification (RC)

Films that are classified RC cannot be legally sold, hired, advertised or exhibited in Australia. Films will be classified RC if they depict, express or otherwise deal with matters of sex, drug misuse or addiction, crime, cruelty 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. Films that describe or depict in a way that is likely to cause offence to a reasonable adult, a person who is, or appears to be, a child under 18 years (whether the person is engaged in sexual activity or not), will also be classified RC;

as will films that promote, incite or instruct in matters of crime and violence. Films depicting gratuitous, exploitative or offensive depictions of violence with a very high degree of impact, including sexual violence, will also be RC.

No commercial films were classified RC in the reporting period.

Computer games

Decisions for computer games were made using the *Guidelines for the Classification of Computer Games* (the **Games' Guidelines**).

The Games' Guidelines explain the different classification categories and the scope and limits of material suitable for each category. Several principles underlie the use of the Games' Guidelines including the importance of context and assessing the impact of the six classifiable elements (themes, violence, sex, [coarse] language, drug use and nudity).

The Board's general practice when providing consumer advice is to indicate the strongest classifiable element or elements contained in the game which caused it to receive the designated classification level. The consumer advice is usually preceded by a descriptor to indicate impact or intensity. This descriptor generally corresponds with the hierarchy of impact stated in the Games' Guidelines.

The following discussions and statistics about computer games relate solely to those decisions made by the Board and exclude those made by the IARC tool.
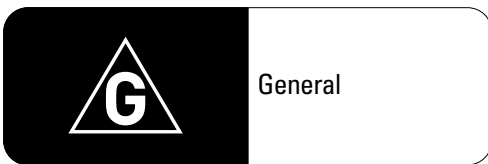
General

The G classification is for a general audience. While many games at the G classification are targeted at children, it does not necessarily mean that a child will enjoy all games classified G. Games at the G classification may also contain online interactivity and in-game purchases.

Out of the total of 316 computer games classified in 2019–20, 84 computer games were classified G.

Computer games classified G in the reporting period include: *Animal Crossing: New Horizons*; *House Flipper*; *Farming Simulator 20*; *Garfield Kart Furious Racing*; *Just Dance 2020*; and *Super Monkey Ball: Banana Blitz HD*.

Bee Simulator is a simulation game in which the player assumes the role of a bee and learns about the life of a honey bee while collecting pollen and searching for a new hive in Honey Park. The playable character, Beezare, occasionally encounters enemies such as wasps or hornets and engages them in territorial fights. During these fights, Beezare and the rival insect fly into each other. When an insect is defeated, a ring of stars appears above its head and it flies away. The impact of the violence in this simulation of insect life is very mild and mitigated by the lack of injury detail. The game's consumer advice is 'general'.

F1 2020 is the officially licensed racing game of the 2020 Formula One World Championship and contains all the drivers, teams, vehicles and tracks from the 2020 season. The main aim is to successfully compete in a variety of game modes including career mode, time trial, and championship. Drivers can crash their cars into other vehicles or barriers but there is no depiction of injury to drivers. Small pieces of debris may be seen coming off vehicles if they hit a wall. The game has online interactivity in the form of multiplayer modes and leader boards. The game also contains in-game purchases, including various items and paid access to a tiered rewards system. Purchases are made using an in-game currency, Pitcoin. Bundles of Pitcoin are purchased using real-world currency. The game's consumer advice is 'general, online interactivity and in-game purchases'.

PGA Tour 2K21 is a golf simulation game with a single-player career mode, multiplayer modes and a course creator. The game has online interactivity in the form of online multiplayer tournaments. It also contains in-game purchases whereby players use real-world money to purchase in-game currency, which can then be spent on virtual items including clothing and equipment. Players can also form online societies. Society members can compete in the society's season events, which may include an event purse made up of the

entry fees of players and additional currency from the society's bank (which is grown through membership fees and player donations). The game's consumer advice is 'general, online interactivity and in-game purchases'.

Jeopardy is a computer game adaptation of the television game show Jeopardy. Contestants are asked general knowledge trivia questions to solve with clues displayed in text boxes. During *"Daily Double"* and *"Final Jeopardy"* rounds, the player can choose how much of their winnings they would like to wager. They are asked, *"How much do you want to wager?"* If the player wagers more, they can win more but also lose more. Likewise, if they wager less there is less at stake. The Board found that the use of the word *"wager"*, despite the game's TV game show context, imparted a very mild thematic impact, which is appropriate at the G classification level. The game's consumer advice is 'very mild gambling references, online interactivity'.

Autobahn Police Simulator 2 is a police simulation game in which the player patrols a highway and makes arrests as they move through the ranks of the police force. The player drives a police car and patrols an autobahn, investigating the scenes of accidents and stopping drivers to conduct interviews, test them for the use of alcohol and drugs, and/or search their vehicles for illegal items. When making an arrest, the player character is able to aim a gun at the suspect. The player is not able to fire the gun and there is no depiction of any act of violence in the game. The player character is able to arrest drivers of vehicles for possession of an *"illegal item"*. The consumer advice is 'very mild themes and drug references'.

PG | Parental guidance recommended

Computer games in this classification contain content that a child may find confusing or upsetting and may require the guidance of a parent or guardian, who needs to make decisions about appropriate entertainment material for their child.

Out of the total of 316 computer games classified in 2019–20, 103 computer games were classified PG.

Computer games classified PG in the reporting period include: *Street Power Football*; *Final Fantasy Crystal Chronicles*; *Jumanji the Video Game*; *Legends of Runeterra*; *Real Heroes: Firefighter*; *A Hat in Time*; *NHL 20*; *Ben 10: Power Trip*; and *Paper Mario: The Origami King*.

Skully is an action adventure RPG in which the player, as Skully – a reanimated skull brought back to life by the power of magical

clay – travels around various obstacles on a mission to unify a family of elemental gods. Typical gameplay consists of Skully rolling around an island and using pools of magical clay to transform into various golem-like characters that allow him to punch through walls of rock or leap onto ledges. While travelling to the homes of Terry's siblings, Skully encounters obstacles including blobs of water or lava. Skully is able to pop the bubbles and punch the blobs of lava, causing them to burst and disappear. Other obstacles include waving tentacles that Skully must dodge. During one section of the game, after Terry has trapped his siblings in a jar he turns on Skully, announcing, *"I'm taking your life-heart, Skully, and nothing is going to stop me! … I brought you here and now I'm taking you out."* Skully must roll around a cave, dodging rocky protrusions and other obstacles in order to defeat Terry. The Board found that the impact of the treatment of themes exceeded very mild and that a PG classification was warranted. The consumer advice is 'mild fantasy themes'.

Little Town Hero is a fantasy role-playing game in which the player takes the role of a young boy who sets out to discover why monsters are attacking his isolated village. Set in a colourful, cartoon-like fantasy world, the game uses a third-person perspective and a highly stylised 3D graphics engine to render characters and environments. Gameplay consists of exploration and navigating dialogue boxes in order to complete various tasks, as well as learning to defeat the range of monsters attacking the protagonist's village. Combat is turn-based, with the player, armed with a fist and a shield, selecting from a wheel of attacking options to discover the correct strategy to defeat each opponent. Strikes are depicted with colourful flashes of light and are accompanied by animations showing enemies staggering backwards. Brief animations at the end of each battle depict defeated enemies as dazed or lying on the ground. In addition to the turn-based combat sequences, scripted cut-scenes depict various monster attacks. In one scene, a man named Trucco transforms into a giant shaggy monster and smashes the ground with his fists. An old woman, Granny Yarne, flies backwards and is knocked out. The consumer advice is 'mild fantasy themes and violence'.

Ori and the Will of the Wisps is a side-scrolling action-platforming game in which the player must play as a small glowing creature named Ori in order to navigate a variety of environments and discover Ori's true destiny. The game contains themes, including scary scenes, that have a low sense of threat or menace and are justified by context. The overall tone of the game also contributes to the sense of threat, with the forest setting occasionally being quite dark (especially at night) and containing elements such as piles of bones in the background, and spines which serve as bridges which move as the player character walks across them. The character and creature design, including creatures with spider-like limbs, sharp teeth and spiked bodies, and the moody orchestrated score also contribute to the impact. Typical gameplay requires players to navigate Ori through a variety of environments in order to complete quests and progress through the game's story. Players view the action through a distant point of view as they use a combination of jumps, weapons, including flaming sticks, and special abilities, including slashing and ranged attacks, to avoid and destroy environmental hazards, fight enemies and solve puzzles. When hitting enemies with flaming sticks, flame effects are viewed surrounding the affected creature. The flames are viewed lingering on the creature while it continues to receive damage from the elemental effect for a short amount of time. The consumer advice is 'mild fantasy themes and violence, online interactivity'.

Fairy Tail [sic] is a turn-based role-playing game in which the player battles against numerous enemies with their magician guild, Fairy Tail. Throughout typical gameplay, the player engages in turn-based combat with a variety of humans and fantasy creatures including dragons and spirits. The player attacks them with weapons, magical bursts and their fists and feet, often accompanied by animations depicting colourful bursts of light. Upon attack, enemy health bars are depleted. There are no depictions of injury or blood detail throughout the game. In one section of the game, a group of female characters visits a pool in their swimsuits. Their low-cut bikini tops emphasise their cleavage as they talk and play in the pool. Exaggerated physics emphasise the movement of their breasts as they swim. There is no depiction of nudity within the game. The game also contains infrequent use of mild coarse language in the form of the words *"bastard"*, *"crap"* and *"ass"*. The consumer advice is 'mild fantasy violence, sexualised imagery and coarse language'.

SpongeBob Squarepants: Battle For Bikini Bottom – Rehydrated is a 3D platformer game in which the player controls SpongeBob, Patrick and Sandy as they attempt to defeat an evil brigade of robots. The game has online interactivity in the form of co-operative play. Throughout the game, SpongeBob engages in combat with malevolent robots, occasionally in the context of larger boss fights. A typical boss fight that occurs early on in the game pits SpongeBob against a large robot which resembles his friend Sandy. When the robot strikes SpongeBob, his sprite flashes white. When SpongeBob attacks the robot, their sprite lies on its back, flashing red. In some sections of this fight, the robot's head falls off its body. As this happens, the head is picked up by the player's sprite and tossed away. There is no blood depicted or further injury detail. In some sections of typical gameplay, SpongeBob collects underwear, which is 3D

rendered and scattered across the map. In one section of the game, graffiti on a wall reads, *"Your Bikini Bottom Stinks"*, a double-entendre reference to dirty underwear and the location in which the game is set. Impact is mitigated by the game's comedic tone and cartoon-like graphical style and is no higher than mild. The consumer advice is 'mild violence and crude humour, online interactivity'.

Recommended for mature audiences
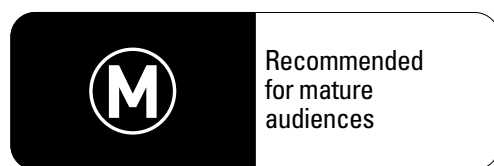
Computer games classified M are not recommended for persons under 15 years of age. Accordingly, they require a mature perspective. There are no legal restrictions on access, and ultimately it is the responsibility of a parent or guardian to make decisions about appropriate entertainment material for their child and to provide adequate supervision.

Out of the total of 316 computer games classified in 2019–20, 67 computer games were classified M.

Computer games classified M in the reporting period include: *Bleeding Edge*; *Final Fantasy VII Remake*; *The Elder Scrolls Online: Greymoor*; *Hunting Simulator 2*; *The Jackbox Party Pack 6*; *Star Wars: Jedi Fallen Order*; *Streets of Rage 4*; *WWE 2K20*; and *Risk of Rain*.

Immortal Realms: Vampire Wars is a strategic role-playing game in which turn-based combat is combined with empire management and card-game elements. The game is set in a fantasy world ruled by vampire lords. The player takes the role of the leader of one of three vampire clans and is tasked with managing and growing that empire by capturing territory, recruiting armies and managing resources. Combat between the armies is viewed from a distant third-person isometric perspective. The player selects their movements on grid-like battlefields, with a focus on tactics and strategy. Much of the most impactful material occurs in the game's cut-scenes. For example, during the introduction cut-scene, a man is viewed upside down with blood dripping from his face into a bowl. In the background, a woman is painting a tree and two male faces on an animal skin, implicitly using blood. It then jumps to a static image of the two men in the painting, one of whom is implicitly cutting the other's throat. Blood sprays from the victim's neck. The impact of the treatment of themes and violence was mitigated by the static and post-action nature of the most impactful depictions, allowing the game to be accommodated within the M classification. The consumer advice is 'fantasy themes and violence'.

The Legend of Heroes: Trails of Cold Steel III is a role-playing game set in a futuristic fantasy world in which a group of students in a military academy uncovers the secret plots of clandestine organisations and attempts to prevent war with a rival nation. Throughout typical gameplay, multiple large-scale battles between humans and fantasy creatures occur. Characters attack each other with swords, firearms, spears, knives and other fantasy weaponry. Interactive combat within the context of the game is turn-based, with the player selecting the attack and target. As such, combat is not frenetic and its overall impact is mitigated. The game also contains sexual themes and innuendo. In one section of the game, in an extended sequence which is intended to be comedic in tone, two women – Shirley and Duvalie – discuss boys. When discussing their physical prowess, one of the women says, *"I'm getting kind of excited just thinking about it"*. She asks, *"Can't I just have a little taste?"* The conversation continues briefly before Shirley shoves her arm under Duvalie's armour and implicitly gropes her breast, comparing it to another friend's breast. The sequence pans up before Duvalie is depicted sitting on the ground, embarrassed. Shirley tells Duvalie to chill out and the sequence concludes. The game's consumer advice is 'fantasy violence and sexual themes'.

Cloudpunk is a role-playing game in which the player, as a driver named Rania, delivers packages across a cyberpunk-styled metropolis for a mysterious company called Cloudpunk. The deliveries and other missions are depicted in a distant, isometric view as Rania moves through the dimly-lit streets of the city. When Rania speaks with the delivery dispatcher or customers, their conversations appear in text accompanied by small portrait icons. During these missions, Rania encounters a nightclub bouncer who asks her to bring him a fictional drug called Joos. Rania agrees and visits a character named Big Narko to collect the drug. An inventory of icons depicting items Big Narko has for sale appears on screen including Liquid Sun (a liquor) and a small bottle of green liquid labelled Joos. A caption beside the bottle notes, *"'A golden brown high with a steady comedown.' Everyone knows Joos was a legal*

stimulant until the drug company failed to pay their kickback to CorpSec." Rania purchases the Joos and delivers it to the bouncer but there is no depiction of its use in the game. During another section of the game, Rania meets a woman named Molly on the street. Molly is apparently dressed in latex and tells Rania that she is a sex worker and dominatrix, noting *"It is honest work. I make people happy."* Rania asks, *"Does it feel bad hurting people? Even if they want it?"* Molly replies, *"No. Not at all. I am helping them… They thank me with words and huge handfuls of money."* Given that the interactions between Rania and other characters are largely text-based, the impact of the treatment of themes and drug references is mitigated. The consumer advice is 'mature themes, drug references and coarse language'.

Is It Wrong To Try To Pick Up Girls In A Dungeon? Infinite Combate [sic] is a combined graphic novel and dungeon-crawling role-playing game. The player controls one of two characters, Bel and Ais, through the 15 chapters of the game. The game is divided into two parts, one of which is a graphic novel featuring still images with limited animation. The various female characters are generally depicted with large breasts and wearing clothing which exaggerates their cleavage, which is further emphasised by the use of camera angles. The game also contains a gallery of images, presenting scenes from the graphic novel. For example, a woman is viewed from behind in the shower where the side of her breast and buttocks are obscured by steam. The same woman is also viewable in various outfits including a leotard with fishnet stockings and bunny ears. Another woman is viewed kneeling with a man's head in her lap. Part of her armour has been implicitly ripped off, revealing most of the underside of her breast. The animation in the image depicts the man's eyes opening and looking up before he blushes and closes his

eyes again. A woman is viewed in a mid-shot from the front, depicting her upper body. The majority of her breasts are visible, however, nipple detail is obscured by her arm and hand which she has wrapped across her body. There are also several images of women in a sauna who are implicitly naked. Their breasts are obscured by steam, however, cleavage is visible. When the steam clears, the women are depicted wearing bikinis. The impact of sexualised imagery throughout the game warranted an M classification. The consumer advice is 'sexualised imagery'.

Crucible is a third-person, multiplayer shooter in which the player – as a human, alien or robot character – battles enemies in an alien world and collects a powerful substance known as Essence. The game has online interactivity in the form of multiplayer modes and in-game purchases in the form of the purchase of cosmetic items including skins, decals and emojis. Typical gameplay consists of online multiplayer matches, in which players engage in team-based fights between heroes including numerous human, animal and fantasy/science-fiction characters. Combat features a mix of melee and ranged-weapons including rifles, pistols, swords, axes, flame-throwers and throwing knives. Combat is frequent and typically frenetic, with bright bursts of light covering enemy characters to indicate damage. There is no blood or injury detail depicted. The consumer advice is 'violence, online interactivity and in-game purchases'.
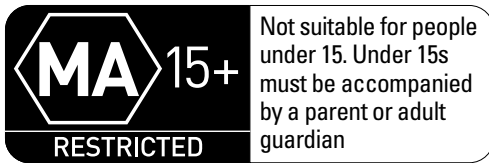
Computer games classified MA 15+ are not suitable for persons under 15 years of age. It is a legally restricted category, which means that people under 15 years of age must be accompanied by a parent or adult guardian to buy or hire an MA 15+ computer game. MA 15+ computer games contain themes, violence, sex, language, drug use or nudity which have a strong impact.

Out of the total of 316 computer games classified in 2019–20, 48 computer games were classified MA 15+.

Computer games classified MA 15+ in the reporting period include: *Borderlands Legendary Collection*; *Darksiders: Genesis*; *Gears: Tactics*; *Nioh 2*; *Dead or School*; *Remnant: From the Ashes*; *Resident Evil Resistance*; and *Shadow of the Tomb Raider: Definitive Edition.*

Call of Duty: Modern Warfare is a first-person shooting game in which the player takes the roles of different soldiers in a single-player campaign or in various online multiplayer matches, including team-based matches. The campaign storyline provides a good example of the increasing narrative sophistication and depth in contemporary computer games and involves UK and US forces combating a terrorist cell from the fictional Middle East country of Urzikstan. The game uses a first-person perspective and a 3D graphics engine to depict characters and real-world environments in semi-realistic detail.

Gameplay consists of completing various objective-based missions. Cut-scenes are also used to advance the narrative. Violence involves the use of real-word military weapons including automatic rifles, shotguns, explosives and sniper rifles in order to kill enemy combatants and protect civilians. The player is able to shoot prisoners, civilians and other *"non-threat"* targets; however, such action is not rewarded and immediately results in the failure of the player's current mission. Gunshots are routinely accompanied by stylised blood effects, including blood sprays and splatters across environmental objects such as walls and doors. If the player's character is shot, blood will also spray across the screen to indicate damage.

The most impactful blood effects occur through the use of a sniper rifle which appears to fire explosive bullets and uses a zoomed-in scope effect for the aiming mechanic. Kills through the zoomed scope are accompanied by large, fountain-like stylised sprays of blood. The player can then zoom in on the body's remains, with stylised skeletal detail (such as rib cages) visible among what appear to be pink chunks of flesh. These effects are exaggerated and lack realistic detail. Post-mortem damage can be inflicted (for example by firing upon bodies hanging from

girders), but is limited to stylised blood spray effects and small blood pools (on bodies lying on the ground). No further injury detail or gore effects are depicted.

Thematic material includes depictions of civilian deaths in cut-scenes and a first-person depiction of torture when a young woman, Farah, is tied to a chair and 'waterboarded'. She coughs and splutters as water is poured over her face, obscuring her vision, and she is questioned by a Russian interrogator. A young woman is then brought in and referred to as one of Farah's 'sisters'. The woman is forced to kneel and a pistol is held to her head, compelling Farah to answer the interrogator's question. The player is given a choice of dialogue options as responses; if the player chooses not to co-operate, the young woman is executed.

The treatment of themes and violence in the game is able to be accommodated at the upper limit of the MA 15+ classification. The consumer advice is 'strong bloody violence and war themes, online interactivity'.

Death Stranding is an action game with a third-person perspective in which the player controls Sam, a delivery man who retrieves and delivers packages across dangerous environments in a post-apocalyptic world. The game has online interactivity in the form of developing shared pathways/roads and the transference of in-game cargo and tools, which can be dropped and collected by other players. Lengthy cut-scenes featuring the motion-captured performances of well-known actors advance the complicated and sprawling narrative, while the gameplay includes multiple violent interactions with malevolent supernatural forces, sections of firearm-based combat and depictions of suicide.

In one section of the game, a car crash occurs after a vehicle becomes caught in a large storm. Sam regains consciousness outside the

vehicle after he is flung from its rear, finding the body of a man with a blacked out face next to him. The driver is stuck under the vehicle, with blood detail depicted on his lower body, as another passenger attempts to free him. The two men go silent as an invisible force leaves a trail of handprints beside them, before the corpse of the faceless man dissolves into the ground. Shortly after, the invisible creature charges at the man trapped under the vehicle, dragging him into the ground as he screams out for help. The man is dragged away by the creature, still screaming, before the passenger who was assisting him shoots him in the head from a distance, implicitly killing him. Shortly after, as a thick black liquid rises from the ground, the passenger is dragged towards the sky by a large creature that appears to be formed of the black liquid. The passenger then repeatedly stabs himself in the chest, implicitly killing himself.

During some sections of typical gameplay, the player is able to engage in firearm-based combat, with large mists of blood depicted when enemy combatants are shot. Post-mortem blood mists are also depicted when the corpses of enemy combatants are shot, however, no further post-mortem damage is depicted.

The overall impact of the treatment of themes and violence throughout the game did not exceed strong, allowing it to be classified in the MA 15+ classification. The consumer advice is 'strong themes and violence, online interactivity'.

Aokana – Four Rhythms Across the Blue is a Japanese romantic visual-novel game in which the player takes the role of a male, Masaya, who pursues romantic relationships with four female characters, Madoka, Rika, Misaki and Asuka. Interactivity in the game is limited to choosing different dialogue options and the majority of the depictions in the game are static, drawn in a typical anime style. The

game contains strong sexual themes including voyeurism, as well as sexualised imagery that is strong in impact and unrelated to incentives and rewards. In one section of the game, if Masaya has entered into a relationship with Rika, she dresses up in her swimsuit and an apron before cooking for him. She is depicted facing away with her buttocks poking out as Masaya becomes increasingly aroused, talking at length about how much he likes her *"ass"* and that he wants to grope her. As a close-up of her buttocks is viewed, he says, *"This is making me super horny."* The consumer advice is 'strong sexual themes and sexualised imagery'.

Into The Dead 2 is a first-person shooter in which the player takes on hordes of zombies in a variety of dystopian environments. The player controls a man, James, who is trying to fight his way through a zombie apocalypse to be reunited with his family. Viewed in a first-person perspective, the player takes on the zombies with a large variety of weapons such as handguns, shotguns, rifles, grenades, knives and chainsaws. Generous blood-spray is viewed with each successful attack, and the use of higher powered weapons results in thick showers of chunky blood as the zombies are hit. If the player continues to use a weapon, modifications and upgrades are unlocked. One upgraded weapon fires blades that cut zombies in half, spraying blood into the air as their torsos fall to the ground. If the player is out of ammunition or reloading, the zombies will claw at the player's character. If a knife is equipped, the player can repel the attack by stabbing the zombie in the side of the head, causing blood to gush from its temple. If the player has no knife, they will quickly be overpowered and killed by the zombies. The zombies push the player's character onto the ground, before biting and implicitly tearing them apart. The consumer advice is 'strong horror themes and violence'.
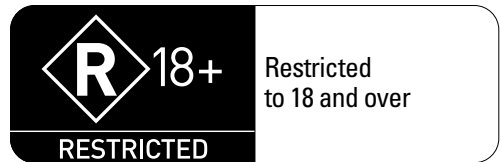
The R 18+ classification category is wide in scope giving effect to the Code principle that adults should, with limited exceptions, be able to read, hear, see and play what they want. The R 18+ classification is legally restricted to adults. People under 18 are not permitted to rent or buy R 18+ computer games. The impact of material classified R 18+ should not exceed high. Some material classified R 18+ may be offensive to some sections of the adult community.

Out of the total of 316 computer games classified in 2019–20, 13 computer games were classified R 18+.

Computer games classified R 18+ in the reporting period include: *Mafia II: Definitive Edition*; *Mafia III: Definitive Edition*; *Gorn*; *The Last of Us Part II*; and *Will: A Wonderful World.*

Cyberpunk 2077 is a first-person open-world action role-playing game set in the fictional near-future megalopolis of Night City. The

player takes the role of V, a mercenary outlaw in search of a prototype cybernetic implant that offers the key to immortality. Gameplay consists of the completion of a series of quests, interacting with numerous non-player characters (NPCs), with the player's character 'levelling up' skills, weapons, equipment and cybernetic augmentations as the narrative progresses.

The game primarily employs a first-person perspective (switching to a third-person perspective while driving vehicles) and uses a semi-realistic 3D graphics engine to render characters and the game's futuristic environments. Cut-scenes, including the game's non-interactive sex scenes, are also primarily depicted from the first-person perspective.

The player can choose to engage the services of male or female NPCs labelled as prostitutes with breast and buttock nudity visible as the NPC assumes sexual poses and positions. Cut-scenes include brief wide-angled depictions of full frontal female nudity, with sounds of sexual pleasure emanating from characters until they implicitly climax.

Later in the game, there is an implication in the dialogue and post-action visual references to someone having been sexually assaulted.

Throughout the game, the player can use a number of weapons including knives and other melee weapons, pistols, shotguns and automatic firearms to overcome enemy NPCs. Other NPCs can also be targeted and attacked. Bursts of gunfire are accompanied by generous blood mists and sprays, and may also result in the severing of limbs and, in some cases, decapitations. The most impactful violence occurs if the player chooses to inflict post-mortem damage on NPC corpses.

The treatment of themes, sex and violence throughout the game imparted a high impact and an R 18+ classification was therefore appropriate. The consumer advice is 'high impact themes, sex, violence and references to sexual violence'.

Doom Eternal is a first-person shooting game, the fifth instalment of the Doom franchise, in which the player returns from Mars to find that Earth has suffered a demonic invasion. The player, as the Doom Slayer, must battle hordes of demonic creatures in order to defeat the forces of evil and discover the Doom Slayer's origins. The game contains online interactivity in the form of co-operative and competitive multiplayer matches. Ranged and melee combat is possible as the player makes use of weapons including pistols, shotguns, assault rifles, grenade launchers, rockets launchers and chainsaws. Kills are accompanied by generous blood effects, including blood spurts and blood splatters, and 'gibbing', as viscera and body parts trail across the screen as a result of direct hits on enemies from rockets and grenades.

Much of the most impactful violence in the game occurs when the player uses the chainsaw weapon-attachment during finishing moves referred to as 'glory kills'. The player slices, dismembers and decapitates enemies, with flesh and organ detail accompanied by generous blood sprays and the sound of bones cracking and flesh being cut. The first-person perspective and close-up, melee nature of these glory kill attacks heightens the impact of the over-the-top gory detail. The consumer advice is 'high impact violence, blood and gore, online interactivity'.

Life is Strange 2 is a single-player adventure game in which two brothers, Sean and Daniel, go on the run after Daniel's supernatural powers cause a tragic accident. The game is narrative-driven and uses a third-person perspective and highly stylised, hand

painted graphics to depict characters and environments. Gameplay primarily consists of exploring environments, examining and interacting with objects and pressing buttons to select dialogue responses and actions.

At one point in the game, Sean and Daniel sit around a campfire with a group of youths. A young man says, *"I got serious munchies. Any chips left?"* A young woman, who is holding what appears to be a marijuana joint, replies, *"Dude, you scarfed the whole f**king bag. Have another hit."* The man then picks up a pipe and says, *"I packed a fat bowl"* and begins to smoke from it before the camera pans right. As the scene progresses, a young man passes a marijuana joint to Sean and says, *"Sean, take a puff and pass it to your friend."* The player is then presented with two choices: *"Yes"* (button X) and *"No"* (button B). The player must choose a response. If the player selects *"Yes"*, the man holds the joint towards Sean, who says, *"Um, sure. I'll take a hit."* Sean inhales from the joint and exhales smoke before passing the joint to a young woman. His younger brother, Daniel reaches for it, but Sean says, *"Daniel… No f**king way."* Two people get up and leave the fire before the camera cuts back to Sean and the player resumes control, using the joystick to examine objects by the fire. One of those objects is a bong and is labelled *"Bong"* on screen. The player is given the option to interact with the bong by pressing button A, which is labelled *"Smoke"* on screen. If the player presses the A button, Sean picks up the bong and a lighter and smokes from the bong, exhaling smoke and coughing when he is done. The screen then takes on a blur effect and begins to gently pulsate as the player uses the joystick to look around the environment, simulating a drug effect and implying that Daniel is stoned.

Under the Guidelines, interactive illicit or proscribed drug use is not permitted within the G, PG, M or MA 15+ classifications. The game was therefore appropriately accommodated within the R 18+ classification. The consumer advice is 'interactive drug use, online interactivity'.

Remothered: Broken Porcelain is a third-person, psychological horror survival game in which Jen and a fellow maid, a timid violinist named Linn, seek to uncover the truth behind strange occurrences in a hotel. The player explores the hotel, searching for clues and uncovering secrets through conversations with various characters. At several instances in the game, a character named Mr Ashmann is accused of raping his sister by other characters. He also boasts about *"f**king"* both of Jen's parents; her mother and her father, Felton, who is a transgender man. The game also includes a cut-scene depicting an argument between Mr Ashmann and Ms Reed, during which she accuses him of raping Felton. Mrs Reed angrily yells, *"You need to shut your mouth, you f**king rapist!"* Ashmann responds, *"How vulgar! Felton deserved it. How could I have known that he was still capable of conceiving? I thought that f**king him was enough to remind him that he is just a pussy, and to punish him for stealing Ariana from me."*

The Guidelines define sexual violence as *"sexual assault or aggression, in which the victim does not consent"* and state that *"sexual violence, implied or otherwise, is not permitted"* within the G, PG, M or MA 15+ classifications. The consumer advice is 'references to sexual violence'.

Refused Classification (RC)

In 2019–20, out of the total of 316 computer games classified, one computer game was classified RC: *Wasteland 3.*

Computer games that are classified RC cannot be legally sold, hired, advertised or demonstrated in Australia. Computer games will be classified RC if they contain content that has a very high impact.

Wasteland 3 is a post-apocalyptic turn-based, role-playing survival game where players control a party of Desert Rangers. Set in Colorado, a century after a nuclear war has wiped out most of known civilization, the player's Ranger party has been tasked to work together to end the nation's civil war, and in return gain supplies for the desperate Rangers in Arizona. The game includes online interactivity in the form of a co-operative mode that allows two players to work together, each controlling a group of three rangers.

During the game, characters are able to smoke a drug known as 'Rocky Mountain Moosegrass', which appears to be a strain of cannabis. The drug is denoted by an icon of a cannabis cigarette or joint in the player's inventory that is accompanied by captions that attest to the cannabis-like effects of the drug. One caption features the text, *"It's like… man. It's like a fresh mountain breeze. You gotta try some."* Another caption states, *"Smoke to take the edge off. Like… way off."*

On selecting the item from the inventory, the sound of a lighter sparking is heard and the player character leans back, implicitly inhaling smoke. The player character then breathes out a plume of smoke. The use of the drug results in a positive effect known as 'bouldered' worth '1AP' (Ability Point) being applied to the character, which is *"usable in combat or exploration"*. After using the drug, a text box appears on screen noting that the 'bouldered'

effect lasts for 350 seconds and has a *"strike rate"* of +2%. These details are accompanied by the caption, *"Hey man, like, just take the weight off, you know? Feel the world. Yeah."*

The Board noted that, although cannabis is not specifically named within the game, the name 'Rocky Mountain Moosegrass' is a clear reference to the drug and is accompanied by several signifiers that are obviously drug-related including the joint icon and the references to the cannabis-like effects of the drug – such as the resultant 'bouldered' or 'stoned' effect. The use of 'Rocky Mountain Moosegrass' within the game therefore constituted drug use (cannabis) related to incentives and rewards, which, in accordance with the Guidelines, is not permitted at any classification level.

The Board noted that if the use of cannabis within the game did not act as an incentive or reward, the game could be accommodated within the R 18+ classification with consumer advice of 'sexual activity related to incentives or rewards and interactive drug use, online interactivity'.

A modified version of *Wasteland 3*, which removed the interactive use of 'Rocky Mountain Moosegrass', was subsequently submitted. That modified version was classified R 18+. The consumer advice is 'sexual activity related to incentives and rewards, online interactivity'.

Publications

Only "submittable publications" must be classified before they can legally be advertised or distributed in Australia.

Section 5 of the Classification Act defines a submittable publication as:

▸ *an unclassified publication that, having regard to section 9A [Refused Classification for media that advocates terrorist acts] or to the Code and the classification guidelines to the extent that they relate to publications, contains depictions or descriptions that:*

   a) *are likely to cause the publication to be classified RC; or*

   b) *are likely to cause offence to a reasonable adult to the extent that the publication should not be sold or displayed as an unrestricted publication; or*

   c) *are unsuitable for a minor to see or read.*

It is the responsibility of distributors to ensure that they meet classification requirements for publications. The enforcement legislation in some states and territories provides that it is an offence to sell or deliver a submittable publication that has not been classified.

Classifications

There are four classifications for publications – Unrestricted, Category 1 restricted, Category 2 restricted and RC.

The Guidelines for the Classification of Publications are used by the Classification Board when classifying publications. They explain the different classification categories and the scope and limits of material suitable for each category.

Unrestricted

UNRESTRICTED

UNRESTRICTED
M (Mature)
NOT RECOMMENDED FOR
READERS UNDER 15 YEARS
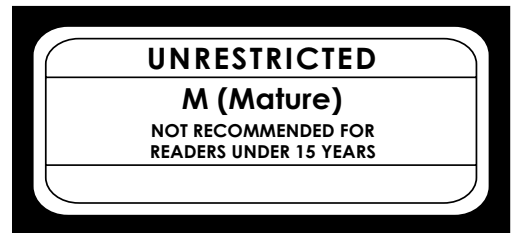
The Unrestricted classification covers a wide range of material. Unrestricted publications may contain classifiable elements such as sex and nudity with some detail but the impact should not be so strong as to require legal restriction to adults.

A special consideration of the Board in classifying publications is the suitability of covers for public display. There are specific criteria for the assessment of covers which specify that the impact of any descriptions or depictions and references on covers should be low. This accords with one of the principles of the Code, namely that everyone should be protected from exposure to unsolicited material that they may find offensive. Publications with covers that are not suitable for public display cannot be classified Unrestricted.

Generally, there are no restrictions on the sale or display of Unrestricted publications. However, the Board can apply consumer advice not recommending the publication for readers under 15 years of age.

During the reporting period, a total of 23 classification decisions were made in relation to commercial applications for the classification of publications. This figure includes the granting of one serial publication declaration.

Out of the total of 23 classification decisions for publications, 10 single issue publications and one serial publication were classified Unrestricted. Titles of Unrestricted publications classified by the Board during 2019–20 included: *Beyond Magenta Transgender Teens Speak Out*; *People*; and *The Picture*.

Category 1 restricted
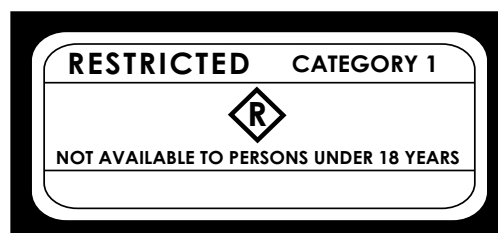
During the reporting period, out of the total of 23 publications classified, 10 single issue publications were classified Category 1 restricted.

Category 1 restricted publications may include realistic depictions of nudity, realistic depictions of sexual excitement and detailed descriptions and simulated or obscured depictions of sexual activity between consenting adults.

Category 1 restricted publications can only be sold to persons 18 years of age and over and must be displayed in a sealed wrapper. The Board can impose a further condition that the sealed wrapper is made of opaque material. Category 1 restricted publications cannot be sold in Queensland.

Titles of Category 1 restricted publications classified by the Board during 2019–20 included: *Voluptuous Volume 27*; *The Picture 100% HomeGirls No.120*; and *Score Vol 29*.

Category 2 restricted
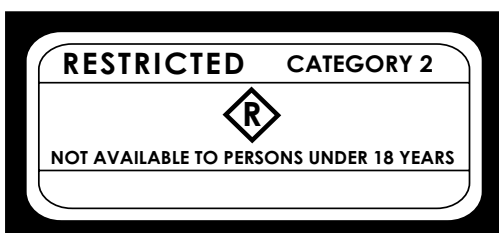
During the reporting period, out of the total of 23 publications classified, two single issue publications were classified Category 2 restricted. No serial publications were classified Category 2 restricted.

Category 2 restricted publications may include realistic depictions of actual sexual activity involving consenting adults.

Category 2 restricted publications can only be sold to persons 18 years of age and over and can only be displayed in restricted premises. Category 2 restricted publications cannot be sold in Queensland.

Titles of Category 2 restricted publications classified by the Board during 2019–20 included *Score Specials – 40 Something*.

Refused Classification (RC)

Publications classified RC cannot be sold or displayed in Australia. During the reporting period, of the total 23 publications classified (including one serial declaration), no publications were classified RC. The Classification Board did not refuse any serial classification declarations in 2019–20.

Serial classifications for publications

On application, the Classification Board can issue a serial classification declaration. This means that a classification (and conditions, if applicable) given to a single issue of a periodical will apply to a specified number of future issues of the same periodical. Publishers must ensure that the future issues do not have content at a higher level than the serial declaration allows.

During the reporting period, one periodical was granted a serial classification declaration.

The Classification Board checks publications covered by serial classification declarations. Checks of serial declarations issued during the reporting period were undertaken, but no consequential actions resulted.

Other decisions

Internet content

During the reporting period, the Board did not classify any applications containing internet content, as no applications were received.

Correspondence

The Board seeks to reflect current community standards in its decision making, and feedback from the community is informative and helpful.

During the 2019–20 reporting period, the Board received in excess of 250 pieces of correspondence including complaints about film and computer game decisions (either that the classification was too high or too low), several compliments and expressions of thanks (in relation to the classification the Board gave the high-profile computer game, *Cyberpunk 2077* and for classifying certain anime in accordance with the Film Guidelines), and several inquiries about older classification decisions about films classified 30+ years ago. Commentary received from members of the Australian public in the classification process is important and valued.

The number of pieces of correspondence received by the Board for decisions made by approved tools was 29. A breakdown of the complaints only by category is as follows:

Board media type/ classification tool	Number received
Publications	5
Films	70
Computer games	175
IARC tool	9
Netflix tool	20

Films

The Board received 70 complaints about the classification of films, five of which related to the theatrical release film, *My Spy* with a small number of other theatrical release films each receiving two complaints.

Computer games

The Board received 175 complaints about computer games, of which 138 were about *NBA 2K20* and 26 were about *DayZ*, with the remainder being about assorted other games.
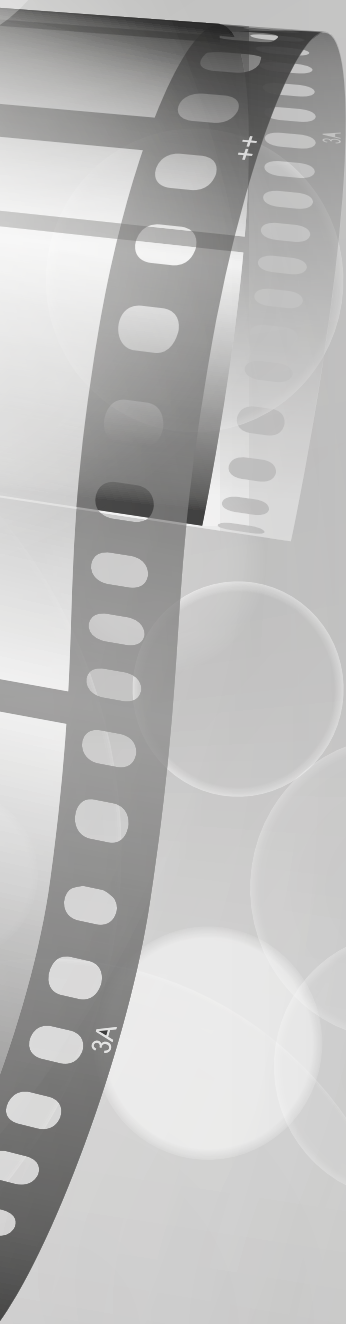
In July 2019, the Board received an application under the Authorised Assessor Computer Games Scheme to classify *NBA 2K20*, wherein a games' industry assessor recommended a classification of G with consumer advice of 'online interactivity', having indicated in the written report that there were no classifiable elements, including gambling themes or elements, in the game. The Board is not required to conduct a full review of every report and recommendation received from an assessor and on this occasion, accepted the recommendation for a G rating, the consumer advice being 'general, online interactivity'. However, following the classification decision it became apparent that the assessor's report was deficient and that the game included gambling references. As a result, the Board revised the forms used by applicants to place a greater emphasis on disclosure of such material.

A modified version of *DayZ* was submitted and classified in August 2019. The Board noted that the original version of this computer game was previously Refused Classification on 4 June 2019 for drug use (cannabis) related to incentives and rewards. In the Board's opinion, the modification to this game – the removal of the drug 'cannabis' – allowed the game to be classified MA 15+. The Board considered the use of other items remaining in the game including morphine, codeine, epinephrine and tetracycline, to be medical in nature and therefore assessed under the classifiable element of themes. In the Board's opinion, these medical drugs were able to be accommodated at a lower classification level. The correspondence received complained about the Board's RC decision for the original game, which was required under the Games' Guidelines (the original decision is discussed in the Board's Annual Report for 2018–19 on pages 72-3).

Enquiries and other assistance

The department responded to a range of other enquiries including, how to get content classified, how to obtain exemptions from classification, and requests for information on the determined markings for films and computer games. There were a number of requests about the importation of publications, films and computer games.

Classification
Review Board
Annual Report
2019–20

The Hon Paul Fletcher MP
Minister for Communications, Cyber Safety and the Arts
Parliament House
CANBERRA ACT 2600

Dear Minister

In accordance with subsection 85(1) of the *Classification (Publications, Films and Computer Games) Act 1995*, I am pleased to submit a report on the management of the administrative affairs of the Classification Review Board for the period 1 July 2019 to 30 June 2020.

Yours sincerely

Susan Knowles
Convenor

16 September 2020

Introduction

The Review Board is an independent statutory body that reviews, on application, decisions of the Classification Board. The Review Board makes its decisions in accordance with the *Classification (Publications, Films and Computer Games) Act 1995* (the Classification Act), the National Classification Code (the Code) and the classification guidelines.

This report includes an overview of the work of the Review Board in 2019–20.

The Review Board received secretariat support from the Classification Branch.

Convenor's overview

The Review Board has been available for requested reviews during the reporting period. However, there have been no such requests made of the Board. This, in part, could be attributed to the accuracy of the classification of the Classification Board whereby distributors have agreed with their determinations. Additionally, since the advent of the COVID-19 pandemic, the release of new films was basically halted, thus virtually eliminating the potential for any review to occur.

I would like to thank the Board members for their willingness to be available at short notice should a review be requested, and to thank the staff of the Classification Branch for their preparedness to assist me and all the members at all times.

Sue Knowles
Convenor

Classification Review Board profiles

Current Board members

Susan Knowles

Convenor
APPOINTED: 1 July 2015
APPOINTMENT EXPIRES: 2 January 2021

Ms Susan (Sue) Knowles, 69, resides in Perth, Western Australia. Ms Knowles retired as a Senator for Western Australia in the Australian Federal Parliament after 21 years of public service. During her career in the Parliament, she held a variety of positions including Shadow Minister for Multicultural Affairs and Deputy Opposition Whip in the Senate. She served on many Senate committees and inquiries including as chairman of the Senate Community Affairs Legislation Committee dealing with health care, aged care, Aboriginal heath, welfare and other related matters, and was also a member of the Senate inquiries into British Child Migrants in Institutional Care and Australian Children in Institutional Care.

Ms Knowles is currently a member of the Advertising Standards Community Panel and chair of the Council of Owners for Seashells Resorts in Broome and Mandurah. She is actively involved in the local community by way of volunteer work with the St John of God Hospital and is a member and patron of several local sporting clubs.

Peter Price

Deputy Convenor
APPOINTED: 7 December 2014
APPOINTMENT EXPIRES: 2 January 2021

Mr Peter Price AM, 55, resides in Sydney, NSW, He is an advertising and communications professional with over 25 years' experience in multi-national agencies in Johannesburg, London and Sydney. He is currently the Managing Director of First Light, an advertising agency he founded in 1994 as well as part-time CEO of Crime Stoppers in NSW and Director of Corporate Communications for Crime Stoppers Australia.

Mr Price's experiences as a victim of multiple crimes in South Africa helped steer him in the direction of violence prevention and law enforcement advocacy. Mr Price has been closely involved with the development of Crime Stoppers. Mr Price has been a Director of Crime Stoppers since 1999 and has served as Chairman for five years and as Deputy Chairman for six years. He has also served as Vice President of Crime Stoppers International from 2012 to 2017.

In 2009, Mr Price was awarded the Medal of the Order of Australia for his service to community safety through executive roles with Crime Stoppers. In 2017, he was appointed a Member of the Order of Australia

for his service to community safety as an advocate for law enforcement and crime prevention programs.

Mr Price was also a Board Director of the Internet Industry Association from 2011 to 2014. He holds a diploma in marketing management and is a graduate and fellow of the Australian Institute of Company Directors.

Rechelle Leahy

APPOINTED: 6 December 2018
APPOINTMENT EXPIRES: 5 December 2020

Ms Rechelle Leahy, 44, resides in Armidale, NSW, She is an Independent Director and Vice President of the National Rural Women's Coalition, a Board Member with the Northern Tablelands Local Land Service, and a Statutory Appointment as a Youth Justice Conference Convener in restorative justice for the Department of Justice NSW (Northern Inland Region). She was also appointed by the Australian Government as an Employment Facilitator with the Department of Education, Skills and Employment for the Northern Inland region of NSW for the Regional Employment Trial.

Rechelle is a principal sector specialist in governance, contract management, procurement and social policy issues. Her passion lies with gender equality, equity and improving policy through advocacy, specifically related to the specialised issues of rural, regional and remote (RRR) women and girls in Australia. Her passion for this work is the driving force behind her consultancy business RegionalCollab.

She has actively built a profile advocating for rural women and girls nationally and internationally. In 2018 and 2019 Rechelle represented civil society in New York, at the United Nations – Commission for the Status of Women as a representative of the National Rural Women's Coalition. In 2018 and 2019, Rechelle was nominated for a Pro Bono Australia IMPACT25 Award recognising her work creating a positive impact for women and girls in rural, regional and remote Australia and is a 2019 Australian Financial Review 100 Women of Influence Alumni for the Local and Regional category.

Ms Leahy's qualifications include an Advanced Diploma in Migration Law and a Certificate in Mediation Practice. She was also awarded the Commonwealth Bank Regional Scholarship to attend the Women on Boards Program.

Susan Bush

APPOINTED: 6 December 2018
APPOINTMENT EXPIRES: 5 December 2020

Ms Susan Bush, 45, resides in Albany Creek, Queensland and is an Investigator/ Transcriber/Actor/Writer with a background in the Television/Broadcast industry in both Australia and the UK. She has experience as a broadcast operator and a presentation coordinator, and is now engaged in writing, acting and the provision of freelance transcribing services. Ms Bush holds a Bachelor of Arts in Communication and Media Studies from Griffith University and a Master of Arts from the University of Queensland.

She was awarded Certificate of Highest Achievement (Best Actress) at the 2014 Australian Screen Industry Network Awards.

Ms Bush has also spent her time volunteering in the local filmmaking community, including judging the SAE ATOM awards since 2015, and is a parent of three children.

Margaret Clancy

APPOINTED: 6 December 2018
APPOINTMENT EXPIRES: 5 December 2020

Ms Margaret Clancy, 70, resides in Castlemaine, Victoria and has extensive experience in film classification, having served as a Classification Board member for a total of seven years at the Office of Film and Literature Classification. She has been a television classifier at the Seven Network and the Classification Manager at National Indigenous Television (NITV). She has been involved with indigenous communities through her work at NITV, including training of indigenous staff. Through her career, a diversity of roles has included teaching (ESL, Voice and Drama), also journalism, script writing and acting. She holds an Associate Diploma in Speech and Drama from the London College of Music and a Certificate IV in Training and Assessment.

Adam Davy

APPOINTED: 6 December 2018
APPOINTMENT EXPIRES: 5 December 2020

Mr Adam Davy, 40, of Kelvin Grove, Queensland, is the Head of the English Department at Kelvin Grove State College, a metropolitan state school. He also performs an expert advisory role with the Queensland Curriculum and Assessment Authority (QCAA). In these roles, he services the Arts and Education communities through the development and facilitation of creative writing, poetry and education programs.

Mr Davy has been awarded a double degree (Arts and Education) from Griffith University and a Bachelor of Psychology (Hons) from the University of New England. He is the father of two children and a regular gamer.

Christopher Allen

APPOINTED: 6 December 2018
APPOINTMENT EXPIRES: 5 December 2020

Mr Christopher Allen, 55, resides in Berry, NSW and is currently the Director, Sector Performance and Intervention, at the NSW Department of Local Government. His recent public sector executive roles include Chief Operating Officer, Venues NSW in the NSW Department of Premier and Cabinet and, in 2014–15, Acting Assistant Secretary and

Director of Operations at the Classification Branch (both non-ongoing positions). From 2008 to 2012 he was Sheriff of NSW in the NSW Department of Attorney General & Justice, delivering support to the NSW Justice system.

Mr Allen's early career featured service as a commissioned officer in the Australian Defence Force (Army). His qualifications include a Graduate Diploma in Strategic Leadership, Advanced Diploma in Public Safety, Associate Diploma in Personnel Administration, Diploma of Security & Risk Management and Diploma of Public Safety (Policing).

Mr Allen has published several novels and is the father of two young children.

Board members who left the Classification Review Board in 2019–20

No members left during the reporting period.

Legislative base

The Classification Review Board is established under the Classification Act. The Classification Act provides that the Review Board is to consist of a Convenor, a Deputy Convenor and at least three, but no more than eight, other members.

The Governor-General appoints members of the Review Board. Under the Classification Act, the Minister must, before recommending an appointment, consult with state and territory ministers with responsibility for classification. The Classification Act also requires that regard is had to the desirability

of ensuring that membership of the Review Board is broadly representative of the Australian community.

Decisions of the Review Board

There were no applications made to the Review Board during the reporting period.

Attendance at Review Board meetings

The Review Board did not convene in 2019–20.

Complaints

The Review Board did not receive any complaints during the reporting period.

Judicial decisions

Aspects of a Review Board decision can be reviewed, on application, by the Federal Court under the *Administrative Decisions (Judicial Review) Act 1977* (Cth).

In the reporting period, no application for review of the Review Board's decisions was lodged with the Federal Court.

Appendices

Appendix A: National Classification Code

National Classification Code

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

    a) adults should be able to read, hear, see and play 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.

Publications

2. Publications are to be classified in accordance with the following table:

Item	Description of publication	Classification
1	Publications that:	RC
	a) describe, 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 not be classified; or	
	b) describe or depict in a way that is likely to cause offence to a reasonable adult, a person who is, or appears to be, a child under 18 (whether the person is engaged in sexual activity or not); or	
	c) promote, incite or instruct in matters of crime or violence	
2	Publications (except RC publications) that:	Category 2 restricted
	a) explicitly depict sexual or sexually related activity between consenting adults in a way that is likely to cause offence to a reasonable adult; or	
	b) depict, describe or express revolting or abhorrent phenomena in a way that is likely to cause offence to a reasonable adult and are unsuitable for a minor to see or read	

Item	Description of publication	Classification
3	Publications (except RC publications and Category 2 restricted publications) that:	Category 1 restricted
	a) 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; or	
	b) describe or express in detail violence or sexual activity between consenting adults in a way that is likely to cause offence to a reasonable adult; or	
	c) are unsuitable for a minor to see or read	
4	All other publications	Unrestricted

Films

3. Films are to be classified in accordance with the following table:

Item	Description of film	Classification
1	Films that:	RC
	a) 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 not be classified; or	
	b) describe or depict in a way that is likely to cause offence to a reasonable adult, a person who is, or appears to be, a child under 18 (whether the person is engaged in sexual activity or not); or	
	c) promote, incite or instruct in matters of crime or violence	
2	Films (except RC films) that:	X 18+
	a) contain real depictions of actual sexual activity between consenting adults in which there is no violence, sexual violence, sexualised violence, coercion, sexually assaultive language, or fetishes or depictions which purposefully demean anyone involved in that activity for the enjoyment of viewers, in a way that is likely to cause offence to a reasonable adult; and	
	b) are unsuitable for a minor to see	
3	Films (except RC films and X 18+ films) that are unsuitable for a minor to see	R 18+
4	Films (except RC films, X 18+ films and R 18+ 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 under 15	MA 15+

Item	Description of film	Classification
5	Films (except RC films, X 18+ films, R 18+ films and MA 15+ films) that cannot be recommended for viewing by persons who are under 15	M
6	Films (except RC films, X 18+ films, R 18+ films, MA 15+ films and M films) that cannot be recommended for viewing by persons who are under 15 without the guidance of their parents or guardians	PG
7	All other films	G

Computer games

4.   Computer games are to be classified in accordance with the following table:

Item	Description of computer game	Classification
1	Computer games that: a) 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 not be classified; or b) describe or depict in a way that is likely to cause offence to a reasonable adult, a person who is, or appears to be, a child under 18 (whether the person is engaged in sexual activity or not); or c) promote, incite or instruct in matters of crime or violence	RC
2	Computer games (except RC computer games) that are unsuitable for viewing or playing by a minor	R 18+
3	Computer games (except RC and R 18+ computer games) that depict, express or otherwise deal with sex, violence or coarse language in such a manner as to be unsuitable for viewing or playing by persons under 15	MA 15+
4	Computer games (except RC, R 18+ and MA 15+ computer games) that cannot be recommended for viewing or playing by persons who are under 15	M
5	Computer games (except RC, R 18+, MA 15+ and M computer games) that cannot be recommended for viewing or playing by persons who are under 15 without the guidance of their parents or guardians	PG
6	All other computer games	G

Appendix B: Photo Credits and Artwork Attribution

The Classification Board would like to give special thanks to all those who supplied images to the Classification Board Annual Report 2019–20:

Page(s)	Attribution
19	Justin Barrington-Higgs © 2019
20–21	Penny Clay Photography
40	*House of Cardin* © 2020 Umbrella Entertainment. All rights reserved.
42	*Dora and the Lost City of Gold* © 2019 Paramount Pictures Australia Pty Ltd. All rights reserved.
45	*Vivarium* © 2019 Umbrella Entertainment. All rights reserved.
48	*The Nightingale* © 2019 Transmission Films. All rights reserved.
53	*Midsommar* © 2019 A24 FILMS LLC. All Rights Reserved. Distributed in Australia by Roadshow Films Pty Ltd 2019.
56	*Just Dance 2020* © 2019 Ubisoft. All rights reserved.
57	*Ori and the Will of the Wisps* © 2020 Microsoft Pty Ltd. All rights reserved.
59	*The Legend of Heroes: Trails of Cold Steel III* © 2019 Nihon Falcom Corporation. All rights reserved. Licensed to and published by NIS America, Inc. Distributed in Australia by BANDAI NAMCO Entertainment Australia.
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Glossary

Term/abbreviation	Explanation
AACG Scheme	Authorised Assessor Scheme for Computer Games
ACA Scheme	Additional Content Assessor Scheme
Advertising Scheme	The Advertising of Unclassified Films and Computer Games Scheme
APS	Australian Public Service
ATSA Scheme	Authorised Television Series Assessor Scheme
BSA	*Broadcasting Services Act 1992* (Cth)
Call in	The Director of the Classification Board may call in a publication if he/she has reasonable grounds to believe it is a submittable publication and that it is being published in an Australian state or territory. The Director of the Classification Board may also call in a film or computer game if he/she has reasonable grounds to believe it is not exempt and that it is being published in an Australian state or territory
Classifiable elements	The six classifiable elements in a film and a computer game are: themes; violence (including sexual violence); sex; coarse language; drug use; and nudity. In publications, 'themes' are referred to as 'adult themes' and the remaining five elements are also applied and assessed
Classification Act	*Classification (Publications, Films and Computer Games) Act 1995* (Cth)
Classification Board	Statutory body established under the Classification Act. The Classification Board classifies computer games, films and certain publications
Classification Board member	A statutory appointee to the Classification Board established under the Classification Act
Classification Branch	The Classification Branch of the Department of Infrastructure, Transport, Regional Development and Communications. The Classification Branch provides administrative support to the Classification Board and Classification Review Board
Classification guidelines	*See* Guidelines
Classification Review Board	Statutory body established under the Classification Act. The Classification Review Board is a part-time statutory body convened, as required, to review decisions made by the Classification Board

Term/abbreviation	Explanation
Classification Review Board member	Statutory appointee to the Classification Review Board under the Classification Act
Code, the	The National Classification Code

Computer games classifications

Classification	Advisory/Restricted	Impact Level
G	General (advisory category)	Very mild
PG	Parental Guidance (advisory category)	Mild
M	Mature (advisory category)	Moderate
MA 15+	Mature Accompanied (legally restricted category)	Strong
R 18+	Restricted (legally restricted category)	High
RC	Refused Classification	–

Term/abbreviation	Explanation
Consumer advice	The Classification Board and Classification Review Board determine consumer advice for films, computer games and certain publications. Films classified G, PG, M, MA 15+, R 18+ and X 18+, and computer games classified G, PG, M, MA 15+ and R 18+, must be assigned consumer advice. Consumer advice generally identifies the classifiable elements that have contributed to the classification of the content and indicates the intensity and/or frequency of those elements. The Classification Board and the Classification Review Board may also provide consumer advice to publications classified Unrestricted
Convenor	Member of the Classification Review Board who is responsible for the management of the Classification Review Board's business
Deputy Convenor	Member of the Classification Review Board who may exercise some of the Convenor's powers in the Convenor's absence
Deputy Director	Full-time member of the Classification Board who is the operational manager of that Board and who may exercise some of the Director's powers in the Director's absence
Determined markings	Classification symbols and descriptions and, as set out in the *Classification (Publications, Films and Computer Games) (Markings and Consumer Advice) Determination 2014*
Director	Full-time member of the Classification Board responsible for the management of the Classification Board
eSafety Commissioner	The Office of the eSafety Commissioner is committed to empowering all Australians to have safer, more positive experiences online. The Office was established in 2015 with a mandate to co-ordinate and lead the online safety efforts across government, industry and the not-for-profit community
Exempt film	A film exempt from classification requirements as defined by section 6B of the Classification Act
Fee waiver	The waiving of classification application fees in specific circumstances, as provided by the Classification Act

Term/abbreviation	Explanation	
Film classifications		
Classification	**Advisory/Restricted**	**Impact Level**
G	General (advisory category)	Very mild
PG	Parental Guidance (advisory category)	Mild
M	Mature (advisory category)	Moderate
MA 15+	Mature Accompanied (legally restricted category)	Strong
R 18+	Restricted (legally restricted category)	High
X 18+	Restricted to 18 years and over (contains consensual sexually explicit activity between adults)	–
RC	Refused Classification	–
FOI Act	*Freedom of Information Act 1982* (Cth)	
FOI	Freedom of Information	
Guidelines	Under the Classification Act (section 12) the Minister may, with the agreement of each state and territory, determine guidelines to assist the Board in applying the criteria in the Code. There are separate guidelines for the classification of films, computer games, and publications which may be viewed online at **www.legislation.gov.au**	
Industry assessors	Persons authorised by the Director to make recommendations to the Classification Board on the classification and consumer advice for the ACA Scheme, the ATSA Scheme, the AACG Scheme and the Advertising Scheme	
National Classification Scheme (the Scheme)	A co-operative Commonwealth, state and territory regulatory scheme for classification of films, computer games and certain publications	
National Classification Code (the Code)	A code that sets out how films, computer games and certain publications are to be classified	
Prohibited Exports Regulations	*Customs (Prohibited Exports) Regulations 1958* (Cth); regulation 3 relates to the exportation of "objectionable goods" (including computer games, computer generated images, films, interactive games and publications)	
Prohibited Imports Regulations	*Customs (Prohibited Imports) Regulations 1956* (Cth); regulation 4A relates to the importation of "objectionable goods" (including computer games, computer generated images, films, interactive games and publications)	

Term/abbreviation	Explanation
Publications classifications	
Unrestricted	Unrestricted
Category 1 restricted	Not available to persons under 18 years
Category 2 restricted	Not available to persons under 18 years
RC	Refused Classification
Serial classification declaration	A declaration issued by the Classification Board on the classification, and any conditions that apply, to issues of a publication periodical for a specified period
Submittable publication	Defined under the Classification Act (section 5) to mean an unclassified publication containing depictions or descriptions that is likely to cause the publication to be classified RC, or is unsuitable for a minor to see or read, or is likely to cause offence to a reasonable adult to the extent that the publication should not be sold or displayed as an unrestricted publication

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