# Classification (Publications, Films and Computer Games) (Amazon Classification Tool) Approval 2024

I, Michelle Rowland, Minister for Communications, make the following approval instrument under subsection 22CA(1) of the *Classification (Publications, Films and Computer Games) Act 1995*.

Dated    5   September   2024

**MICHELLE ROWLAND**
Minister for Communications

# Contents

## 1 Name

This instrument is the *Classification (Publications, Films and Computer Games) (Amazon Classification Tool) Approval 2024.*

## 2 Commencement

This instrument commences on the day after it is signed.

## 3 Definitions

Note:     A number of expressions used in this instrument are defined in section 5 of the Act, including the following:
  (a)   approved classification tool;
  (b)   Board;
  (c)   film;
  (d)   Review Board.

In this instrument:

*accredited person* means a person accredited under section 22M of the Act.

*Act* means the *Classification (Publications, Films and Computer Games) Act 1995.*

*Amazon* means Amazon Commercial Services Pty Ltd (ABN 30 616 935 623), an Australia proprietary limited company incorporated in New South Wales that provides the Amazon Prime Video service in Australia.

*Amazon Classification Tool* means the classification tool developed by Amazon for the purpose of classifying films and known by the name 'Amazon Classification Tool' on the day this instrument is signed.

*approval guidelines* means the *Classification (Publications, Films and Computer Games) (Approval of Classification Tools) Guidelines 2014* made for the purposes of subsection 22CA(4) of the Act.

Note:     The approval guidelines can be viewed on the Australian classification website (www.classification.gov.au).

*classification tool* means a tool that may be approved under section 22CA of the Act for the purposes of classifying one or more of the following:

(a) publications;

(b) films;

(c) computer games.

*Department* means the Department responsible for classification policy.

*National Classification Database* means the register of classification decisions maintained by the Department, or any replacement register.

*National Classification Scheme* means the cooperative arrangement between the Australian Government and state and territory governments with respect to classification of publications, films, and computer games and for the enforcement of those classifications.

## 4 Approval

Acting under subsection 22CA(1) of the Act, and having regard to the matters specified in the approval guidelines, I approve the Amazon Classification Tool for the purpose of classifying films, subject to the conditions set out in Schedule 1.

# Schedule 1—Conditions on the approval of the Amazon Classification Tool

Note 1:   See section 4.

Note 2:   If one or more conditions set out in this Schedule are breached in relation to a decision of the Amazon Classification Tool, subsection 22CF(3) of the Act makes it clear that the decision is not taken to be a decision of the Board. This means the decision will be invalid even if it is included in the National Classification Database.

## 1 Australian community standards

Any decision produced by the Amazon Classification Tool must be broadly consistent with Australian community standards and with classification decisions made by the Board.

## 2 Consumer advice

(1) The Amazon Classification Tool must determine consumer advice giving information about the content of each film that it classifies.

(2) If, at the time the Amazon Classification Tool determines consumer advice:

(a) a list of consumer advice terms determined by the Board under paragraph 12A(1)(a) of the Act is in force—the consumer advice must not use a consumer advice term that is not included in that list; and

(b) guidelines determined by the Board under paragraph 12A(1)(b) of the Act are in force—the use of consumer advice terms by the Amazon Classification Tool must accord with those guidelines.

Note:   Paragraph 12A(1)(a) of the Act provides that the Board may determine a list of consumer advice terms to be used in determining consumer advice for a film. Paragraph 12A(1)(b) of the Act provides that the Board may determine guidelines to assist in the use of such terms.

## 3 Refused Classification (RC) material

The Amazon Classification Tool must refuse classification to films that:

(a) depicts, expresses or otherwise deals with matters of sex, drug misuse or addiction, crime, cruelty, violence or revolting or abhorrent phenomena in such a way that it offends against the standards of morality, decency and propriety generally accepted by reasonable adults to the extent that it should not be classified; or

(b) describes or depicts 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) promotes, incites or instructs in matters of crime or violence; or

(d) advocates the doing of a terrorist act.

## 4 Use of the Amazon Classification Tool

(1) The Amazon Classification Tool must not be used to produce a classification decision for a film where a classification decision for that film is already included in the National Classification Database.

(2) The Amazon Classification Tool must not be used to produce a classification decision for a film that is likely to be classified X 18+.:

(3) A classification decision and consumer advice produced by the Amazon Classification Tool must not be modified by Amazon unless the film is reclassified in accordance with the Act.

## 5 Programming of the Amazon Classification Tool

The Amazon Classification Tool must:

(a) be responsive to changes to the National Classification Scheme and be reprogrammed to account for any changes in a timely manner; and

(b) output data that can be efficiently included in the National Classification Database.

## 6 Survival of decisions of the Amazon Classification Tool

(1) For the avoidance of doubt, decisions of the Amazon Classification Tool will survive the revocation of this instrument if they:

(a) are produced while this instrument is in effect; and

(b) comply with the Act and this instrument, including the conditions set out in this Schedule; and

(c) are in force immediately before the revocation of this instrument takes effect.

(2) For the avoidance of doubt, this clause does not prevent a decision of the Amazon Classification Tool from being subsequently revoked in accordance with the Act.