



# Australian Government

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## Classification Review Board

<b>Date:</b>	27 September 2021
<b>Members:</b>	Sue Knowles (Chair) Peter Price AM Adam Davy
<b>Applicant:</b>	DNX Media
<b>Interested parties:</b>	Professor Kerry-Ann Walsh, QUT Australian Teachers of Media International Justice Mission Australian Childhood Foundation
<b>Business:</b>	To review the Classification Board's decision to classify the film <i>The Children in the Pictures</i> , <b>MA 15+ (Mature accompanied)</b> with the consumer advice ' <b>Strong themes and references to child sexual abuse</b> '.

## Decision and reasons for decision

### 1. Decision

The Classification Review Board (the Review Board) unanimously classified the film **M (Mature)**, with the consumer advice 'Mature themes and frequent references to child sexual abuse'.

### 2. Legislative provisions

The *Classification (Publications, Film and Computer Games) Act 1995* (Cth) (the Classification Act) governs the classification of films and the review of classification decisions.

#### The Review Board

Part 5 of the Classification Act outlines the provisions relevant to the Review Board and its procedures.

Section 42 of the Classification Act sets out the persons who may apply for review of a decision:

- a) the Minister
- b) the applicant for classification of the film, or the likely classification of the film under section 33
- c) the publisher of the film, or
- d) a person aggrieved by the decision.

Section 43 sets out the conditions regarding the manner and form of applications for review, including time limits. Under section 44, the Review Board must deal with an application for review in the same way that the Classification Board deals with an application for classification of a film.

## Classification of films under the Classification Act

Section 9, subject to section 9A, provides that films are to be classified in accordance with the National Classification Code (the Code) and the classification guidelines. Section 9A states that a film that advocates the doing of a terrorist act must be classified RC.

Section 11 of the Classification Act requires that the matters to be taken into account in making a decision on the classification of a film include the:

- a) standards of morality, decency and propriety generally accepted by reasonable adults, and
- b) literary, artistic or educational merit (if any) of the film, and
- c) general character of the film, including whether it is of a medical, legal or scientific character, and
- d) persons or class of persons to or amongst whom it is published or is intended or likely to be published.

## The National Classification Code

Relevantly, the Films Table of the National Classification Code (the Code) states that classification decisions should give effect, as far as possible:

- 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.

## The Guidelines

Three essential principles underlie the use of the *Guidelines for the Classification of Films 2012* (the Guidelines), determined under section 12 of the Classification Act, the:

- importance of context
- assessment of impact, and
- the six classifiable elements—themes, violence, sex, language, drug use and nudity.

## 3. Procedure

Three members of the Review Board met on 27 September 2021, in response to the receipt of an application from DNX Media on 3 September 2021, to conduct the review of the film, *The Children in the Pictures*, which had previously been classified **MA 15+ (Mature Accompanied)** with consumer advice of '**Strong themes and references to child sexual abuse**' by the Classification Board. The Review Board determined that the application was a valid application.

The Review Board was provided with a written submission from the Applicant.

The Review Board viewed the film.

The Review Board was provided with written submission(s) from Professor Kerry-Ann Walsh, Queensland University of Technology (QUT); Australian Teachers of Media; International Justice Mission; and Australian Childhood Foundation.

The Review Board was provided with a video submission from Professor Kerry-Ann Walsh, QUT.

The Review Board heard an oral submission from the Applicant.

The Review Board then considered the matter.

## 4. Evidence and other material taken into account

In reaching its decision, the Review Board had regard to the following:

- (i) DNX Media application for review
- (ii) DNX Media written and oral submissions
- (iii) written submissions received from Professor Kerry-Ann Walsh, QUT; Australian Teachers of Media; International Justice Mission; and Australian Childhood Foundation
- (iv) the film, *The Children in the Pictures*
- (v) a video submission received from Professor Kerry-Ann Walsh, QUT
- (vi) the relevant provisions in the Classification Act, the Code and the Guidelines, and
- (vii) the Classification Board's report.

## 5. Synopsis

*The Children in the Pictures* is an Australian documentary feature focusing on the work of Argos, a world-renowned police unit dedicated to rescuing the victims of online child sexual exploitation.

## 6. Findings on material questions of fact

The Review Board found that the film contains aspects or scenes of importance under various classifiable elements:

- (a) Themes—the film contains themes related to child sexual abuse and exploitation, and the online grooming of children, that are discreetly depicted, do not exceed a moderate impact, and are justified by context.

The impact of this element is no higher than moderate and can be accommodated at the M classification level.

- (b) Violence—the film contains verbal and textual references to sexual violence that are inextricably linked to the thematic content and do not exceed a moderate impact, and are justified by context.

The impact of this element is no higher than moderate and can be accommodated at the M classification level.

- (c) Sex—the film contains verbal and textual sexual references that are discreetly implied and justified by context.

The impact of this element is no higher than moderate and can be accommodated at the M classification level.

- (d) Language—the film contains partially obscured textual coarse language, with a mild impact, that is justified by context.

The impact of this element is no higher than mild and can be accommodated at the PG classification level.

- (e) Drug Use—the film contains a fleeting implied visual reference to drugs that does not exceed a mild impact and is justified by context.

The impact of this element is no higher than mild and can be accommodated at the PG classification level.

- (f) Nudity—the film does not contain nudity.

## 7. Reasons for the decision

In making this decision, the Classification Review Board has applied the *Classification (Publications, Films and Computer Games) Act 1995* (the Classification Act), the *National Classification Code* (the Code) and the *Guidelines for the Classification of Films 2012* (the Guidelines).

In the Review Board's view this film warrants an M classification and is not recommended for viewing by persons under 15 years of age.

The film contains mature themes, mainly concerned with the sexual abuse and exploitation of children, which are justified within the context of a documentary exploration of the work that is necessary to identify and rescue the victims of this abuse.

The film opens with a statement printed onscreen, 'The following film contains confronting content concerning crimes against children. It is intended for mature audiences. Viewer discretion is advised'.

As the film proceeds, several members of Argos are interviewed and depicted as they go about their work and they often describe the scale of abuse of children online and the nature of the material that they view as part of their work.

References to sexual abuse are episodically frequent, but always verbal and/or textual in nature, and never involve detailed description. The film does not depict the explicit images of child exploitation that are referred to, with all pictures only briefly shown and always very heavily pixelated.

However, while these references have the potential to disturb some viewers, the potential impact of these classifiable elements is reduced, once the purpose and context of the film are considered. The intended purpose of the film is to educate audiences about the dangers of child exploitation, and the work being carried out by authorities to combat it. The educational merit of this film has been explicitly supported by a number of specialist organisations in the fields of education and child safety.

In classifying this film, the Review Board gave particular consideration to section 11(b) of the Classification Act. Accordingly, the Review Board firmly believes that there is an opportunity to broaden the audience scope within an educational context. On that basis a bespoke educational version of the film should be given serious consideration.

In the Review Board's view, the impact of themes is mitigated by purpose and context, and thus considered moderate overall. This warrants an M classification, with consumer advice of mature themes and references to child sexual abuse.

## 8. Summary

This film is classified M with consumer advice of mature themes and frequent references to child sexual abuse.