



NSW Legislative Assembly Hansard

Classification (Publications, Films and Computer Games) Enforcement Amendment (Uniform Classification) Bill

Extract from NSW Legislative Assembly Hansard and Papers Thursday 16 September 2004.

Second Reading

Mr BOB DEBUS (Blue Mountains—Attorney General, and Minister for the Environment) [12.30 p.m.]:
I move:

That this bill be now read a second time.

Since 1996 Australia has had a national classification scheme for films, computer games and publications. Under this scheme the Commonwealth classifies films, computer games and publications, and the enforcement of classification decisions is the responsibility of the States and Territories. Accordingly, when agreement is reached to amend the scheme, complementary amendments are often required to be made by the Commonwealth, and all States and Territories, to their classification legislation. This bill is the result of such an agreement between the Commonwealth, States and Territories. Under the national classification scheme the guidelines for the classification of films, publications and computer games are periodically reviewed. This is to ensure that the guidelines continue to reflect current community attitudes and standards.

In 2000 censorship Ministers agreed to a combined review of the Guidelines for the Classification of Films and Videotapes and the Guidelines for the Classification of Computer Games. A combined review was thought necessary to deal with issues then arising from the convergence of media in digital recordings. Following the launch of the review of the Guidelines for Films and Computer Games a discussion paper was prepared by the Office of Film and Literature Classification [OFLC], public submissions were called and stakeholders were given the opportunity to comment. In early 2002 an independent expert, Dr Jeffrey Brand, from the Centre for New Media Research and Education at Bond University, was appointed to analyse the submissions.

Dr Brand's report emphasised that the difficulties of classification in a dynamic media environment needed to be addressed by the national classification scheme. The issue of convergence pointed very strongly to the conclusion that the guidelines for the varying media forms needed to be combined. Consistent with the recommendations of Dr Brand's report, censorship Ministers agreed to redraft the guidelines used to classify films and computer games. The new guidelines contained merged classification guidelines for films and computer games, although the terms used to describe each classification category were still different for films and computer games. These new guidelines came into effect in March 2003. To support the new guidelines, it was recognised that legislative change was required to enable a consistent set of classification symbols and descriptors for films and computer games.

In March this year State, Territory and Commonwealth censorship Ministers agreed to amendments to the classification descriptors in the Commonwealth Classification (Publications, Films and Computer Games) Act 1995, that is to say the Commonwealth Act, and to consequential amendments to State and Territory classification enforcement legislation. In May this year the Commonwealth passed the Classification (Publications, Films and Computer Games) Amendment Act 2004. The Commonwealth amendments make the descriptors for film and computer game classifications in the Commonwealth Act consistent. This complements the Guidelines for the Classification of Films and Computer Games previously agreed to by censorship Ministers.

This bill, which is to commence at the same time as corresponding Commonwealth, State and Territory

legislation, amends the Classification (Publications, Films and Computer Games) Enforcement Act to implement uniform classification categories for films and computer games in New South Wales. These amendments are consequent on the Commonwealth amendments passed in May. The bill makes amendments to various sections of the Classification (Publications, Films and Computer Games) Enforcement Act by removing references to old classifications and replacing them with the appropriate new classifications. Accordingly, references to computer game classifications of G (8+), M (15+) and MA (15+) are replaced by classifications of PG, M and MA 15+ respectively. Similarly, references to film classifications of MA, R and X are replaced by MA 15+, R 18+ and X 18+ respectively.

The proposed amendments will achieve a number of objectives: they will enhance community awareness of the computer games classification scheme through the use of the well-known and understood classification types for films; they will enhance the distinction between the advisory and legally restricted classifications, through the inclusion of age descriptors on the restricted classifications only; and they will address the confusion regarding the difference between the current M and MA classifications. Research by the Office of Film and Literature Classification indicates that less than half of the population is aware of the computer games classification scheme. Renaming the computer games classifications to mirror the well-known film classifications will assist parents in choosing games for their children.

Consumers are also very confused about the MA classification. The OFLC conducted in-depth consumer research examining the extent to which consumers are able to differentiate between the M and MA ratings for films. This research concluded that the MA classification category is largely invisible to consumers, being seen as the same as the M classification category. More specifically, while there is a high degree of public recognition and understanding of the film classification scheme, very few people correctly understand the MA classification. A large percentage think MA means the same as M. This research strongly pointed to the value in changing the name and label for the MA classification category to clearly distinguish it from the M classification category.

The use of age descriptors for those classifications, where there exists a legal restriction on who may watch a film in the cinema, or who may hire or buy a film or computer game, for example, will help to distinguish the various classification types. For example, the film classifications of MA and R are to be replaced by MA 15+ and R 18+. The use of 15+ and 18+ indicates legally enforceable age restrictions apply. MA 15+ rated films and computer games will therefore be more clearly differentiated from M rated films and computer games. Transitional provisions will also apply to ensure that films and computer games that have been previously classified will be covered under the new regime.

It is important to note that the change to the names of the classification types does not affect the type of material that is permitted within each classification. The type of material that is permitted within each classification is assessed by the Classification Board and the Classification Review Board using the criteria set out in the National Classification Code and the guidelines. The bill responds to community demands for a simple, commonsense system that is the same across all classified products. Many parents are too busy to learn different classification systems, so a universal classification scheme is in everyone's interests. I commend the bill to the House.