

A N N U A L R E P O R T

OF THE

SOUTH AUSTRALIAN CLASSIFICATION

COUNCIL

For the
Year Ended 30 June 2008

Submitted to the Honourable the Attorney-General
pursuant to Section 90 (1) of the
Classification (Publications, Films and Computer Games) Act 1995

ANNUAL REPORT of the SOUTH AUSTRALIAN CLASSIFICATION COUNCIL

for the Year Ended 30 June 2008

The Honourable Michael Atkinson, MP, Attorney-General for South Australia,

Sir,

Pursuant to the provisions of Section 90 (1) of the *Classification (Publications, Films, Computer Games) Act 1995*, the South Australian Classification Council respectfully submits this report, to be laid before both Houses of Parliament, on its activities for the year ended 30 June 2008.

COUNCIL MEMBERSHIP

Three members of the Council constitute a quorum.

During the year the Council comprised the following members:

A legal practitioner, Ms Julie Redman, LLB (Chairperson);

A person skilled in the field of child psychology, Mr Michael Dawson B.A., DipEd, Registered Psychologist (MAPS);

A person with wide experience in education, Father Phillip Marshall B.A. (Hons)

Three other people who possess, in the opinion of the Governor, other proper qualifications to participate in the deliberations and functions of the Council:

Mr Anthony Durkin LLB

Barbara Biggins (OAM, B.Sc, Grad Dip Lib, AALIA)

Ms Katherine O'Neill B.A. (Hons), LLB (Hons)

Registrar

Ms Wilhelmina Chapman of the Attorney-General's Department.

RELATIONSHIP BETWEEN THE COMMONWEALTH CLASSIFICATION BOARD AND THE SOUTH AUSTRALIAN CLASSIFICATION COUNCIL

The Commonwealth *Classification (Publications, Films and Computer Games) Act 1995* came into effect in January 1996. The Act provides for the classification of publications, films, and computer games by the Commonwealth Classification Board in accordance with the criteria set in the National Classification Code and classification guidelines.

Classification decisions made by the Board are adopted by South Australia but may be reviewed under the State *Classification (Publications, Films and Computer Games) Act 1995*. The South Australian Classification Council or the Minister may classify a publication, film or computer game despite the fact that it is classified under the Commonwealth Act. Such a classification has effect to the exclusion of any classification under the Commonwealth Act.

The classification criteria in the State Act are identical to the criteria applied by the Commonwealth Board to ensure that decisions are made on the same basis at both State and Commonwealth levels. Despite this there may still be a difference between the two bodies because the Council is comprised of South Australian residents and endeavours to consider the standards accepted by the South Australian community in particular.

APPLICATION OF CRITERIA TO BE APPLIED BY THE COUNCIL PURSUANT TO SECTION 19 OF THE ACT

The Council must comply with section 19 of the *Classification (Publications, Films and Computer Games) Act 1995*, which states:

19. The matters to be taken into account by the Council or the Minister in making a decision on the classification of a publication, film or computer game include:
 - (a) the standards of morality, decency and propriety generally accepted by reasonable adults; and
 - (b) the literary, artistic or educational merit (if any) of the publication, film or game; and
 - (c) the general character of the publication, film or game, including whether is of a medical, legal or scientific character; and
 - (d) the persons or class of person to or amongst whom it is published or is intended or likely to be published.

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

- (a) adults should be able to read, hear and see 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 a person in a demeaning manner.

ACTIVITIES OF THE SOUTH AUSTRALIAN CLASSIFICATION COUNCIL

Costs

The Council met once in 2007 - 2008. Its expenditure for the year was \$2,137.

Inquiries received from the general public in relation to censorship in SA

During 2007-2008 a number of queries were received relating to censorship in its broad sense. A number of the inquiries related to matters outside the jurisdiction of the South Australian Classification Council. In those cases, people requesting information were directed to the appropriate organisation that could assist them.

Below is a table of all inquiries received in 2007-2008.

Inquiries Received	NO RECEIVED
Complaint about advertising	5
Query about internet	2
Query about Classification Guidelines	1
Query about classification of films/video/DVD	1
Complaint about merchandise	6
Query about classification of publications	2
Query about Classification Notices	1
Complaint about TV content	1
Query about legislation	2
TOTAL	21

Review of Classifications

1. Publications

Council did not consider the classification of any publications

2. Films

The Council considered one film:

- Georgia Rule
Council decided to classify the film M with changed consumer advice as follows:
 - child sexual abuse theme
 - alcohol abuse theme
 - sexual references
 - moderate coarse language

3. Computer Games

The Council did not consider the classification of any computer games.

THE CLASSIFICATION OF THEATRICAL PERFORMANCES BOARD

Under the *Classification of Theatrical Performances Act 1978* members of the South Australian Classification Council are also members of the Classification of Theatrical Performances Board.

APPLICATION OF CRITERIA TO BE APPLIED BY THE BOARD PURSUANT TO SECTION 11 OF THE ACT

The Board must comply with section 11 of the *Classification of Theatrical Performances Act 1978*, which states:

11. (1) In considering questions as to whether a theatrical performance is offensive, or suitable or unsuitable for children, the Board shall have regard to standards of morality, decency and propriety that are generally accepted by reasonable adult persons.

11. (2) In performing its functions under this Act the Board shall have due regard to the nature of the theatrical performance under consideration and to all other relevant factors that bear upon the classification or conditions that should be assigned to, or imposed in respect of, the theatrical performance.

ACTIVITIES OF THE CLASSIFICATION OF THEATRICAL PERFORMANCES BOARD

The Board did not consider any theatrical performances.

COMMUNITY LIAISON SCHEME

The Community Liaison Scheme (CLS) is a joint State, Territory and Australian Government initiative aimed at improving compliance with classification laws. By educating industry about their obligations under the National Classification Scheme, the CLS works with industry so that accurate and timely classification information is available to consumers.

Through a program of compliance checks, CLS officers visit outlets in all States and Territories that advertise, sell, hire or exhibit films, computer games and certain publications. Where possible breaches of classification laws are detected, the retailer, exhibitor or distributor is provided with information on how to comply with legislative requirements or, if appropriate, the matter may be referred to law enforcement agencies and regulatory agencies. In addition, advertising including posters, catalogues and websites are checked for compliance.

During the reporting period, CLS staff spent 10 working days in South Australia, undertaking 68 compliance checks in the Adelaide metropolitan area and north east regional towns. Compliance checks were conducted in computer game and DVD retail stores, rental outlets, service stations, convenience stores, games arcades, newsagents, cinemas and adult premises. The annual compliance checks program enables information to be gathered on how the national classification scheme operates on a practical level in the marketplace. The CLS uses this information to identify industry sectors where compliance can be improved and to develop tailored educational activities.

CLS also provides assistance to law enforcement agencies and handles complaints and enquiries from the public and industry. In addition, strategic projects are undertaken to educate a particular industry sector about classification requirements.

CLS also handles enquiries and complaints from industry and members of the public in relation to classification issues as well as referrals from States and Territories and other government agencies.

CLASSIFICATION INFORMATION

Australian Government Classification Website

This site located at www.classification.gov.au contains information about the operation of the National Classification Scheme in Australia. It includes information about

- The Classification Board
- The Commonwealth Act and Regulations
- Guidelines for the Classification of Publications
- Guidelines for the Classification of Films and Computer Games
- Classification Database
- Decisions of the Classification Review Board
- Notice of calls for public submissions on classification matters
- Annual reports of the Classification Board and Classification Review Board.

There is also general information for both consumers and industry.

Relevant Acts

The South Australian *Classification (Publications, Films and Computer Games) Act 1995* may be accessed at www.legislation.sa.gov.au.

The Commonwealth *Classification (Publications, Films and Computer Games) Act 1995* may be accessed at www.austlii.edu.au/au/legis/cth/consol_act/ or through the Australian Government Classification website.