



**Government
of South Australia**

Attorney-General's
Department

South Australian Classification Council 2016-17 Annual Report

South Australian Classification Council

45 Pirie Street, ADELAIDE

<https://www.agd.sa.gov.au/justice-system/courts-tribunals-and-independent-bodies/sa-classification-council>

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Date presented to Minister: 21 September 2017

To:

The Honourable John Rau, MP, Attorney-General for South Australia

Attorney-General

Minister for Justice Reform

Minister for Planning

Minister for Industrial Relations

Minister for Child Protection Reform

Minister for the Public Sector

Minister for Consumer and Business Services

Minister for the City of Adelaide

This annual report is presented to Parliament to meet the statutory reporting requirements of 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 2017 and meets the requirements of Premier and Cabinet Circular *PC013 Annual Reporting*.

This report is verified to be accurate for the purposes of annual reporting to the Parliament of South Australia.

Submitted on behalf of the South Australian Classification Council by:

Wilhelmina Chapman

Registrar



18 September 2017

Signature

Date

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Section A: Reporting required under the *Public Sector Act 2009*, the *Public Sector Regulations 2010* and the *Public Finance and Audit Act 1987*

Agency purpose or role

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.

Objectives

Classification of Publications, Films and Computer Games

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) portrayal of a person in a demeaning manner.

Classification of Theatrical Performance

Under the *Classification of Theatrical Performances Act 1978* the South Australian Classification Council also deals with the classification of theatrical performances.

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

The Council 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.

Key strategies and their relationship to SA Government objectives

Not applicable

Agency programs and initiatives and their effectiveness and efficiency

Not applicable

Legislation administered by the agency

The South Australian *Classification (Publications, Films and Computer Games) Act 1995* and the *Classification of Theatrical Performances Act 1978* 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.

Organisation of the agency

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 with wide experience in education, Ms Barbara Biggins OAM, B.Sc, Grad Dip Lib, AALIA

Four 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

Mr George Karzis B.A. (Juris.), LLB

Ms Ester Huxtable LLB (1 July 2016 - 18 June 2017)

Mr Andrew Dale

Registrar

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

Other agencies related to this agency (within the Minister's area/s of responsibility)

No other agencies within the Minister's areas of responsibility are related to the Council

Employment opportunity programs

Not applicable

Agency performance management and development systems

Not applicable

Occupational health, safety and rehabilitation programs of the agency and their effectiveness

Not applicable

Fraud detected in the agency

Not applicable

Strategies implemented to control and prevent fraud

Not applicable

Whistle-blowers' disclosure

Number of occasions on which public interest information has been disclosed to a responsible officer of the agency under the <i>Whistle-blowers' Protection Act 1993</i>	0
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Executive employment in the agency

Not applicable

Consultants

Not applicable

Financial performance of the agency

The Council did not meet this year, therefore no expenses were incurred by members.

Other financial information

Not applicable

Other information requested by the Minister(s) or other significant issues affecting the agency or reporting pertaining to independent functions

Not applicable

Section B: Reporting required under any other act or regulation – Not applicable

Reporting required under the *Carers' Recognition Act 2005*

The *Carers' Recognition Act* is deemed applicable for the following: Department for Communities and Social Inclusion, Department for Education and Child Development, Department for Health and Ageing, Department of State Development, Department of Planning, Transport and Infrastructure, South Australia Police and TAFE SA.

Section 7: Compliance or non-compliance with section 6 of the Carers Recognition Act 2005 and (b) if a person or body provides relevant services under a contract with the organisation (other than a contract of employment), that person's or body's compliance or non-compliance with section 6.

Not applicable

Section C: Reporting of public complaints as requested by the Ombudsman

Summary of complaints by subject

Not applicable

Complaint outcomes

Not applicable

Appendix: Audited financial statements 2016-17

The Council did not meet this year, therefore no expenses were incurred by members.