

GUIDELINES FOR THE CLASSIFICATION OF PUBLICATIONS 2005

Introduction

Certain publications, whether they are locally made or come from overseas, have to be classified before they can be sold, distributed or advertised in Australia.

Classification is done by the Classification Board (the Board) which is located at the Sydney-based Office of Film and Literature Classification (OFLC).

The Classification Board (the Board) classifies publications for sale on behalf of New South Wales, Victoria, South Australia, Queensland, Western Australia, Tasmania and the Territories. Queensland does not, however, recognise the 'Restricted' categories (Category 1 – Restricted and Category 2 – Restricted).

When making its classification decisions, the Board is required to reflect contemporary community standards and must apply criteria which are set out in the National Classification Code (the Code).

The Code is determined under the *Classification (Publications, Films and Computer Games) Act 1995* (the Classification Act). The Code contains the general principles which form the basis of the Classification Guidelines (the Guidelines).

The Code states:

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 persons in a demeaning manner.*

Each principle is carefully considered by the Board in the decision making process.

The concept of demeaning spelt out in the Code applies in making decisions across all of the classification categories. It refers to descriptions and depictions, directly or indirectly sexual in nature, which debase or appear to debase the person or the character described or depicted.

The Code names and broadly describes the four classification categories for publications:

Unrestricted

Category 1 - Restricted

Category 2 - Restricted

RC (Refused Classification)

The Guidelines describe in more detail the scope and limits of material suitable for each classification category. Separate guidelines exist for the classification of films (including videos) and computer games. Both the Code and the Guidelines are agreed to by Commonwealth, State and Territory Ministers with censorship responsibilities.

By law, the Board must apply both the Code and the Guidelines when making classification decisions. The Board must also take into account matters set out in section 11 of the Classification Act.

The relevant part of section 11 states:

The matters to be taken into account in making a decision on the classification of a publication 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; and*
- (c) the general character of the publication, including whether it is of a medical, legal or scientific character; and*
- (d) the persons or class of persons to or amongst whom it is published or is intended or likely to be published.*

Brief history

The classification and prohibition of publications was the duty of permanent officers in the Customs Department until the early 1970's, when the responsibility for the classification of publications was transferred to the Attorney-General's Department.

On 1 February 1984 the ACT *Classification of Publications Ordinance* (COPPO) came into effect. The Commonwealth introduced the Ordinance in the ACT as model legislation for the States and the Northern Territory, covering the sale and hire of videotapes and publications. Publications were submitted for classification on a voluntary basis and classified under guidelines which covered the classification categories set up under the Ordinance.

In 1992 revised guidelines were drawn up and agreed to by State, Territory and Federal Ministers responsible for censorship. Since that time the Guidelines have been made publicly available in order to help consumers and industry representatives better understand the classification system.

With the commencement of the Commonwealth Classification Act in January 1996, the National Classification Code came into effect and the classification of publications became a function of the Classification Board.

These Guidelines have been revised to reflect the criteria of the National Classification Code and community standards.

Consultation process

The Guidelines are revised from time to time in consultation with members of the public, community groups and organisations, including contributors to research. The views of complainants, industry groups and other interested parties are sought. The revised guidelines are scrutinised by a language expert; community input and responses are reviewed by an independent person with expertise in the area of censorship and classification. Once approved by Commonwealth, State and Territory Ministers, the Guidelines must be formally gazetted and tabled in the respective Parliaments.

Guidelines contents and use

Purpose

The Board is legally required to apply both the Code and the Guidelines when making classification decisions. The role of the Guidelines is to amplify the criteria set out in the Code. Board members are therefore the primary audience for the Guidelines.

The Guidelines are also of interest to, and used by, members of the publications industry and members of the general public.

Objectivity / flexibility

The Guidelines aim to be as objective as possible, while retaining the flexibility needed to accommodate matters such as those set out in section 11 of the Classification Act.

In describing classification criteria, the Guidelines sometimes use language which can be interpreted in a number of ways. To clarify the way words are used in the Guidelines, a Glossary of terms is included (see page 18).

Criteria

Each classification category contains a list of the criteria used by the Board when making classification decisions. These criteria relate to such classifiable elements as violence, sex, drug use, nudity, adult themes and coarse language.

Impact

In considering each element, the Board makes classification decisions based on the impact of individual elements and their cumulative effect. Both the content and treatment of elements contribute to the impact. The Board takes into account the concepts underlying individual descriptions and depictions, and assesses factors such as emphasis, tone, frequency, context and the amount of visual or written detail in those descriptions and depictions.

The Guidelines clearly delineate between ‘descriptions’ and ‘depictions’, and in some cases ‘references’, in order to be able to describe, where appropriate, the different impact levels of images and text. Descriptions are representation through text. Generally, they are more detailed and lengthy than references, (which may include, for example, headlines, or captions accompanying photographs). Depictions are representation through image. ‘Realistic depictions’ include photographs; ‘stylised depictions’ include cartoons and other illustrations. Generally, descriptions of classifiable elements may contain more detail than depictions, if the level of impact does not increase as a result. In general, stylised depictions are considered to have less impact than realistic depictions, especially photographs.

The way in which image, text and concept are combined also contributes to the overall impact, and therefore the classification decision, as does the context in which classifiable elements occur. Context can be established by the general character of the publication itself, by the location and juxtaposition of images and text within the publication, and by the relationship between particular images and text (for example, a caption beneath a photograph).

Age limits

In accordance with the Code, descriptions and depictions of sexual activity are permitted if they involve ‘*consenting adults*’. Therefore, descriptions and depictions of sexual activity involving minors under 18 generally warrant ‘RC’ classification as they ‘*...deal with matters of sex.. in such a way that they offend against the standards of morality, decency and propriety generally accepted by reasonable adults*’.

Also in accordance with the Code, sexualised descriptions and depictions of nudity involving minors under 18 generally warrant ‘RC’ classification as they ‘*...deal with matters of sex... in such a way that they offend against the standards of morality, decency and propriety generally accepted by reasonable adults*’.

Further, the Code states explicitly that publications which ‘*describe or depict 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)*’ will be classified ‘RC’.

Bona fide artworks

Bona fide artworks are not generally required to be submitted for classification as they are not generally considered to be ‘submittable publications’. Bona fide artworks which may offend some sections of the adult community may be classified in the ‘Unrestricted’ category when set in an historical or cultural context.

Levels of Restriction

State and Territory laws require that ‘submittable publications’ (those likely to warrant restriction to adults) must be submitted to the Board for classification before they can legally be sold, distributed or advertised.

Publications considered to be unsuitable for minors and likely to offend some sections of the adult community are classified in the Restricted categories.

However, when making its assessment, the Board may determine that a publication does not warrant restriction to adults. Such publications are classified ‘Unrestricted’. Some publications classified ‘Unrestricted’ may not be recommended for readers under 15 years of age.

Labelling and Consumer advice

In accordance with State and Territory enforcement legislation, all publications that are classified must be appropriately labelled with an official label showing the classification category and relevant consumer advice.

The following labels indicate the classification categories:

UNRESTRICTED

CATEGORY 1 - RESTRICTED

CATEGORY 2 - RESTRICTED

Consumer advice is generally not provided for publications.

However, material classified ‘Unrestricted’ that is not recommended for readers under fifteen years of age will be labelled with an ‘*Unrestricted*’ label and consumer advice that reads ‘*M - Not Recommended for Readers Under 15 Years*’.

Public Display

The National Classification Code states that minors should be protected from material likely to harm or disturb them, and that everyone should be protected from exposure to unsolicited material that they find offensive.

Particular attention is therefore paid by the Board to the covers of submittable publications to ensure that they are suitable for display in public.

A publication with a cover considered unsuitable for public display that does not in itself warrant 'Category 2 – Restricted' or 'RC' classification may be classified 'Category 1 – Restricted' on the basis that the publication is sealed in a plain opaque wrapper.

The Guidelines

UNRESTRICTED

The ‘Unrestricted’ classification encompasses a wide range of material. It is not likely to include material that offends a reasonable adult to the extent that it should be restricted.

‘Unrestricted’ publications may include material that is not recommended for some readers. ‘Unrestricted’ publications that include material that is not recommended for readers under 15 may be required to carry consumer advice labels, as follows: ‘Unrestricted’ - *M - not recommended for readers under 15 years.*

The application of this consumer advice label to publications within the ‘Unrestricted’ classification will be determined by the Board in relation to the impact level of the publication.

Generally, descriptions and depictions of classifiable elements in publications classified ‘Unrestricted’ may contain some detail. However, the impact will not be so strong as to require legal restriction. The impact of covers of ‘Unrestricted’ publications will be low.

Publications which emphasise both violence and sexual activity and/or nudity will not be permitted in this classification category.

Publications which deal with sexual matters and/or nudity should not be exploitative.

Bona fide artworks which may offend some sections of the adult community may be classified ‘Unrestricted’ when authentically set in a particular historical or cultural context.

‘Unrestricted’ Contents:

Violence: Generally, descriptions and depictions of violence should not have a high impact or be offensive.

Descriptions and depictions of violence with a high impact must not be:

- gratuitous; or
- emphasised; or
- exploitative.

Publications that emphasise violence, including fighting or combat, in a sporting or career context, such as the armed forces, may be permitted.

Prominent and frequent realistic depictions of violence will not be permitted.

Stylised depictions of violence may be more detailed and more frequent than realistic depictions if this does not increase the impact.

Descriptions and depictions of violence in a sexual context should be low in impact. They should not be:

- gratuitous; or
- emphasised.

Written and visual references to sexual violence must not be:

- frequent; or
- gratuitous; or
- emphasised; or
- exploitative.

Sex:

Descriptions and depictions of, and references to, sexual activity involving consenting adults should not be:

- exploitative; or
- offensive.

Realistic descriptions of sexual activity involving consenting adults should not be:

- gratuitous; or
- very detailed.

Sexual activity involving consenting adults may be discreetly implied in realistic depictions. It should not be high in impact.

Descriptions and stylised depictions of sexual activity involving consenting adults may be more detailed than realistic depictions if this does not increase the impact.

Nudity:

Descriptions and depictions of, and references to, nudity should not be:

- exploitative; or
- offensive.

Realistic depictions of sexualised nudity should not be high in impact. Realistic depictions may contain discreet genital detail but there should be no genital emphasis. Prominent and/or frequent realistic depictions of sexualised nudity containing genitalia will not be permitted. Realistic depictions in which sexual excitement is apparent are not permitted.

Stylised depictions of nudity may contain more detail than realistic depictions if this does not increase the impact.

Descriptions of nudity may contain more detail than depictions if this does not increase the impact.

Coarse Language: Coarse language may be used.

Coarse language that is strong, aggressive or sexually detailed should not:

- have a high impact; or
- be exploitative ; or
- be offensive.

Adult Themes: Descriptions and depictions of adult themes should not:

- have a high impact; or
- be offensive.

The treatment of themes with a high degree of intensity should be:

- discreet;
- low in impact; and
- not exploitative.

Generally, the stronger the theme, the more discreet the treatment.

Descriptions and depictions of sexual products and services that are restricted to adults should:

- be discreet; and
- have a low impact.

Drug Use: Drugs and drug use may be discreetly described and depicted.

Detailed descriptions or depictions of drug use should not:

- have a high impact; or
- be offensive.

Drug use should not be promoted or encouraged.

The misuse of non-proscribed drugs should not be promoted or encouraged, nor described in gratuitous detail.

‘Unrestricted’ Covers:

Covers must be suitable for display in public. The impact of any descriptions, depictions and references on covers should be low. Publications with covers which are not suitable for public display will not be permitted in the ‘Unrestricted’ category.

Violence: Written references to violence should be discreet.

Realistic depictions of violence should be discreet. Stylised depictions may contain more detail if the impact remains low.

Descriptions and depictions of sexual violence and non-consent are not permitted.

Written references to sexual violence and non-consent should be discreet and should not be:

- gratuitous; or
- exploitative in any way.

Sex: Written references to sexual activity involving consenting adults should be discreet.

Depictions which show or imply sexual activity involving consenting adults are not permitted.

Nudity: Depictions of nudity should be very discreet. Depictions of sexualised nudity, whether obscured or otherwise, are not permitted.

Coarse Language: Mild coarse language may be acceptable but should not be emphasised. Coarse language that is strong, aggressive or sexually detailed is not permitted.

Adult Themes: Written references to adult themes should be discreet. Depictions of adult themes should be discreet. Promotion of adult sexual products and services should be:

- very discreet; and
- low in impact.

Drug Use: Generally, drug use should not be described or depicted.

Written references to drug use should be discreet.

Drug use may not be promoted or encouraged.

CATEGORY 1 - RESTRICTED

Not available to persons under 18 years. (Not to be sold in Queensland.)

This classification is legally restricted to adults. Material which is given a restricted classification is unsuitable for those under 18 years of age. It may offend some sections of the adult community.

Material classified ‘Category 1 - Restricted’ must be distributed in a sealed wrapper.

Covers must be suitable for public display. Publications with covers which are considered not suitable for public display will not be permitted in this classification category unless sealed in plain opaque wrapping.

Category 1 – Restricted Contents:

Violence: Publications which promote, incite or instruct in violence are not permitted.

The treatment of realistic violence may be detailed. Descriptions and depictions of violence that are excessive are not permitted.

Descriptions and depictions of violence in a sexual context should not be exploitative.

Descriptions and depictions of sexual violence should not be detailed. They should not be:

- gratuitous; or
- exploitative.

Gratuitous, exploitative or offensive depictions of cruelty or real violence will not be permitted.

Sex: Detailed descriptions of sexual activity involving consenting adults may be permitted. However sexual themes with a very high degree of intensity should not be described.

Actual sexual activity may not be shown in realistic depictions. Simulated or obscured sexual activity involving consenting adults may be shown in realistic depictions. Genital contact is not permitted to be shown in realistic depictions.

Stylised depictions of sexual activity involving consenting adults may be more detailed than realistic depictions.

Nudity: Realistic depictions of nudity may contain genital detail and emphasis. Realistic depictions of obvious sexual excitement may be permitted. Realistic depictions may include touching of genitals.

Coarse Language: There are virtually no restrictions on coarse language in this category.

Adult Themes: Themes with a high degree of intensity may be dealt with. The treatment should not be exploitative.

Themes with a very high degree of intensity may be referred to, but not described in detail. The treatment should not be exploitative.

Descriptions and depictions of fetishes should not be exploitative. Descriptions and depictions of fetishes in which non-consent or physical harm are apparent are not permitted. Descriptions and depictions of *revolting and abhorrent phenomena* are not permitted.

Descriptions of fetishes may contain detail.

Depictions of mild fetishes may be permitted.

Depictions of stronger fetishes are not permitted.

Drug Use: Descriptions and depictions of drug use may be permitted.

Detailed instruction in drug use is not permitted.

Drug use should not be promoted or encouraged.

Category 1 – Restricted Covers: As for ‘Unrestricted’.

CATEGORY 2 - RESTRICTED

Not available to persons under 18 years. (Not to be sold in Queensland.)

This category is legally restricted to adults. Material which is given a restricted classification is unsuitable for those under 18 years of age. It may offend some sections of the adult community.

Material classified ‘Category 2 - Restricted’ may not be publicly displayed and may only be displayed in premises that are restricted to adults.

The classification criteria for the covers of ‘Category 2 - Restricted’ publications are therefore the same as for the contents of ‘Category 2 - Restricted’ publications.

Category 2 – Restricted Contents and Covers:

Violence: as for ‘Category 1 - Restricted’.

Sex: Detailed descriptions of sexual activity involving consenting adults may be permitted.

Actual sexual activity involving consenting adults may be realistically depicted.

Nudity: Realistic depictions of nudity may include actual sexual activity.

Coarse Language: as for ‘Category 1 - Restricted’.

Adult Themes: The treatment of themes with a very high degree of intensity should not be exploitative.

Descriptions and depictions of stronger fetishes may be permitted.

Descriptions and depictions of fetishes in which non-consent or physical harm are apparent are not permitted.

Depictions of *revolting and abhorrent phenomena* may be permitted. Stylised depictions and written descriptions may be more detailed than realistic depictions.

Drug Use: As for ‘Category 1 - Restricted’.

RC REFUSED CLASSIFICATION

Publications which contain elements which exceed those set out in the above classification categories are classified 'RC'.

Publications which fall within the criteria for 'RC' classification cannot be legally imported or sold in Australia.

The National Classification Code sets out the criteria for classifying a publication 'RC'. These include publications that:

- *describe, depict, express or otherwise deal with matters of sex, drug misuse or addiction, crime, cruelty, violence or revolting or abhorrent phenomena in such a way that they offend against the standards of morality, decency and propriety generally accepted by reasonable adults to the extent that they should not be classified; or*
- *describe or depict 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;*
- *promote, incite or instruct in matters of crime or violence.*

Publications that appear to purposefully debase or abuse for the enjoyment of readers/viewers, and which lack moral, artistic or other values to the extent that they offend against generally accepted standards of morality, decency and propriety will be classified 'RC'.

Publications will be classified 'RC' :

- (a) if they promote or provide instruction in paedophile activity;

or if they contain:

- (b) descriptions or depictions of child sexual abuse or any other exploitative or offensive descriptions or depictions involving a person who is, or appears to be, a child under 18 ;
- (c) detailed instruction in:
 - (i) matters of crime or violence,
 - (ii) the use of proscribed drugs;
- (d) realistic depictions of bestiality;

or if they contain gratuitous, exploitative or offensive descriptions or depictions of:

- (e) violence with a very high degree of impact which are excessively frequent, emphasised or detailed;
- (f) cruelty or real violence which are very detailed or which have a high impact;

- (g) sexual violence;
- (h) sexualised nudity involving minors;
- (i) sexual activity involving minors;

or if they contain exploitative descriptions or depictions of:

- (j) violence in a sexual context;
- (k) sexual activity accompanied by fetishes or practices which are revolting or abhorrent;
- (l) incest fantasies or other fantasies which are offensive or revolting or abhorrent.

GLOSSARY OF TERMS

Abuse:	Maltreat or assault, especially sexually.
Adult Themes:	Adult themes may include references to and depictions associated with issues such as violence, sex, nudity, crime, suicide, drug and alcohol dependency, fetish, death, serious illness, and racism.
Cultural context:	In relation to bona fide works of art, includes works of literary note.
Coarse language:	Mild coarse language might include “bloody” or “bugger” and infrequent use of words such as “shit”. Strong coarse language includes “fuck” language and derivatives.
Demean:	A description or depiction, directly or indirectly sexual in nature, which debases or appears to debase the person or the character depicted.
Depiction:	Representation through image. Realistic depictions include photographs and illustrations which are close to real life; stylised depictions include cartoons and other unrealistic illustrations and images.
Description:	Representation through text. Generally, descriptions of classifiable elements may contain more detail than depictions.
Detail:	The amount of verbal or visual information in the representation of a subject.
Discreet:	With little or no detail and generally not prominent.
Disturb/disturbing:	Cause emotional trauma or anguish.
Drug use:	The use of proscribed drugs. Proscribed drugs are those specified in Schedule 4 (referred to in Regulation 4A (1A) (e)) of the Customs (Prohibited Imports) Regulations.

Elements:	Classifiable elements include violence, sex, adult themes, coarse language, drug use, nudity - the Classification Board assesses the impact of these when making classification decisions.
Emphasised:	Given prominence or strong focus. Factors include placement (within the publication or on the page), size (of image, article or text), style (including colour, clarity, realism), pose (of model), length of verbal description, and frequency.
Excessive:	Treatment which exceeds reasonable limits, especially in terms of detail, length of verbal description or frequency
Exploitative:	Appearing to purposefully debase or abuse for the enjoyment of readers/viewers, and lacking moral, artistic or other values.
Fetish:	An object, an action, or a non-sexual part of the body which gives sexual gratification. Mild fetishes include stylised domination and rubberwear. Stronger fetishes include bondage and discipline.
Genital Contact:	Genital manipulation, including penetration, in actual sexual activity.
Gratuitous:	Material which is unwarranted or uncalled for, and included without the justification of a defensible story-line or artistic merit.
Harm/harmful:	Cause damage.
Historical context:	In relation to a bona fide work of art, includes a documentary or biography.
Impact:	The strength of the effect on the reader/viewer.
Implied:	Depiction/s of a subject in which an act or thing is inferred or indicated without actually being seen.
Intensity:	Strength of treatment or subject matter.
Material:	The covers and content of publications.
Nudity:	Nudity can consist of frontal or rear below waist visuals, full frontal or full rear visuals for both sexes,

or breast nudity for females. The amount of detail is determined not only by the content of the nudity shown, but by other factors including closeness and size of visuals, realism, and clarity.

Offensive:

Material which causes outrage or extreme disgust. The Guidelines distinguish between material which may offend some sections of the adult community, and material which offends against generally accepted standards, and is therefore likely to offend most people.

Plain opaque wrapping:

Opaque material covering the cover of a publication with the exception of the title of the publication, unless the title itself (including depictions and text) is unsuitable for public display.

Publication:

Has the same meaning as ‘publication’ in the Commonwealth Classification (Publications, Films and Computer Games) Act 1995.

Real:

Actual.

Realistic:

(see **Depiction**)

Reasonable Adult:

Possessing common sense and an open mind, and able to balance personal opinion with generally accepted community standards.

Reference:

References may be visual or verbal. References refer or relate to classifiable elements such as violence, sex, nudity and drug use.

Revolting and abhorrent phenomena:

Fetishes or practices, sometimes accompanied by sexual activity, which are considered offensive.

Sexual Activity:

Matters pertaining to sexual acts but not limited only to portrayals of sexual intercourse.

Sexual Context:

A sexual context may be established by the nature of the publication itself, by the frequency of depictions or descriptions of or implying sexual activity, by the placement (including juxtaposition) of images and text, or by the relationship between image and text (for example a caption accompanying a realistic depiction).

Sexual Excitement:

Includes the male erection.

Sexual Violence:	The act of sexual assault or aggression, in which the victim does not consent.
Sexualised Nudity:	Includes poses, props, text and backgrounds that are sexually suggestive.
Simulation:	Simulated sexual activity is not real, but looks realistic.
Submittable Publication:	Has the same meaning as ‘publication’ in the Commonwealth Classification (Publications, Films and Computer Games) Act 1995.
Stylised:	(see Depiction)
Tone:	The quality or feeling of material, such as its sadness, humour, menace, lightness, or seriousness.
Touching of Genitals:	Displaying of genitals, or implying sexual activity.
Treatment:	The way in which written or pictorial material is handled, with regard to such factors as detail, emphasis and tone.
Unsuitable:	Material that is not appropriate to readers/viewers under 18 years because of its ability to harm or disturb .
Violence:	Includes not only acts of violence, but also the obvious threat of violence or its result.
Violence in a Sexual Context:	Violence in a sexual context, as distinct from sexual violence, refers to a relationship between the elements of violence and sex/sexualised nudity. The relationship may be established by the placement, juxtaposition, style or content of images and text, and/or by a story-line.