

EXPLANATORY STATEMENT

ISSUED BY THE AUTHORITY OF THE ATTORNEY-GENERAL

Classification (Publications, Films and Computer Games) Act 1995

GUIDELINES FOR THE CLASSIFICATION OF FILMS AND COMPUTER GAMES

The *Classification (Publications, Films and Computer Games) Act 1995* (the Act) facilitates the operation of the intergovernmental co-operative legislative scheme for censorship in Australia.

Under section 9 of the Classification Act, publications, films and computer games are to be classified in accordance with the National Classification Code (the Code) and the classification guidelines. The Code is the Code that is amended from time-to-time in accordance with Section 6 of the Classification Act.

Section 12 of the Classification Act provides that the Minister (ie Attorney-General) and participating State and Territory Censorship Ministers may 'determine guidelines to assist the Board in applying the criteria in the Code'.

The amendments made to the Guidelines that come into effect on 26 May 2005 do two things.

First, the *Classification (Publications, Films and Computer Games) Amendment Act 2004* ('the Amendment Act') introduced common classification types for films and computer games. The film and computer game classification types are:

G	General
PG	Parental Guidance
M	Mature
MA 15+	Mature Accompanied
R 18+	Restricted (this category applies to films only)
X 18+	Restricted (this category applies to films only)
RC	Refused Classification

The references in the film and computer games guidelines to the current classification types have been replaced with references to the new classification types. This amendment is solely consequential to the Amendment Act and does not affect the type of material that is permitted within each classification.

Second, on 17 March 2005 Ministers amended the Code to give effect to Australia's international obligations regarding the elimination of child pornography under the International Labour Organisation Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ILO 182).

The consequential amendments to the *Guidelines for the Classification of Films and Computer Games* (2003 Guidelines) ensure consistency with the Code.

There was no public consultation on the amendments to the film and computer games guidelines. Concerning the changes that are necessary to incorporate the new common classification types introduced by the Amendment Act, comprehensive consultation

was undertaken with industry, consumers and community in the context of the Amendment Act.

In relation to the amendments to ensure compliance with ILO 182, as pornographic material involving 16 and 17 year olds is already refused classification under the classification system, the amendment was considered minor. Under Part VI of the *Intergovernmental Agreement relating to a revised co-operative legislative scheme for censorship in Australia*, public consultation is required prior to any amendment to the guidelines, except where Ministers consider the proposal minor.

Section 12 of the Classification Act provides that if the Minister (ie Attorney-General) and each participating State and Territory Censorship Minister agree to an amendment of the guidelines, the guidelines are taken to be amended accordingly. Ministers agreed that the revised film and computer games guidelines would commence on the day on which the Amendment Act commenced. Ministers agreed to the ILO 182 amendments on 26 May 2005.

The amended film and computer games guidelines commenced on 26 May 2005.

The 2003 Guidelines is a legislative instrument for the purposes of the *Legislative Instruments Act 2003* (LIA). In accordance with sections 44(1) and 55(1) of the LIA, the 2003 Guidelines is not subject to disallowance or sunseting.