

EXPLANATORY STATEMENT

ISSUED BY THE MINISTER FOR HOME AFFAIRS

CLASSIFICATION (AUTHORISED TELEVISION SERIES ASSESSOR SCHEME) DETERMINATION 2008

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

Authority for making the instrument

Section 14B(3), inserted into the Classification Act by the *Classification (Publications, Films and Computer Games) Amendment (Assessments and Advertising) Act 2008*, allows the Minister to determine a scheme relating to the assessment of television series films.

Purpose of the instrument

Section 14B introduces alternative procedures for the classification of films that are one or more episodes of a television series and series-related material so that an application for classification of such a film may be accompanied by a report that complies with conditions set out in this instrument.

This instrument is the *Classification (Authorised Television Series Assessor Scheme) Determination 2008*. Together with amendments to the Classification Act, it establishes a scheme where trained and authorised assessors may consider films that comprise all, or part, of a television series and any series-related material where at least one of the episodes contained on the television series film has been broadcast in Australia and make a recommendation to the Classification Board on the appropriate classification and consumer advice. Under the Authorised Television Series Assessment Scheme the responsibility for the final classification and consumer advice remains with the Classification Board.

This instrument sets out the requirements for authorisation (and continued authorisation) of assessors, including training requirements. The instrument details the requirements for an authorised assessor's report, including dealing with each episode of the television series film and all series-related material, identifying the impact of each classifiable element, the cumulative impact for the entire product, and recommending the appropriate classification and consumer advice for the television series film. Safeguards and sanctions applicable under the scheme include powers to revoke assessors' authorisations, powers to revoke classifications and powers to prohibit distributors from using the scheme under certain circumstances.

The aim of the Authorised Television Series Assessment Scheme is to streamline the classification process, respond to the changing technological environment for entertainment media and reduce the cost of classifying television series films for industry.

Issues giving rise to the need for the instrument

A key characteristic of a television series is that it is targeted to a particular consumer group and is generally consistent in the impact of its content. Under current arrangements, compilations of episodes of a television series are classified in the same manner as a film. The fee is calculated by reference to the total running time of the material. Since a television series film generally runs much longer than a public exhibition film or a film produced for sale or hire, the cost of classifying a television series film is generally higher than the cost of classifying other films.

The Classification Act already provides for two authorised assessor assessment schemes: a computer games assessment scheme and a DVD additional content assessment scheme. The provisions relating to authorised assessors under the television series assessment scheme are intended to be broadly consistent with the existing industry-based assessment schemes.

Consultation

Subsection 14B(5) of the Classification Act provides that the Minister must consult with State and Territory Censorship Ministers before determining an Authorised Television Series Assessment Scheme. State and Territory Censorship Ministers agreed to this instrument in November 2008.

State and Territory Censorship Ministers, the Classification Board and peak industry bodies have been consulted on both the original policy proposal and on the details of this instrument.

Commencement arrangements

The Authorised Television Series Assessment Scheme commences on 1 January 2009. The instrument commences on the commencement of Schedule 2 of the *Classification (Publications, Films and Computer Games) Amendment (Assessments and Advertising) Act 2008*.

The Authorised Television Series Assessment Scheme will require an amendment to the *Classification (Publications, Films and Computer Games) Regulations 2005* to prescribe a new flat fee for applications for classification of a television series film that are accompanied by an authorised assessor's report.

The instrument is a legislative instrument for the purposes of the *Legislative Instruments Act 2003* (LIA). In accordance with sections 44(1) and 54(1) of the LIA, the instrument is not subject to disallowance or sunseting because the Classification Act facilitates the establishment or operation of an intergovernmental scheme involving the Commonwealth and one or more of the States, and authorises the instrument to be made by the Minister.

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