

## **EXPLANATORY STATEMENT**

Issued by Authority of the Classification Board

*Classification (Publications, Films and Computer Games) Act 1995*

### ***Classification (Publications, Films and Computer Games) (Consumer Advice Terms) Determination 2024***

#### **Authority**

This instrument is made under section 12A of the *Classification (Publications, Films and Computer Games) Act 1995* (Classification Act).

Paragraph 12A(1)(a) provides that the Classification Board (the Board) may, by legislative instrument, determine a list of consumer advice terms, to be used in determining consumer advice for a film or computer game.

#### **Purpose and operation**

The Board has determined a list of approved words and phrases to be used as consumer advice in respect of films and computer games. Accredited persons and operators of approved classification tools will only use the list of approved consumer advice terms to ensure consistent application of consumer advice for all film and computer game content classified under the Classification Act. The outcome of this is to:

- make it easier for consumers to understand and interpret consumer advice labelling for content that they watch, or play; and
- provide a basis for the revocation of classification decisions made by accredited persons and approved classification tools if classification decisions they produce use different consumer advice terms not included in the list.

Classification decisions made under the Classification Act consist of both a classification rating (i.e. G, PG, M, MA 15+ or R 18+ for films and computer games) and associated consumer advice about the content being classified. The classification rating provides consumers with an indication of the impact level of the content, including where any age restrictions apply to consumers of the content, while consumer advice provides more detailed and descriptive information generally about the most impactful content to help consumers make informed choices.

Amendments to the Classification Act that commenced on 14 March 2024 included, at paragraphs 22CH(1)(b) and 22L(1)(b) respectively, expanded powers for the Board to quality assure and, where necessary, revoke decisions made by accredited persons and approved classification tools, if the Board is of the opinion that:

- had the film or computer game been classified by the Board, the Board would have given the film or computer game a different classification; or
- the consumer advice for the film or computer game is misleading, incorrect or grossly inadequate; or
- the consumer advice for the film or computer game uses a consumer advice term that is not included in the list determined by the Board under section 12A that was in force at the time the consumer advice was determined.

Details of the instrument are set out in Attachment A.

### **Consultation**

The development of the list of consumer advice terms contained in this instrument was informed by consultation with industry, the Department and the full membership of the Classification Board, and draws from research on classification usage and attitudes, and community standards, where appropriate.

### **Impact analysis**

The Office of Impact Analysis was consulted in the development of the *Classification (Publications, Films and Computer Games) Amendment (Industry Self-Classification and Other Measures) Act 2023* which inserted the power for the Board to determine a list of consumer advice terms, and assessed the proposal as having no more than minor regulatory impacts (OBPR22-03305).

### **Commencement and sunseting arrangements**

This instrument will commence the day after the end of the period of 3 months beginning on the day this instrument is registered.

This is a legislative instrument for the purposes of the *Legislation Act 2003* (Legislation Act). In accordance with subsections 44(1) and 54(1) of the Legislation Act, it is not subject to disallowance or sunseting, because the Classification Act facilitates the operation of an intergovernmental scheme and authorises the instrument to be made.

**Details of the *Classification (Publications, Films and Computer Games) (Consumer Advice Terms) Determination 2024***

Section 1 – Name

This section provides that the name of the instrument is the *Classification (Publications, Films and Computer Games) (Consumer Advice Terms) Determination 2024*.

Section 2 – Commencement

This section provides that the instrument commences the day after the end of the period of 3 months beginning on the day this instrument is registered.

Section 3 – Authority

This section states that the instrument is made under section 12A of the *Classification (Publications, Films and Computer Games) Act 1995* (Classification Act).

Section 4 – Definitions

This section includes definitions used in the instrument and includes a note directing readers to some of the expressions used that are defined in the Classification Act.

Sections 5 and 6 - Schedules

Section 5 provides that the list of consumer advice terms to be used in determining consumer advice for a film is set out in Schedule 1.

Section 6 provides that the list of consumer advice terms to be used in determining consumer advice for a computer game is set out in Schedule 1.

Schedule 1 – Consumer advice terms for films

The consumer advice terms for films are specified in Schedule 1 to the instrument.

For each classification rating for films (G, PG, M, MA 15+ and R 18+) there is a table that specifies the classifiable element (first column) and the corresponding consumer advice terms (second column) that may be applied in respect of the particular classifiable element.

It is noted that where a film does not include any classifiable element, the consumer advice term that must be used is ‘General’.

## Schedule 2 – Consumer advice terms for computer games

The consumer advice terms for computer games are specified in Schedule 2 to the instrument.

For each classification rating for computer games (G, PG, M, MA 15+ and R 18+) there is a table that specifies the classifiable element (first column) and the corresponding consumer advice terms (second column) that may be applied in respect of the particular classifiable element.

It is noted that where a computer game does not include any classifiable element, the consumer advice term that must be used is ‘General’.

In addition to the list of consumer advice terms for each classification rating for computer games, Table 6 provides consumer advice terms for computer games containing online interactivity and in-game purchases. Where this content appears in a computer game, these consumer advice terms are to be included regardless of the computer game’s classification.

Computer games that contain in-game purchases linked to elements of chance, such as paid loot boxes, require a minimum classification of M and will require a consumer advice of ‘Chance-based in-game purchases’ or ‘Chance-based and in-game purchases’. Computer games that contain simulated gambling, will be legally restricted to adults, with a mandatory minimum classification of R18+ and require a consumer advice of ‘High impact simulated gambling’.