



# ABC submission on stage 2 reforms to the National Classification Scheme

---

## Introduction

The Australian Broadcasting Corporation (ABC) welcomes the opportunity to comment on the Government’s public consultation paper “Modernising Australia’s Classification Scheme – Stage 2 Reforms”.

As a national broadcaster, the ABC recognises that its content helps inform and reflect community standards. It regards classification as an important tool for assisting audiences to make informed choices about what they hear, see, or participate in on broadcast and online services.

The Corporation acknowledges that much of its output is unaffected by the proposals in the consultation paper. Nonetheless, there are areas that may be affected by the Stage 2 reforms; these are discussed below.

In particular, the ABC agrees that the National Classification Scheme has not kept pace with community standards or technological changes.

## The ABC and the National Classification Scheme

Under s 8(1)(e) of the *Australian Broadcasting Corporation Act 1983* (ABC Act), the ABC Board is required to develop a code of practice for the Corporation and notify it to the Australian Communications and Media Authority (ACMA). The ABC Code of Practice includes classification guidelines drawn from the Corporation’s Associated Standard on TV Program Classification, which governs the classification and scheduling of programs on ABC television platforms.<sup>1</sup> The ABC applies the same classification standards to streaming video content carried on ABC iview.

While the Corporation is thus not subject to the National Classification Scheme, it seeks to ensure that its classification standard is broadly consistent with that Scheme, including the categories from the National Classification Code. This helps ensure Australians have access to consistent information to assist their listening, viewing and participation choices.

---

<sup>1</sup> ABC. ‘Associated Standard on TV Program Classification’, <https://edpols.abc.net.au/associated-standard-on-tv-program-classification/>.

There are, nonetheless, some important differences between the ABC's classification standard and the Guidelines for the Classification of Films and Computer Games ("Guidelines"). In particular, the ABC's classification standard does not employ an overarching "impact test" of the kind used as the primary determinant of the classification of films under the Guidelines. Under that approach, the description of what is permissible within each classifiable element at each classification level is brief and imprecise. As a result, the impact test is highly subjective.

In contrast, the ABC's classification standard provides a detailed description of what is permissible at each level for each classifiable element. These detailed descriptions allow it to apply its classifications and consumer advice in a consistent, accurate and objective manner. With reference to the Corporation's Code of Practice, ABC audiences can understand precisely what to expect at each classification level and can rest assured that the decisions made by ABC classifiers have been made as objectively as possible.

Currently, the subjective nature of the impact test stands as the biggest impediment to the ABC's adoption of the Guidelines.

The Corporation might be willing to adopt the Guidelines in full if they were to be modernised in a way that better serves audiences. This in part informs the ABC's interest in the proposals for better aligning Australia's classification guidelines with community standards canvassed in the consultation paper.

## **Purpose and scope of the National Classification Scheme**

The ABC believes that the guiding principles remain sound and relevant. It does not have any concerns with the current scope and purpose of the Scheme.

The consultation paper suggests the possibility of broadening the definition of submittable publication "to capture publications that do not meet the criteria for legal restriction to adults but contain depictions or descriptions that are unsuitable for children under 15 years of age". However, no reasons for such a change are given.

The Corporation notes that such a change would potentially expand the volume of classification work, and thus the costs, imposed on media organisations. In the case of the ABC, for example, ABC Commercial is likely to publish books and audiobooks that are potentially unsuitable for children under 15 years.

As one of the central features of the reforms set out in the consultation paper is a mechanism to ensure that classification standards are updated to reflect community standards, this proposal appears pre-emptive. It would be better incorporated into the review work of the proposed Classification Advisory Panel.

## **Aligning classification guidelines to community standards**

The ABC believes that Australia's classification guidelines would benefit from revision to ensure that they are aligned with current community standards. It supports the establishment of mechanisms to allow them to be modernised and regularly updated.

The Corporation is broadly in favour of the proposal to establish a Classification Advisory Panel or a similar body that is able to provide evidence-based advice on amendments to classification criteria, although it believes an appropriate constitution of the Panel would be vital to ensuring it can deliver the best outcomes.

The consultation paper proposes that the Panel would include academics from relevant disciplines and representatives of community and industry bodies. The ABC believes that industry representation is a particularly important component of this mix. Not only do broadcasters have a high degree of awareness of their audiences, including their content interests and expectations, but their classifiers are among the foremost classification experts and possess unique and valuable expertise. Broadcasters would also be able to advise on the feasibility of implementing potential changes. Ideally, the Panel would include representatives from the public media organisations, as well as commercial media, reflecting the relative differences in the audiences with which they engage.

Consistency of classification guidelines across the industry would benefit all Australian media consumers. However, as noted above, the Corporation would only be willing to adopt revised guidelines if it was satisfied that they serve the best interests of its audiences. In this sense, appropriate panel representation is likely to prove significant.

If the Classification Advisory Panel or a body like it were to be instituted, the ABC would seek to be represented on it.

The consultation paper requests suggestions for matters that the Classification Advisory Panel might consider. Consistent with its comments above, the ABC strongly recommends that, if it is created, the Panel should be asked to consider the removal or significant reworking of the impact test concept.

## **Regulatory and governance arrangements for classification**

The ABC has no strong views on possible models for consolidating Commonwealth classification responsibilities under a single regulator. It does note that, given the considerable differences in the approaches taken by the ACMA and the eSafety Commissioner, consolidation may not be feasible.

In any case, the ABC believes that the level of regulation that broadcasters are subject to via the ACMA ought to apply to the streaming media companies with whom they compete for the attention of audiences. The adoption of a lighter-touch approach for streamers when compared to broadcasters, particularly those that operate globally, would further disadvantage domestic broadcasters. Instead, the playing field for classification obligations and their attendant costs should be level.