

30 May 2024

Screen Producers Australia's submission to Modernising Australia's National Classification Scheme - Stage 2 Reforms

About Screen Producers Australia

Screen Producers Australia (SPA) was formed by the screen industry businesses representing large and small enterprises across a diverse production all forms and formats of screen content.

As the peak industry and trade body, we consult with a membership of more than 700 production businesses in the preparation of our submissions. This consultation is augmented by ongoing discussions with our elected Council and members. Our members employ hundreds of producers, thousands of related industry practitioners and drive over \$2 billion worth of annual production activity from the independent sector.

SPA's members are drawn from all elements of the Australian production ecosystem, including emerging and established producers, production businesses, services and facilities. Our members vary in size from large internationally owned entities, to partnerships, to sole traders and other corporate entities, and are found in every region, state and territory of Australia.

On behalf of these businesses, we are focused on delivering a healthy commercial environment for the entire screen industry through ongoing engagement with elements of the labour force, including directors, writers, actors and crew, as well as with broadcasters, distributors and government in all its various forms. This coordinated dialogue ensures that our industry is successful, employment levels are strong and the community's expectations of access to high quality Australian content have been met.

Screen Producers Australia welcomes the opportunity to make a submission to Modernising Australia's National Classification Scheme - Stage 2 Reforms.

For further information about this submission please contact Jane Mulligan, Director of Policy (jane.mulligan@screenproducers.org.au)

EXECUTIVE SUMMARY

- SPA supports the principle underlying the Classification framework being to enable Australians to make informed choices. As such, the aim should be to provide as much information and detail as is needed to assist these choices.
- SPA supports the adoption of a Classification Advisory Panel to provide advice to Governments on possible updates to the Guidelines. However, SPA believes it is important that a representative from a screen producing business be included on this panel and that representation from community organisations is limited and does not include any representatives with views that are fixed on a specific belief or ideology.
- SPA believes there are many advantages in having a single national regulator and that this would be welcomed by the industry.
- SPA has had the opportunity to read the submission being made by the Film Industry Associations (FIA) and supports the reform proposals to Australia's classification of cinema trailers in that submission.

CONSULTATION ISSUES

1] Clarifying the scope and purpose of the scheme, including the types of content that should be subject to classification

Summary: Under this issue, the Government is considering whether the concept of "classifiable content" should be expanded to include online streaming providers and online games stores directed at Australian consumers. This would not capture user-generated material that has been posted online and which has historically been captured due to the broad definition of 'film' in the Classification Act.

SPA does not have any comments on this issue.

2] Ensuring the classification guidelines continue to be aligned with and responsive to, evolving community standards, expectations and evidence

SPA understands that the Government is considering whether an advisory body should be created to establish an established mechanism for identifying issues of community concern or emerging evidence and raising them with the government as needed.

SPA agrees with the observation that community standards are not fixed but which evolve over time and that material which may have been unremarkable decades ago, would now require more sophisticated evaluation and guidance for viewers.

SPA does not have a firm view on this proposal. However, if the Government decides to establish an advisory body, SPA asks that the body includes a representative from the screen production business. SPA believes that it is critical for any Government board or body that purports to represent the screen industry for that body to have a balanced representation that includes the business development perspective as screen producers are those with ultimate responsibility and oversight of the entire screen production process.

SPA also suggests that any advisory body should avoid representation from individuals or organisations aligned with specific religious or other restrictive views on access to controversial content. The role of any body should be advice to guide classification of material

as a source of information for viewers and should avoid any attempt at censorship or similarly restrictive efforts.

3] Establishing fit-for-purpose governance and regulatory arrangements for the scheme under a single national regulator responsible for media classification

SPA believes that there would be considerable advantages to the consolidation of this responsibility into a single national regulator and urges the Australian Government to consult with States and Territories on this matter and to bring forward a proposal for reform to industry stakeholders.

SUPPORT FOR FIA SUBMISSION

SPA has had the opportunity to read the submission being made by the Film Industry Associations (FIA) regarding the Advertising Scheme for Unclassified Films and Computer Games and supports the reform proposals to Australia's classification of cinema trailers in that submission.

SPA agrees that the current approach to triling disadvantages Australian cinema releases and should be reconsidered.

SPA agrees that given the significant investment in Australian feature films that it is important that our Classification Scheme is fit for purpose.

SPA supports the FIA proposal that trailers for unclassified films that trailers for unclassified films be shown with films one category lower than their likely classification as long as three criteria are met:

- 1) that the content of the trailer would not be classified higher than the feature film it is being shown with,
- 2) that the trailer is relevant, appropriate and suitable for that audience, particularly in regard to children, with no trailers being screened to people who may be legally restricted from viewing the film being advertised – albeit, in some cases, with a parent or guardian.
- 3) That it is clear to the consumer that the rating of the trailer and that of the film being advertised may be varied and they should “Check The Classification”.