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The Premier
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Dear Premier

**Re: South Australian Classification Council
Classification of Theatrical Performances Board**

We refer to your letter of the 8 July 2014 concerning the reform of South Australian government boards and committees.

The South Australian Classifications Council ('the Council') and Classification of Theatrical Performances Board ('the Board'), who comprise the same membership, have met to discuss your decision to reform South Australian government boards and committees.

We note your advice that every government board and committee will be abolished unless it can be demonstrated it has an essential purpose that cannot be met through other means.

Classification of Theatrical Performances Board

The Board has been established under the *Classification of Theatrical Performances Act 1978 (SA)* ('the COTP Act'), which states, "The Board is to be constituted of the persons who are for the time being members of the South Australian Classification Council established under the *Classification (Publications, Films and Computer Games) Act 1995 (SA)*."

The person, for the time being, appointed to chair the Council is also appointed to chair the Board.

Pursuant to section 10 of the COTP Act:-

1. The Board may, of its own motion, or at the request of any person, meet for the purpose of considering the classification to be assigned to a theatrical performance.
2. The Board shall, at the request of the Minister, meet to consider the classification to be assigned to a theatrical performance specified in the request.

The criteria to be applied by the Board, when considering a theatrical performance is offensive, or suitable, or unsuitable for children, shall have regard to the standards of morality, decency and propriety that are generally accepted by reasonable adult person. The Board can also classify performances unsuitable for children, as a restricted theatrical performance.

It may also refrain from assigning a classification to a performance where it is satisfied the theatrical performance is likely to cause serious offence to reasonable adult persons.

The Council has not met, as the Board, for many years.

The Board has not, of its own motion, at the request of any person or at the request of the Minister to consider any classification to be assigned to a theatrical performance, for many years.

When considering whether or not this Board should be retained, it is requested that you consider whether or not this role is, or could be, fulfilled by other bodies or individuals in the event of an issue with a theatrical performance.

The Board is not costing the public anything, at the present time, and is certainly a cost effective Board in that way. The Board believes that there may be merit in maintaining the Board as independent to government to ensure objectivity in relation to theatrical performances that require classification, in the future.

South Australian Classifications Council

The Council is established pursuant to the *Classification (Publications, Films and Computer Games) Act 1995* (the Act). At the same time The Commonwealth Classifications Act, established the Commonwealth Classifications Board, in accordance with the criteria set out in the National Classification Code and National Classification Guidelines. These were simultaneously adopted in South Australia.

However, there remains the ability to review Commonwealth classifications or unclassified material, independently, pursuant to the South Australian Act.

Such a classification has the effect of excluding any classification under the Commonwealth Act. The classification criteria in the State Act are identical to the criteria applied by the Commonwealth Classifications Board to ensure that decisions are made on the same basis, at both State and Commonwealth levels.

The criteria to be applied by the Council, pursuant to section 19 of the *Classification (Publication, Films and Computer Games) Act 1995* are as follows:-

19. The matters to be taken into account by the Council or the Minister in making a decision on the classification of a publication, film or computer game include:-
 - (a) the standards of morality, decency and propriety generally accepted by reasonable adults; and
 - (b) the literary, artistic or educational merit (if any) of the publication, film or game; and
 - (c) the general character of the publication, film or game, including whether it is of a medical, legal or scientific character; and
 - (d) the persons or class of person to or amongst whom it is published or is intended or likely to be published.

Classification decisions are to give effect, as far as possible, to the following principles:-

- (a) adults should be able to read, hear and see what they want;
- (b) minors should be protected from material likely to harm or disturb them;
- (c) everyone should be protected from exposure to unsolicited material that they find offensive;
- (d) the need to take account of community concerns about:
 - (i) depictions that condone or incite violence, particularly sexual violence; and
 - (ii) the portrayal of a person in a demeaning manner.

The South Australian Classification Council did not meet during 2013-2014 and no costs were incurred.

The Council has, however, over the past 7 years, met to review or classify the following films and publications:-

- **Publication - Zoo Weekly**
Council classified the magazine Unrestricted M- Not recommended for readers under 15 years.
- **Film - Georgia Rule**
Council decided to classify the film M with changed consumer advice as follows:
 - child sexual abuse theme
 - alcohol abuse theme
 - sexual references
 - moderate coarse language
- **Publication - Just 18 Magazine**
Refused Classification Serial Classification 24 months from 5 February 2009 to 4 February 2011
- **Publication - Purely 18 Magazine**
Refused Classification Serial Classification 24 months from 19 March 2009 to 18 March 2011
- **Publication - Best of 18 Teen Angels Magazine**
Refused Classification Serial Classification 24 months from 19 March 2009 - 18 March 2011
- **Publication - 18 Teen Angels Magazine**
Refused Classification Serial Classification 24 months from 19 March 2009 - 18 March 2011
- **Publications below were classified Refused Classification**
 - Just 18 Magazine Volume 10 Issue 9
 - Purely 18 Magazine February 2008
 - Purely 18 Magazine Holiday 2008
 - Barely Legal Magazine Australian Edition 22
 - Best of 18 Teen Angels Magazine Issue 14
 - Best of 18 Teen Angels Magazine Issue 16
 - Best of 18 Teen Angels Magazine Issue 17
 - 18 Teen Angels Magazine Issue 76
 - 18 Teen Angels Magazine Issue 85
 - 18 Teen Angels Magazine Issue 86
 - 18 Teen Angels Magazine Issue 87

- **Other**

In addition, the Council reviewed four films, fifteen publications, one game and three greeting cards where it considered that there was no necessity to classify the material for South Australia.

The Council last met, in August 2011, at the request of the Attorney-General, the Honourable John Rau, who requested that he be advised on the classification that we would recommend of film entitled 'A Serbian Film', pursuant to section 16(2) of the *Classification (Publications, Films and Computer Games) Act 1995 (as amended)*.

A Serbian Film was due to be released into DVD, rental and retail stores across the country in August 2011.

The Council met and viewed the film. The film was a 2010 horror film set in Serbia and directed by Srdan and had been controversial since release and internationally had been investigated in Serbia for crime against sexual morals and crime related to the protection of minors. It had been banned in Spain and Norway and possible other countries.

The Australian Government Classification Board had been requested to classify this film on three occasions. In modified form, the film, in April 2011, was classified by the Commonwealth as R18+, with consumer advice of high impact sexual violence, sex scenes and violence.

When the South Australian Classification Council viewed the film, it was unanimously agreed that this film should be refused classification.

We detailed our reasons for refusing this to the Attorney-General and requested that he ask the Commonwealth Classification Review Board to review this film again.

In November 2011, a Serbian Film was reclassified 'RC – Refused Classification' upon review, at a Commonwealth level.

The South Australian Classification Council is the only one of its kind in the country, all other previous state councils having been absorbed into decision-making, at a public service level.

The Council unanimously agrees that there is merit in retaining this Council. It is of very low cost to the public, who are paid for sitting fees only. We sit promptly when requested to do so. We are of diverse expertise and represent a broad community base.

We see the merit in this State retaining the ability to not agree with Federal classifications and in such cases as 'A Serbian Film', we can have some impact, even at a Commonwealth level, in the review process.

It is a useful safeguard and, particularly has a child protection focus. It is not appropriate that the Council be absorbed into a general administrative board, as the diversity of skills and expertise on this Council are unique.

The Council has the ability to also classify publications and computer games.

With the increasing concern about violent and sexual material in computer games, the Council could be more extensively used in assisting classification and review of this material. Parliament may also like to consider extending this to phone apps. To date, we have not been utilised in this way.

If you see the merit of retaining the Council, we would respectfully submit that a greater budget for marketing the existence of the Council and its role should be provided, for the Council to be of greater benefit to the community.

The Council would welcome any discussions that the Premier or any Minister may like to have with the Council while reviewing the Classification of Theatrical Performances Board and the South Australian Classifications Council.

Yours Faithfully

A handwritten signature in black ink, appearing to read 'Julie Redman', written in a cursive style.

Julie Redman
Chair
SA Classification Council