



# Regulation of violent media content

How is violent media content in Australia restricted?  
This page summarises the current regulatory arrangements.  
Details follow on pages 12-14.

## Publications, Films, Videos and Computer Games

The *Classification (Publications, Films and Computer Games) Act 1995* (Cth) is the centrepiece of the new national scheme for the classification of publications, films (including videos) and computer games. Classification decisions are made in accordance with the National Classification Code (NCC), a Schedule to the Act, which refers to the need to take into account community concern about 'depictions that condone or incite violence, particularly sexual violence'. Office of Film and Literature Classification (OFLC) guidelines describe in more detail the scope of acceptable material for each classification category. The film and video guidelines are currently being reviewed by the OFLC to take into account the NCC.

Classification decisions are made by the Classification Board and are reviewable by the Classification Review Board (formerly the Film Censorship Board and the Film and Literature Board of Review respectively). Complementary State and Territory legislation provides for enforcement of classification decisions and penalties for publication of unclassified or refused classification material.

## Television

**Commercial Broadcasting:** The *Broadcasting Services Act 1992* (Cth) (BSA) requires codes of practice to take into account community attitudes to the portrayal of physical and psychological violence.

The FACTS Code of Practice requires licensees to classify material and to broadcast it during the appropriate classification zone. Licensees must also apply the OFLC film classification system and modify M and MA films to ensure they are suitable for broadcast. M and MA programs must be broadcast after 8.30 pm and 9 pm respectively.

**National Broadcasting:** The ABC and SBS are governed by their own Acts and have developed codes of practice (and in the case of the ABC, editorial policies) which deal extensively with violence. Complaints about compliance with the codes are made first to the ABC or SBS, then to the ABA if the response is inadequate or not received within 60 days. The ABA can recommend the ABC or SBS to take action to comply with the relevant code (s 152 BSA).

**Subscription Television Broadcasting (Pay TV):** The BSA requirements in relation to development and administration of codes of practice apply. A code of practice has not yet been registered by the ABA. However, it is currently unlawful for pay TV licensees to transmit RC, X or R classified programs.

## Radio

**Commercial Broadcasting:** The BSA requirements in relation to development of codes of practice apply. Licensees must adhere to the FARB Code of Practice.

**National Broadcasting:** The ABC Code of Practice and Editorial Policies and the SBS Codes of Practice apply (see Television).

**Community Broadcasting:** The BSA requirements in relation to development of codes of practice apply. The CBAA Codes of Practice for Radio have been registered by the ABA, effective from 1 January 1996.

**Complaints and sanctions under the BSA:** Complaints about matters covered by codes of practice must be made initially to the broadcaster and then to the ABA if the response is inadequate or not received within 60 days. In relation to commercial television and radio, subscription television and community ra-

dio, the ABA can impose a licence condition requiring compliance with the relevant code of practice (ss 44(2)(a), 88(2)(a), 100(2)(a)). Breach of a licence condition is an offence and ultimately, may attract a financial penalty or trigger the ABA's power to suspend or cancel a licence (s 143). If the ABA considers that a code is not operating satisfactorily, it may determine a program standard (s 125). Compliance with program standards is a licence condition, the breach of which also gives rise to the possibility of financial penalties and licence suspension or cancellation.

## On-line Services

The ABA is conducting an investigation into the content of on-line services. Among the areas of concern is the availability of excessively violent material. The ABA is considering the possibility of a voluntary classification scheme based on the existing regime for publications, films and computer games. At State level, Victoria and the Northern Territory have enacted legislation to regulate the content of on-line services, there is a bill before the West Australian parliament, and the NSW Attorney-General has promised to enact legislation.

## Telephone Information Services

Telecommunications carriers and telephone information service providers enter into a Service Provider's Agreement which requires compliance with the Telephone Information Services Standards Council (TISSC) Code of Practice. The TISSC Code contains guidelines on the content and advertising of recorded services and live, data and fax services. Complaints about content may be referred to the OFLC, which has guidelines on telephone message content. □

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## Films and videos

Regulation: National Classification Code; OFLC guidelines, State enforcement legislation.

### National Classification Code

**Classifications:** G (general), PG (parental guidance; cannot be recommended for persons under 15 without guidance of parents or guardians), M (mature; cannot be recommended for persons under 15), MA (mature accompanied; unsuitable for persons under 15), R (restricted; unsuitable for minors), X (restricted; unsuitable for minors), and RC (refused classification; includes films that depict violence 'in such a way that they offend against the standards of morality, decency and propriety generally accepted by reasonable adults' or 'promote, incite or instruct in matters of crime and violence'. (The same definition of RC applies to computer games and publications). Detailed descriptions of the criteria for each classification in relation to violence are contained in the OFLC guidelines.

### OFLC Guidelines

- G** Minimal, mild and incidental depictions, provided they are justified by the context.
- PG** Depictions of violence must be mild in their impact, and/or presented in a stylised or theatrical fashion, or in an historical context.
- M** Realistic violence of low intensity may be depicted if contextually justified.
- MA** Realistic violence of medium intensity may be depicted, but violent depictions with a high degree of realism or impact are acceptable only if contextually justified.
- R** Highly realistic and explicit depictions of violence may be shown, but not if unduly detailed, relished or cruel. Depictions of sexual violence are acceptable only to the extent that they are necessary to the narrative and not exploitative.
- X** No depiction of sexual violence, coercion or non-consent of any kind is permitted in this classification.
- RC** Any film or video which includes unduly detailed and/or relished acts of extreme violence or cruelty; explicit or unjustifiable depictions of sexual violence against non-consenting persons or detailed instruction or encouragement in matters of crime or violence.

**Enforcement:** State enforcement legislation creates offences including the public exhibition or sale of unclassified, RC or X films, the attendance by minors at R films, the attendance by minors under 15 at MA films without a parent or guardian, and the sale of RC, X and R films to minors or of an MA film to a minor under 15.

## Computer games

Regulation: National Classification Code; OFLC guidelines, State enforcement legislation.

### National Classification Code

**Classifications:** G (general), G (8+) (general), M (15+) (mature), MA (15+) (mature restricted) and RC (refused classification).

The computer games classifications differ from those for publications, films and videos, in that there is no equivalent of the Restricted, R and X classifications. This apparent assumption that computer games are not an adult medium means that computer games which cannot be accommodated within the MA(15+) category would be refused classification.

Computer games that depict violence in such a manner as to be unsuitable for viewing or playing by persons under 15 must be classified MA (15+). All other classifications are based on suitability for age groups and do not refer specifically to violence. Detailed descriptions of the criteria for each classification in relation to violence are contained in the OFLC guidelines.

### OFLC guidelines

- G(8+)** Depictions of unrealistic or stylised violence even where these are considered mild.
- M(15+)** Depictions of realistic violence of low intensity (eg punches, kicks, blows to realistic animated characters or real-life images).
- MA(15+)** Depictions of realistic violence of medium intensity (eg impactful punches, kicks, blows and blood-shed to realistic animated characters or real-life images).
- RC** Depictions of realistic violence, even if not detailed, relished or cruel (eg excessive and serious violence such as realistic depictions of dismemberment accompanied by loss of blood to real life images); extreme 'horror' scenarios or special effects; or depictions of unduly detailed and/or relished acts of extreme violence or cruelty.

**Enforcement:** State enforcement legislation creates offences including sale or demonstration of unclassified or RC computer games, public demonstration of MA(15+) or RC computer games, and the sale to minors of RC computer games or to minors under 15 of MA(15+) computer games.



## Broadcasting

### Commercial television and radio

**Regulation:** BSA, FACTS Code of Practice (television), FARB Code of Practice (radio)

#### FACTS Codes of Practice

**Classifications:** G (general), PG (parental guidance), M (mature - can only be screened 8.30pm-5am, weekdays also 12noon-3pm except school holidays) and MA (mature adult - 9pm-5am).

The Code describes the level of violence that may be depicted in each classification:

- G** Depictions of physical and psychological violence and the use of threatening language, weapons or special effects must not be likely to cause alarm or distress to children, must be strictly limited to the context or story line of the program, and must not show violent behaviour to be acceptable or desirable.
- PG** Any violence depicted must be inexplicit, discreet or stylised and appropriate to the story line or program context. No overly realistic, bloody or horrific depictions of violence are permitted.
- M** Violence may be realistically depicted only if it is not too frequent or impactful, appropriate to the story line or program context, and not unduly bloody or horrific.
- MA** No sustained, relished or excessively detailed acts of violence. Violence occurring in a sexual context is to be assessed more stringently. Depictions with a high degree of realism or impact must be brief and contextually justified. Violence may not be presented as desirable in its own right.

Sustained, relished or excessively detailed acts of violence are not suitable for television. Programs classified X or refused classification by the OFLC cannot be broadcast and programs classified R cannot be broadcast without modification (BSA Sch 2, cl 7(1)(g) (ga)).

#### FARB Code of Practice

The Code of Practice prohibits the broadcast of programs which may 'incite, encourage or present for their own sake violence or brutality' (para 1.1(a)).

#### Pay TV

**Regulation:** BSA, code of practice not yet registered.

Programs classified X or refused classification by the OFLC cannot be broadcast (Sch 2, cl 10(f)). R rated programs cannot be broadcast until the ABA has made a recommendation, following research into community standards on classifications and acceptable levels of violence and depiction of sex on pay TV, and Parliament has approved their broadcast. In the event of such approval, licensees must ensure that access to R rated programs is restricted by disabling devices (Sch 2, cl 10(g)). In December 1994, the ABA reported to Parliament recommending that it approve the broadcast of R rated programs on pay TV. In February 1995, the Senate Select Committee on Community Standards recommended that R rated programs should not be broadcast on pay TV. It was particularly concerned about the level of violence and sexual violence that could be accommodated within the R classification and recommended a review of the classifications for home viewing.

#### National broadcasting: television and radio

**Regulation:** ABC Act, ABC Code of Practice; ABC Editorial Policies; SBS Act, SBS Codes of Practice

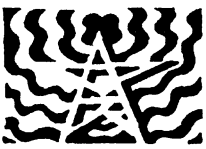
The ABC Code of Practice requires that 'the presentation or portrayal of violence must be justifiable, or else the material should not be presented. Particular attention should be paid to the portrayal of violence against women. In news and current affairs programs, violent events should never be sensationalised or presented for their own sake. In drama programs, the aim is not to see how much violence will be tolerated, but how little is necessary to achieve honest ends without undue dramatic compromise' (para 2.1). The code adopts the OFLC guidelines for classification of television material, and requires that violent material be included in the MA classification (para 7.1). The ABC Editorial Policies contain detailed discussions of the general principles on violence on television and radio, violence in news and information and violence and drama (paras 10.4, 10.5 and 10.7). The SBS Code of Practice says, in relation to television classification, that 'it is SBS policy to keep violence in its programs to a minimum and in no circumstances to present it gratuitously' and that violence 'should not be presented in such a manner as to glamorise it or make it attractive. It is important when violence is portrayed that, as a rule, its serious consequences are not glossed over' (para 3.2). It also discusses violence in news and current affairs (para 2.4).

#### Community Radio Broadcasting

**Regulation:** BSA, CBAA Codes of Practice (Radio)

The guidelines for general programming prohibit the broadcast of material which may 'incite, encourage or present for their own sake violence or brutality' (para 2.1 (a)).

**Complaints & Sanctions under BSA (see page 11).**



### Publications (written or pictorial)

**Regulation:** National Classification Code, OFLC guidelines, State enforcement legislation.

**National Classification Code Classifications:** Unrestricted, Category 1 restricted, Category 2 restricted and RC (refused classification).

- **Category 1 restricted** Publications that 'describe or express in detail violence...in a way that is likely to cause offence to a reasonable adult;' or 'are unsuitable for a minor to see or read' (NCC). Photographs of realistic and explicit violence, or its aftermath, may be accommodated in a publication that exploits violence, except in a sexual context, or if extremely cruel or violent (OFLC guidelines).
- **Category 2 restricted** Publications that depict 'revolting or abhorrent phenomena in a way that is likely to cause offence to a reasonable adult and are unsuitable for a minor to see or read'.
- **Refused Classification** See NCC definition (page 12, Films and Videos). OFLC guidelines include 'publications which promote, incite or instruct in matters of crime or violence; photographs which show sexual violence against the consent of a participant; exploitative novellas which contain detailed or unjustifiable descriptions of sexual violence against non-consenting persons.'
- **Unrestricted** All other publications.

**Restrictions on display and sale:** OFLC guidelines state that publications which are considered to be offensive to some adults and unsuitable for persons under 18 years are classified restricted and can only be sold to persons over 18 years old. Category 1 publications must be displayed in a sealed wrapper. Restricted category 2 publications can only be displayed for the purpose of sale in restricted premises.

### On-line services

**Regulation:** ABA investigation in progress; State legislation

#### Victoria

The *Classification (Publications, Films and Computer Games) (Enforcement) Act 1995* (Vic) makes it an offence to use an 'on-line information service' to publish or transmit, or make available for transmission, 'objectionable material', the definition of which includes violent material (s 57). Penalty: 60 penalty units or 6 months imprisonment.

#### Northern Territory

The *Classification of Publications and Films Amendment Act 1995* (NT) makes it an offence to use a 'computer service' to transmit, obtain, demonstrate, advertise or request the transmission of 'objectionable material' (s 50Z), the definition of which includes violent material. Penalty: \$10,000.

#### Western Australia

Section 102 of the Censorship Bill 1995 creates the same offences in relation to 'objectionable material' as the Northern Territory legislation, but with different penalties (\$15,000 or imprisonment for 18 months for an individual; \$75,000 in any other case).

#### New South Wales

In April 1996, Jeff Shaw, the Attorney-General, announced that the Carr government would enact legislation making it an offence to use an on-line service to transmit, advertise or permit access to and retrieval of offensive material.

### Telephone information services

**Regulation:** TISSC Code of Practice, OFLC guidelines.

#### TISSC Code of Practice

A recorded message (on a recorded service utilising a 0055 or 190 telephone number prefix) shall not contain material which 'incites or encourages violence or brutality against any person or group' (A.1.4).

Live, data and fax services (described as 190, 01972 or 0055/0051 Premium Rate Services) must not include material which 'incites or encourages violence or brutality against any person or group' (E.1.4).

#### OFLC Guidelines (message content)

Services are classified as Premium Rate Fax Services or Closed User Access Recorded Services. The guidelines deal mostly with sexual content and health/medical information. Information that is equivalent to the R or X film and video classification cannot be provided on a Closed User Access Recorded Service. The guidelines proscribe descriptions of violence, including sexual violence, which are likely to offend a reasonable adult.