

**STANDING COMMITTEE ON
UNIFORM LEGISLATION AND STATUTES REVIEW**

**CLASSIFICATION (PUBLICATIONS, FILMS AND
COMPUTER GAMES) ENFORCEMENT AMENDMENT BILL 2012**

**TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
MONDAY, 15 OCTOBER 2012**

SESSION ONE

Members

**Hon Adele Farina (Chair)
Hon Donna Faragher (Deputy Chair)
Hon Nick Goiran
Hon Robin Chapple**

Hearing commenced at 11.01 am

HAINSWORTH, MR JONATHAN MARK

Manager, Advisory Services, Department of the Attorney General, sworn and examined:

MORISEY, MR FRANK

Senior Policy Officer, Department of the Attorney General, sworn and examined:

The CHAIRMAN: For those of you who do not know me, my name is Adele Farina. I am the chair of the committee. To my far left is Hon Robin Chapple, who is also a member of the committee, and to my immediate right is Hon Nick Goiran, who is also a member of the committee. The other two people at the table are the advisory officers to the committee. I have some formalities that I need to go through, unfortunately, to begin with, so I might just get these done. I welcome you to this meeting. Before we begin, I must ask you take either the oath or an affirmation.

[Witnesses took the oath or affirmation.]

The CHAIRMAN: You will have signed a document entitled “Information for Witnesses”. Have you read and understood that document?

The Witnesses: Yes.

The CHAIRMAN: These proceedings are being recorded by Hansard. A transcript of your evidence will be provided to you. To assist the committee and Hansard, please quote the full title of any document you refer to during the course of this hearing for the record. Please also be aware of the microphones. Please try to talk into the microphones and not cover them with paper. I remind you that your transcript will become a matter for the public record. If for some reason you wish to make a confidential statement during today’s proceedings, you should request that the evidence be taken in closed session. If the committee grants your request, any public and media in attendance will be excluded from the hearing. Please note that until such time as the transcript of your public evidence is finalised, it should not be made public. I advise you that publication or disclosure of the uncorrected transcript may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege.

Do you have any questions in relation to that?

The Witnesses: No.

The CHAIRMAN: Would you like to make an opening statement or are you happy to go straight into answering questions?

Mr Hainsworth: I would just like to make a very brief opening statement just to clarify that there are two sides to the classification debate, one of which is the actual classification of material itself. The responsibility for that lies with the commonwealth. What this bill actually seeks to do is the enforcement of that particular classification.

The CHAIRMAN: I would like to start by turning to the 1995 intergovernmental agreement. Have there been any amendments to that intergovernmental agreement since it was signed in 1995?

Mr Morisey: No. That is the 1995 agreement to which you are referring?

The CHAIRMAN: Yes.

Mr Morisey: No.

The CHAIRMAN: Now the eleventh report of the Legislative Assembly Standing Committee on Uniform Legislation and Intergovernmental Agreements, in its report titled “Censorship Bill” dated November 1995 makes reference to a second agreement, which I understand is an agreement

between the commonwealth and Western Australia and it was dated 1 October 1996. Is this agreement still in force?

Mr Morisey: 1 October. I am not sure which agreement that one is. I have only just referenced the 1995 agreement.

The CHAIRMAN: When the national scheme was first entered into, WA actually entered into two agreements with the commonwealth. One was the 1995 intergovernmental agreement, which was signed by all states and territories, and then there was a separate agreement just between Western Australia and the commonwealth because Western Australia did not fully enter the national scheme. That is the 1996 agreement.

Mr Morisey: Could that have been the agreement in regard to publications?

The CHAIRMAN: That was part of it, yes.

Mr Morisey: At that time Western Australia had its own scheme for classifying publications, but that scheme no longer exists. In 2003 Western Australia amended its legislation so publications now fall under the national scheme.

The CHAIRMAN: At the time that this agreement between the state and the commonwealth was entered into, Western Australia had a power of veto over decisions made by the commonwealth Classification Board?

Mr Morisey: I do not recall if that was in the agreement, but I do recall in the 1947 Censorship of Films Act and I think the Video Tapes Classification and Control Act 1987, yes, there was a ministerial power in that legislation, but that was again removed during the 2003 —

The CHAIRMAN: Amendment to the bill.

Mr Morisey: When we consolidated all those acts into our current enforcement act.

The CHAIRMAN: So as far as you are aware, the only intergovernmental agreement that applies to the national scheme as it currently stands is the 1995 agreement?

Mr Morisey: To my knowledge, it is, yes. That is right; because the other agreement lapsed when Western Australia became a full member of the National Classification Scheme.

The CHAIRMAN: At the time of the 2002 Censorship Amendment Bill, which provided for the full integration of Western Australia into the national scheme, was a new intergovernmental agreement entered into at that time?

Mr Morisey: No, it was not.

Hon NICK GOIRAN: I note that the 1995 agreement specifically says in the preamble in paragraph A—it ends with the following statement —

However, Western Australia and Tasmania will not participate in the new scheme in relation to publications;

My understanding of the evidence this morning was that Western Australia now does participate in the scheme in relation to publications. So, the agreement has been amended to some extent then?

Mr Morisey: Well, the agreement itself has not been amended. The agreement is still the same, but the then Attorney General was aware of this agreement and he made the decision that Western Australia would become a full participant in the National Classification Scheme.

Hon NICK GOIRAN: If we read the 1995 agreement in isolation, we are misled by the fact that it says Western Australia is not a participant in the new scheme when in actual fact we are a member of the scheme.

Mr Morisey: In regard to publications?

Hon NICK GOIRAN: Yes.

Mr Morisey: Yes. At that time Western Australia was not a participant in the classification scheme for publications.

Hon NICK GOIRAN: So we cannot read the 1995 agreement, which I have got here, in isolation. We have to have some other documentary evidence to understand Western Australia is actually a part of the scheme in respect to publications. I understood that that was an agreement reached in 2003.

The CHAIRMAN: There was no agreement.

Mr Morisey: It was not by way of an agreement like this. It was the then Attorney General made a decision for Western Australia to become a full participant in the National Classification Scheme and —

Hon NICK GOIRAN: So, how is that decision by the then Attorney General documented?

Mr Morisey: That would have been in the drafting instructions for the 2001–02 amendments when the Attorney General directed the department to amend the act in its current format. There was no agreement; it was just an instruction from the Attorney General. He attends the Standing Committee of Attorneys-General meeting, he makes his decisions and the department implements those decisions.

Hon NICK GOIRAN: It is what it is.

The CHAIRMAN: The 1995 intergovernmental agreement provides for a code and classification guidelines to be established. Further, the 1995 intergovernmental agreement provides that the code or the classification guidelines must not be amended unless the ministers agree. Does this require a unanimous agreement by the commonwealth minister and all state and territory ministers?

Mr Morisey: Yes, that is still the effect.

The CHAIRMAN: So, if one state or territory were to decline to agree to an amendment, then that amendment could not be made.

Mr Morisey: That is right. If one minister disagrees; that is correct.

The CHAIRMAN: What capacity is there for the Western Australian Parliament to scrutinise amendments to the code?

Mr Morisey: Probably none because the code is a schedule to the commonwealth act. That is commonwealth legislation.

The CHAIRMAN: What capacity is there for the Western Australian Parliament to scrutinise amendments to the classification guidelines?

Mr Morisey: None, because the guidelines are not enshrined in legislation. They are just a document. If I can just clarify, the guidelines are used to interpret the provisions of the code, which is a schedule to the commonwealth classification act. How the guidelines originated, if my memory serves me correctly, they start off as a series of informal notes that the then classifiers used to make when they were classifying material. From that time they have evolved now into formal documents and they have now become, I think it is, actually legislative instruments under the commonwealth parliamentary system.

The CHAIRMAN: The committee notes that critical components of the censorship national scheme, namely the code and the classification guidelines, are not subject to scrutiny by the Western Australian Parliament and that raises a number of questions. The first is: why does the code not form part of the commonwealth act?

Mr Morisey: Why does not the code?

The CHAIRMAN: Yes.

Mr Morisey: It is part of the commonwealth act. It is a schedule to the commonwealth act.

The CHAIRMAN: So that requires an amendment through Parliament to change the schedule?

Mr Morisey: The commonwealth Parliament would change that.

The CHAIRMAN: Since 1996, when it first came into effect, how many times has the code been amended?

Mr Morisey: I could not give you an exact number, but I do remember—my most recent recollection of the code being amended was when the commonwealth moved to have material which advocated acts of terrorism et cetera, et cetera to be classified as “refused” and they amended their legislation. I think that might have got into the code as well, but I could not recall now. That was at least five years ago.

The CHAIRMAN: Could you take that as a question on notice that you can provide a written answer to the committee, the question being, “Since 1996, how many times has the code been amended?”

[Supplementary Information No 1.]

The CHAIRMAN: Why do the commonwealth guidelines not form part of the commonwealth act? Why are the guidelines not included as a schedule to the commonwealth act?

[11.15 am]

Mr Morisey: The guidelines, as I say—the history of them—were just a series of informal notes. To amend the guidelines, which is done by ministers, I think it is easier for an administrative purpose for ministers to decide unanimously that the guidelines be amended after they go through their procedures, consultation with the public and the industry, to amend them rather than have it as part of an act.

The CHAIRMAN: It seems to me that the guidelines would be akin to regulations in relation to other bills.

Mr Morisey: No, they are not regulations because they do not talk about prescription; they do not prescribe things. They are just a working document on what sort of material can fit into the various classifications. There is no prescription.

The CHAIRMAN: The issue that I have with the guidelines is that there is no capacity for the Parliament to scrutinise the content of those guidelines and any amendment to those guidelines. So the Parliament is being asked to approve a national scheme of legislation, yet it does not actually know how that is going to be applied because the guidelines are outside the capacity for the Parliament to scrutinise.

Mr Morisey: When the ministerial process is completed and the guidelines are settled by the ministers, under the agreement to which you have been referring, the minister is to table those guidelines in his respective Parliament within 30 sitting days. That has been done ever since the inception of the scheme in 1995–96. Every time there has been a change to the guidelines over the years, respective ministers have tabled them in the Western Australian Parliament and in the other parliaments around Australia.

The CHAIRMAN: But the legislation does not allow for the Parliament to disallow those guidelines if it has any concern with those new guidelines.

Mr Morisey: That is a policy decision on how the scheme was set up. It has been operating that way since 1995.

Hon NICK GOIRAN: Can I just ask in terms of the enforcement legislation, is it the case that the code, which is agreed to by the Standing Committee of Attorneys-General, is reliant on the legislation being enforced at a state level?

Mr Morisey: Yes, the code sets out the criteria of what material can appear in the various classification bands. The commonwealth when they classify material, they would do it in accordance with their code and the guidelines. Once that classification decision is made, as Mark said in his opening address, it is then for the states to determine how they will enforce those classification decisions.

Hon NICK GOIRAN: So is it the case, though, that in the absence of enforcement legislation the code is not really effective?

Mr Morisey: I do not think you can have one without the other. It has always been the prerogative of the states to enforce commonwealth classification decisions.

Hon NICK GOIRAN: So the extent to which Western Australia retains its sovereignty on those classification issues is restricted to its enforcement legislation.

Mr Morisey: No. All of the states and territories, their legislation is very similar to ours; it is all enforcement legislation. We do not have any classification function.

Hon NICK GOIRAN: That is right. But the extent to which the Western Australian Parliament has a say in classification is restricted to its enforcement legislation.

Mr Morisey: Yes, that is correct.

Hon NICK GOIRAN: Because in the absence of enforcement —

Hon NICK GOIRAN: We cannot tell the commonwealth how to classify. That is done through the ministerial process at the Standing Council on Law and Justice when ministers discuss around the table what can fit in the certain parameters of the classification guidelines and the code.

Hon NICK GOIRAN: How many representatives are at that meeting from Western Australia?

Mr Morisey: I beg your pardon?

Mr Hainsworth: The Standing Council on Law and Justice.

Hon NICK GOIRAN: Yes. How many representatives from Western Australia are present typically?

Mr Hainsworth: The Standing Council on Law and Justice is basically the COAG version of SCAG. Its membership is the attorneys general of each of the states and territories, and the commonwealth.

Hon NICK GOIRAN: There would be one from Western Australia.

Mr Hainsworth: Yes.

Hon NICK GOIRAN: And that individual theoretically could hold a view different to the view of the WA Parliament.

Mr Hainsworth: In theory, yes.

Mr Morisey: In theory, yes.

Hon NICK GOIRAN: I go back to my original point that the way that the Western Australian Parliament is able to maintain its sovereignty in relation to these classification matters is by virtue of its consideration of these enforcement legislations, the bill of which we are considering at the moment.

Mr Morisey: That is right.

Hon NICK GOIRAN: That is the sole role for the WA Parliament under the current scheme.

Mr Morisey: That is right, because the Western Australian act, if you look at it, is concerned with enforcement of commonwealth classification decisions. The Western Australian minister

determines what goes in that legislation and how classification, if you put it, levels are determined and what material can go in it at the ministerial meetings.

Hon NICK GOIRAN: And that ministerial meeting has agreed to the establishment of a new classification for R18+. What would be the effect of the Western Australian enforcement legislation not acknowledging the existence of that classification?

Mr Hainsworth: My understanding is that the material could be classified as R18+. It would be done by the classification —

Mr Morisey: On 1 January, they will start —

Mr Hainsworth: —classifying material. If we have no enforcement legislation with respect to that material, then my presumption is that a minor under the age of 18 could in fact —

Mr Morisey: Purchase.

Mr Hainsworth: —purchase an R18+ computer game and we would not be able to take any proceedings against the individual who sold it to them.

Hon NICK GOIRAN: Therefore, is it urgent that this legislation pass before 1 January 2013?

Mr Morisey: It is urgent and it would be very preferable.

Hon NICK GOIRAN: Is it essential or is it preferable?

Mr Morisey: To have it workable, from a public policy perspective, I would say that it is essential because, as Mark says, unless we have this recognised in our legislation with a regulatory regime as to who can purchase these games and the constraints under which people can buy them, we will have no regulatory framework so that JB Hi-Fi can sell them with impunity to young children. Young children can buy them with impunity without any threat of prosecution or anything like that, because under the current scheme a minor over the age of 15 who tries to buy a restricted publication or an R18 film can be prosecuted under the legislation. I think it is a \$200 fine or something like that.

The CHAIRMAN: Is that under the current legislation?

Mr Morisey: Yes, it is.

The CHAIRMAN: Could you just repeat that?

Mr Morisey: It is an offence for a minor, I think, over the age of 15 to purchase an R18+ film or a restricted publication. It is only a minor offence—it is \$200—but it is there to send a message to the community, if you like, that it is not appropriate for minors to be purchasing such material.

Hon NICK GOIRAN: I just want to return to the issue of urgency. I want to get clear evidence as to whether it is necessary for this bill to be passed before 1 January 2013.

Mr Morisey: The bill has been drafted in accordance with the instructions from the Attorney General. I understand the bill has been introduced into the Parliament, into the Legislative Council. I cannot speak for the Attorney General, but it would be my assumption from that that he would like the legislation passed by the Parliament so it can come into effect on 1 January.

The CHAIRMAN: I do not think Hon Nick Goiran is asking for the views of the Attorney General and what he might like or not like. I think what he is trying to get an understanding of is, if this bill is not passed before 1 January 2013, what consequences would flow?

Mr Morisey: The consequences are, as Mark and I have just said, the R18 computer games, which are suitable for adults only, would be able to be purchased by children, and retailers would be able to sell them with impunity to children.

The CHAIRMAN: So they would be able to sell R18+ games in Western Australia if we do not amend the bill.

Hon NICK GOIRAN: Or do not pass the bill.

The CHAIRMAN: Yes.

Hon NICK GOIRAN: Either/or.

Mr Morisey: But if the bill is passed in its current format, yes, they can sell R18+ computer games, but there are strictures placed on whom they can sell them to and how they display them in shops and things like that.

Hon NICK GOIRAN: So for any member of Parliament that would be concerned about material suitable for adults only being made accessible to children, they would want to ensure that this legislation was passed before 1 January.

Mr Morisey: I would think so.

Mr Hainsworth: That would be our assumption.

Mr Morisey: I would agree with that, yes.

The CHAIRMAN: Since 1996, how many times have the classification guidelines been amended? I am happy for you to take that as a question on notice. I asked a similar question in relation to the code about five or 10 minutes ago. This question relates to the classification guidelines. What I would like to know is how many times since 1996 have they been amended. I am happy for you to take that as a question on notice.

Mr Morisey: The last major amendment to the classification guidelines in regard to films and computer games, I think, occurred back in March 2003. That is when they consolidated the guidelines for computer games and films into one. That was quite a major exercise. Again, it followed the normal Standing Committee of Attorneys-General process where information packs were sent to members of the public, industry or any person who made inquiries. And the commonwealth Attorney General, I think, announced the changes to the guidelines—officially launched them at Parliament house in Canberra, I think, on 1 March 2003; it was in 2003.

The CHAIRMAN: I will just take that as a question on notice, because I would like to know how many times since 1996.

Mr Hainsworth: Can we seek clarification, because there are guidelines for publications and there are guidelines for films and guidelines for computer games?

The CHAIRMAN: In relation to all.

Mr Hainsworth: In relation to all.

Mr Morisey: Okay.

[Supplementary Information No 2.]

The CHAIRMAN: Is there any reason why the detail that is in the code and the guidelines could not be made by regulations to the commonwealth or the WA acts?

Mr Morisey: The code, as I say, is a schedule to the commonwealth act; that is commonwealth legislation. The guidelines are not part of legislation. They are not subsidiary legislation. They are just a working document. They do not have things there about prescriptions, limits and things like that. It is just a working document.

The CHAIRMAN: But they do prescribe, because on my reading of the guidelines, for example, they say actual sexual violence is not permitted under the violence category under R18+ restricted. They say depictions of actual sexual activity are not permitted. Depictions of simulated sexual activity may be permitted. Depictions of simulated sexual activity that are explicit and realistic are not permitted. It seems to me that they are written in such terms that do prescribe what material can and cannot be contained in certain classifications.

Mr Morisey: To my way of thinking—correct me if I am wrong, Mark—if the Western Australian Parliament was to think that these should be subsidiary legislation as form of regulations, there is no person in Western Australia who is interpreting them, because they are interpreted by the commonwealth. The commonwealth, I do not think, interprets Western Australian legislation.

[11.30 am]

The CHAIRMAN: I suppose what I am trying to understand is the policy decision that was made to have these as guidelines, in which just the eight people who form part of the Standing Committee of Attorneys-General determine what fits into R 18+ classification, as opposed to the capacity, if they were in regulations, for the Parliament to have some say as to what the community deems is appropriate material to be included in an R 18+ classification.

Mr Morisey: You are right. That is a policy decision. That is the way that the national classification scheme operates.

Hon NICK GOIRAN: Is it the case that that policy decision lessens the sovereignty of the Western Australian Parliament on these issues, in comparison to the proposal by the Chair that it be done by way of regulation to our own legislation?

The CHAIRMAN: I take your point in relation to they cannot be regulations of the Western Australian law, because WA has handed that power to the commonwealth. But it still does beg the question as to why they are not part of the regulations at a commonwealth level and they have been done by way of guidelines. But I note your comment that this is a policy matter, and perhaps we need to direct it at a different level.

Mr Morisey: That is also the way that the commonwealth structures its regulatory package.

The CHAIRMAN: I note that clause 9D of the 1995 intergovernmental agreement requires the commonwealth minister to cause a copy of the amended code or amended guidelines to be published in the Australian *Gazette*. To the best of your knowledge, has this always occurred?

Mr Morisey: That is in the process of being done. The commonwealth is working on that, and in a nutshell they have advised the department that it will be done very soon. They would hope to have this probably published before the end of December.

The CHAIRMAN: So it is your evidence to the committee that that gazettal process would need to take place before 1 January 2013?

Mr Morisey: It is my understanding that the commonwealth will have their end of the deal done before 1 January 2013. They are in the process of preparing their legislative instrument et cetera according to their processes for the guidelines to be published.

The CHAIRMAN: Clause 9D of the 1995 intergovernmental agreement also requires state ministers to table amended codes and amended guidelines in the state Parliament within 30 days after the publication in the Australian *Gazette*. Given that we have only five more sitting weeks of the Western Australian Parliament and that the WA Parliament is not likely to sit again before April 2013, how does the minister propose to comply with this requirement?

Mr Morisey: He cannot table the guidelines until they are actually published by the commonwealth. Secondly, he cannot table them until our legislation is in and we actually recognise R 18+. So what will happen, as has been done in previous years—you are correct in what you are saying—is if the Parliament resumes in March–April of next year, the then minister will have to table these guidelines within 30 sitting days of the resumption of the new Parliament. That is a timing difference over which we have no control.

The CHAIRMAN: The minister has provided the committee with the communiqués of the SCAG meetings that were held in July 2011, March 2011 and December 2010. Would you be able to provide the committee with copies of the minutes of those meetings?

Mr Hainsworth: My understanding is that those minutes are confidential and not to be circulated. But I would have to take that officially on notice.

The CHAIRMAN: Can I just say that the committee has previously received copies of minutes of COAG and SCAG and other ministerial council meetings. So would you please take as question on notice 3 that the committee requests that you provide the minutes of those SCAG meetings to which I have referred?

[Supplementary Information No 3.]

The CHAIRMAN: The July 2011 SCAG meeting communiqué states that New South Wales abstained from the decision on the R 18+ classification for computer games. Has this position changed, and is New South Wales part of the national scheme in relation to the R 18 classification?

Mr Morisey: I can answer that. The New South Wales legislation has been put and passed and will come into effect on 1 January 2013.

Hon NICK GOIRAN: Can we just deal with the issue of timing, please?

The CHAIRMAN: Yes; absolutely.

Hon NICK GOIRAN: If I understood you correctly, the New South Wales legislation will come into effect on 1 January 2013.

Mr Morisey: New South Wales is put and passed, as with the ACT; that is also put and passed.

Hon NICK GOIRAN: So if the bill that is before the Legislative Council was passed in its current form, would it come into effect on 1 January 2013?

Mr Morisey: The New South Wales bill?

Hon NICK GOIRAN: No; the Western Australian legislation.

Mr Morisey: No. We have to do a couple of minor regulations, and once the legislation has passed the parliamentary process, it will then be the department's responsibility, upon instruction from the Attorney General, to make arrangements for the proclamation of the WA act to commence on 1 January 2013 or as soon as possible.

Hon NICK GOIRAN: So it may not come into effect on 1 January 2013 even if Parliament were to pass it in its current form?

Mr Morisey: I am not fully aware of the parliamentary timetable. I know there are not a lot of sitting days left. But if by some circumstance the legislation was passed by the Western Australian Parliament, the department would endeavour to have the documentation prepared for the Attorney General to take it to Exco so that it can be proclaimed as soon as possible.

Hon NICK GOIRAN: I understand you used the word "endeavour". Does that mean that it may be the case that the legislation will not be in force in Western Australia on 1 January 2013?

Mr Morisey: That is a distinct possibility.

Hon NICK GOIRAN: If that were to happen, then we would have the consequences that you outlined earlier?

Mr Morisey: That is correct. But if the Parliament were to pass the legislation, there would not be too many days when these games would be available in Western Australia unregulated.

The CHAIRMAN: It does not really matter how many days; one day can cause quite significant damage.

Mr Morisey: All I can say is that the department would endeavour to have the legislation ready to come into effect as soon as possible.

The CHAIRMAN: You indicated that there are a number of regulation amendments that the department will need to put into effect following the passage of the bill through the Parliament. Can you detail what they are?

Mr Morisey: There are two minor regulations. You will note that the title of the Western Australian act is the Classification (Publications, Films and Computer Games) Enforcement Act. It was previously known as the Censorship Act 1996. I think we did some amendments back in about 2005, when it was recognised that the Western Australia legislation no longer censored material or classified it; it only enforced. So the name was changed to reflect the appropriate function of the act, which is enforcement. Unfortunately, the Censorship Regulations of 1996 still exist, because that name change was never ascribed to the regulations. So we are going to fix that and we are now going to call the regulations the Classification (Publications, Films and Computer Games) Enforcement Regulations. There is also another minor amendment to do with a modified penalty in relation to the R 18+ computer games. There are only two minor amendments. One is just a procedural amendment to change the name.

The CHAIRMAN: The change to the name of the regulations could actually be effected now, prior to Parliament considering the current bill before it, could it not?

Mr Morisey: I would have to check on that with parliamentary counsel. It is possible that you could change the name, but I am subject to the advice that I receive from parliamentary counsel.

The CHAIRMAN: Could you take that as question on notice 4; that is, to provide advice to the committee as to whether the regulation name amendment could be effected immediately prior to the passage of the current bill through the Parliament.

[Supplementary Information No 4.]

Mr Hainsworth: Our understanding is that, yes, you could make the name change now. The issue is, as Mr Morisey has pointed out, that there is another small amendment for basically a modified penalty, and I do not think we could do that part until such time as the legislation was passed.

The CHAIRMAN: Can you give me a bit more information about that, because I thought that all the penalties were detailed in the act, not the regulations?

Mr Morisey: There are some modified penalties that are penalties as prescribed. They are about 10 or 15 per cent of the nominal penalty in the act, and they are only for minor offences, and they can be changed.

Hon NICK GOIRAN: What would be the effect of that amended regulation not being in effect on 1 January but this amended legislation being in effect? Would it simply be the case that the modified penalty would not be available for a period of time?

Mr Morisey: Where before the act can be proclaimed there are regulations that have to be dealt with, as a matter of practice we always try and get the regulations amended in conjunction with the proclamation documents to go to Executive Council so that the whole thing can be done together.

Hon NICK GOIRAN: I understand what the normal process is. What I am asking is: in this particular instance, given that the matter is urgent and we do not want to have to have the problems that you outlined earlier post 1 January, is it the case that if that amended regulation was not in force on 1 January, the only disadvantage is that there would not be a modified penalty available?

Mr Morisey: That is correct.

Hon ROBIN CHAPPLE: Just by way of clarification, will those two regulations be tabled in the house?

Mr Morisey: As regulations, they are subsidiary legislation, and they would be subject to scrutiny by the Standing Committee on Delegated Legislation. There are two minor amendments. One is a name change, and the other is just a modified penalty for a minor offence.

Hon ROBIN CHAPPLE: So if they were introduced before 1 January, they have effect until disallowed or —

Mr Morisey: As Mr Hainsworth said, only one of them could be done, and that would be in relation to the name change, because that does not affect the operation of the legislation; it is just telling you that we have changed the name of the regulations. The other one cannot be done, because it refers to R-rating computer games. So we cannot do the second one until the primary legislation has been dealt with.

Hon NICK GOIRAN: Can I get you to turn to clause 2 of the bill, “Commencement”? In the discussion that we have been having, do you have any advice for the committee or any evidence for the committee today on the impact of amending clause 2(b) to read “the rest of the Act — 1 January 2013”?

Mr Morisey: The bill is drafted by parliamentary counsel. This language in clause 2(b) is used on a widespread basis when —

Hon NICK GOIRAN: Yes, I understand that.

Mr Morisey: We defer to parliamentary counsel. They put the language in the bill, not me.

Hon NICK GOIRAN: Imagine for a moment, though, that I am not concerned about parliamentary counsel’s view of the world and just look at clause 2(b). What would be the problem with clause 2(b) saying, “the rest of the Act — 1 January 2013”? From the department’s point of view in handling this matter, what would be the problem with 1 January 2013?

[11.45 am]

The CHAIRMAN: I am happy for that to be taken as a question on notice.

[*Supplementary Information No 5.*]

The CHAIRMAN: I note that the July 2011 SCAG communiqué, makes reference to the ministers noting the work of the Australian Council on Children and the Media and the proposal to expand the application of the “know before you go” program to provide a computer game reviewing service to support parental guidance of children’s gameplay. I am just wondering where that is at.

Mr Hainsworth: My understanding is that whilst that was considered, I do not think it is actually being progressed.

[*Supplementary Information No 6.*]

The CHAIRMAN: I also note that in the March 2011 SCAG meeting communiqué, the ministers consider the option for classification of online games, and I was curious to know where that is at. I am happy for you to take that as a question on notice if you cannot answer it today.

Mr Hainsworth: The issue of classification of online games is actually controlled under the Telecommunications Act, which is a commonwealth responsibility.

The CHAIRMAN: Yes, but it is being discussed at SCAG meetings, so clearly our eight ministers are having some input into that process.

Mr Hainsworth: We will have to take that on notice.

[*Supplementary Information No 7.*]

The CHAIRMAN: Under the act, the Classification Board decisions may be reviewed by the Classification Review Board. The committee notes that the board and the review board are both supported administratively by the Australian Government Attorney-General’s Department, raising questions about the true independence of the review board or at least the perception of independence of the review board, and the committee asks: how is such oversight undertaken; is it initiated by the review board or does it rely on complaints; and, if the latter, who can lodge a complaint to the review board?

Mr Morisey: For the Classification Board and the Classification Review Board, when you read the commonwealth legislation, the commonwealth minister is required to consult with his state and territory counterparts. They will put forward a series of names of people recommending those persons for appointment to the Classification Board for various periods of time—they have their CVs; it is quite a detailed process to interview these people. Then, respective state and territory ministers will be asked, “There are impending vacancies coming up, do you have anybody who you may know who may wish to be nominated to serve on these boards? If not, we are going to submit these names.” So, the minister takes a look at them and says, “I do not have objections to any of those persons serving.” The Classification Board members, I think, are elected for a maximum period of seven years. Of course, you have to realise that if someone from Western Australia wanted to be considered for this, they would have to relocate to Sydney, and a lot of people just do not want to do it. They live in Sydney and they operate in Sydney. The Classification Review Board operates on a temporary basis and there are only about six or seven members on there—they probably only meet between five and 10 times a year, only when a minister wants a review of a classification decision. Given that, they do not meet very often and they only review a handful of decisions. That indicates to ministers that the integrity of the scheme is being upheld and the Classification Board is making the correct classification decisions.

The CHAIRMAN: Since its establishment, how many complaints have been lodged with the review board; how many reviews has it undertaken; how many times has it overridden a decision of the Classification Board to either provide a higher or lower classification; and in each instance, who lodged the complaint? Would you be able to provide the committee with that information?

Mr Morisey: We would have to take that on notice. Over what period of time are you referring?

The CHAIRMAN: Since it was established in 1996.

Mr Hainsworth: That may take an appreciable period of time, because we have to go to the review board itself to get that information.

The CHAIRMAN: I would expect that—it only meets five times a year and it only deals with a handful of —

Mr Morisey: Yes, but that has only been this year. Bear in mind this organisation has been in existence since 1995.

The CHAIRMAN: Yes, but you have just given evidence to this committee that it only meets five times a year and only considers a handful of complaints.

Mr Morisey: That was only on this year when I was looking at it. I cannot tell you how many times it has met since the inception of the scheme.

The CHAIRMAN: That is the information that the committee is requesting.

[Supplementary Information No 8.]

The CHAIRMAN: In relation to the second reading speech that has been provided by the minister states —

The effect of the commonwealth classification act and this bill will be to bring the current classification categories for computer games into line with existing categories to classify films, with the exception of the X 18+ category for films, ...

If the object of the commonwealth act and this bill to bring classification of computer games into line with the classifications for films, why has an X 18+ category not been provided for computer games?

Mr Hainsworth: Again, that would be a policy decision of SCAG.

The CHAIRMAN: So, the objective is not to bring computer game classification in line with film classification, because there will continue to remain —

Mr Morisey: With the exception of X 18+, which is a specific category of film.

The CHAIRMAN: Is there a likelihood that the provision of an R 18+ category for computer games will give rise to a demand for an X 18+ category for computer games?

Mr Morisey: I could not answer that, sorry. I would say in the current climate, no, because I have never heard any indication of such a category being floated for computer games.

The CHAIRMAN: So, currently there is no consideration for an X 18+ category for computer games?

Mr Morisey: Absolutely not that I know of.

The CHAIRMAN: Are X 18+ categories for computer games used overseas?

Mr Morisey: I could not answer that, because I have never been asked to consider that question, because of X 18+ being discrete category of film —

Mr Hainsworth: Within the Australian classification context.

The CHAIRMAN: My concern is that there are statements made in the second reading speech that indicate that the reason we are moving across to R 18+ computer game categories is we want to bring it in line with films and that the R 18+ computer game categories are used overseas. So, I think it is not an unreasonable question to then ask: X 18+ exist for film, is there consideration to introduce that for computer games; and, are X 18+ categories for computer games used overseas? Because, this the analysis that has been provided in the second reading speech in relation to the introduction of R 18+ categories, I do not think this is an unreasonable question. If you are not in a position to answer it, perhaps you could take it as a question on notice as to whether there is any consideration to create an X 18+ category for computer games and whether X 18+ categories for computer games are used overseas.

[Supplementary Information No 9.]

Hon NICK GOIRAN: Just on this point, I note that in the second reading speech, the Attorney General says as follows —

Importantly, ministers have agreed that there shall be no dilution of the RC classification and RC material will not be included in the proposed R 18+ classification.

If, at some point in due course, the ministers agreed to the introduction of an X category for computer games, would it constitute a dilution of the RC classification?

The CHAIRMAN: Can you just repeat the question, Nick?

Hon NICK GOIRAN: If the ministers, at some point in the future, agreed to the introduction of an X category for computer games, would that then constitute a dilution of the RC classification?

Mr Morisey: I could not answer that. I cannot speculate on what the standing committee is going actually deliberate upon in the future or what view a particular minister will have. I am sorry, I just cannot answer that question.

Hon NICK GOIRAN: Let me just ask you this question then: Is the X classification for films generally considered to be a higher rating than the R classification for films?

Mr Morisey: I think they are because they deal with an explicit subject matter, which is consensual sex.

Hon NICK GOIRAN: Would it then follow that in the event that an X classification for computers was brought in, it would be a higher level than an R classification for computer games?

Mr Morisey: If you use your argument, yes, but as I say, in all the years I have been doing this work, I have never, ever heard any minister or the commonwealth or anyone indicate that there is to be an X 18+—that this is going to open the door for X 18+.

Hon NICK GOIRAN: Imagine for a moment though that the eight wise men get together and decide that it is in everyone's best interests that we have an X category. Would the Western Australian Parliament have any say in that?

Mr Morisey: Yes, because that would then constitute an amendment of the guidelines and you have already referred to the intergovernmental agreement where you need unanimity by ministers to amend it. If the Western Australian minister said, "No, I don't agree with that", under the current agreement it does not proceed.

Hon NICK GOIRAN: I understand that, but imagine that the Western Australian Attorney General agrees, and the Western Australian Parliament holds a different view. It is the case, is it not, that the Western Australian Parliament's view is the relevant in this context.

Mr Morisey: I do not know, that is a matter for the minister to negotiate with the Parliament.

Hon NICK GOIRAN: But the minister can make a decision unilaterally—he does not have to get the consent of the WA parliament, does he?

Mr Morisey: As Mark said, when they go to their meetings, they are fully briefed and the minister will make a decision as to what he wants to do. Then it is up to the minister—I am not a politician—to take it back to his party and they negotiate from there.

The CHAIRMAN: Is there no requirement under the legislation for the minister to seek the approval or the consent of Western Australian Parliament before agreeing to any amendments to the guidelines?

Mr Morisey: I do not know whether that happens in relation to any legislation.

The CHAIRMAN: I am asking whether it is in the legislation anywhere. Is there is any provision in the legislation that requires the Western Australian minister to seek the consent or approval of the WA Parliament?

Mr Morisey: No.

The CHAIRMAN: Is there any provision in the intergovernmental agreement that requires the Western Australian minister to seek the consent or the approval of the WA Parliament before agreeing to an amendment to the guidelines or the code?

Mr Morisey: No.

Hon NICK GOIRAN: I take it then that it would be possible in due course for a Western Australian minister, in conjunction with the other ministers around the country, to agree to the introduction of an X classification for computer games, notwithstanding the view of the WA Parliament.

Mr Hainsworth: The answer is, yes.

Hon NICK GOIRAN: If that was to occur, you indicated earlier that the X classification would be a higher classification than the R 18+ classification. Does it follow that the material that would come from would be from the current refused classification area?

Mr Morisey: In my limited knowledge of X, X is explicit sex between consenting adults—X 18+ films. The current guidelines or the proposed guidelines or the guidelines that have been tabled, from what I understand, do not permit that for computer games. Yes, it would follow that it would come into X 18+, if the X 18+ category was agreed to by ministers.

[12 noon]

Mr Hainsworth: But with that as the guidelines. As you are probably aware, the guidelines for R 18+ computer games are somewhat more restrictive, if you like, than for R 18+ films, and the reason for that is, if you like, the impact of the interactive nature of the computer game versus a

film. So what you are actually asking us to do in a way is speculate as to what guidelines may or may not be put in place with an X 18+ category.

Hon NICK GOIRAN: Perhaps it is best if I just address it this way: the Attorney General thought it necessary in the second reading speech to highlight the fact that the ministers have agreed there shall be no dilution of the RC classification.

Mr Hainsworth: Yes.

Hon NICK GOIRAN: So, I take it, then, that that is a matter that is sufficiently important for Parliament to consider, given that he has elected to put it in the second reading speech. So I just want to check the veracity of the statement that there shall be no dilution of the RC classification. Is that in fact the case?

Mr Morisey: It is on the current material.

Mr Hainsworth: On the current material, yes; there has been no alteration to the RC classification.

Hon NICK GOIRAN: The Attorney General goes on in that same line to say that RC material will not be included in the proposed R 18+ classification.

Mr Hainsworth: Yes, that is correct.

Hon NICK GOIRAN: Okay. So, on 1 January 2013, is your evidence to us this morning that there will be no video games which are currently RC which will become R 18+?

Mr Hainsworth: My understanding is if they have been refused classification—I think over the last two financial years there have basically been about five computer games that have been refused classification—but seeing as they have been classified, they cannot be reclassified for a period of two years.

Hon NICK GOIRAN: So, once the two years have expired, could it become an R 18+ game?

Mr Hainsworth: That would be up to the people who are classifying it.

Hon NICK GOIRAN: But in accordance with the guidelines that have been agreed to?

Mr Hainsworth: In accordance with those guidelines, if it is setting up in a refused classification, then based on what the ministers agreed, it should not gain the classification of R 18+.

Hon NICK GOIRAN: Because otherwise it would constitute a dilution.

Mr Hainsworth: A dilution?

Hon NICK GOIRAN: If there is a game at the moment that has been created but has yet to be submitted for classification, is it possible that a game could, if it was classified today, fall foul of the refused classification limits, but as of 1 January 2013 would not fall foul of that and would actually slip in under the R 18+ classification?

Mr Morisey: Well, you cannot classify a game R 18+ at the moment.

Hon NICK GOIRAN: No, after 1 January.

Mr Morisey: You cannot. At the moment, it can only go as MA 15+ or RC. I suppose in practice what they would do—the people who make these games have got a fair idea of what goes on in them—if they thought it was going to be higher than MA, they would not submit it for classification until after 1 January.

Hon NICK GOIRAN: Is it your understanding that after 1 January there will be any games that are R 18+ that would have been refused classification but for these changes?

Mr Morisey: I do not know because I do not know what games they are going to submit. I could not speculate on that.

Hon NICK GOIRAN: So would it surprise you if I said to you that I have been advised that 80 per cent of the new R 18+ games will come from the current RC classification?

Mr Morisey: Well, I have not heard that.

Hon NICK GOIRAN: Okay. Can I suggest to you that I was present at a briefing conducted by Christian Porter, MLA, the member for Bateman, at which you were present and in which he specifically said that 80 per cent of the games will come from RC classification and 20 per cent will come from MA 15+. You do not remember that briefing?

Mr Morisey: I can remember being at that briefing, and I knew that Christian Porter drew some diagrams and things like that, and I do remember him saying that the legislation was just going to be a holding thing in view of the way that platform delivery is changing. I cannot remember his actual figures on that. Can you, Mark, remember?

Mr Hainsworth: No.

Mr Morisey: No, I do not.

Hon NICK GOIRAN: No; but your evidence to us this morning is that you are satisfied there will be no dilution of the RC classification.

Mr Hainsworth: Well, there has been no amendment to the RC classification.

The CHAIRMAN: Can I just follow this a little bit. What we are doing is we are creating a new category of R 18+ computer games, which currently does not exist. So, currently computer games are being classified into either the MA 15+ or the RC categories.

Mr Hainsworth: Or not made available, so not necessarily being classified at all.

Hon NICK GOIRAN: I think there is an NC classification—not classified; is that what you are referring to?

Hon ROBIN CHAPPLE: A number of games just do not arrive.

The CHAIRMAN: So they do not arrive in Australia; they are not available in Australia.

Mr Hainsworth: No, not available.

Hon ROBIN CHAPPLE: They are not available—not applied for.

The CHAIRMAN: After 1 January 2013, we are going to have a new category, which is R 18+. Now, clearly, those R 18+ computer games cannot have previously been classified MA 15+ because the classification elements of the two categories are very different. They have to be coming from computer games that were either RC or not classified at all; they did not come into Australia.

Mr Morisey: I do not know what—sorry?

The CHAIRMAN: Can you just answer that question? I just want to know where are the video games —

Hon NICK GOIRAN: They have got to come from somewhere.

The CHAIRMAN: They have got to come from somewhere. You are telling me that either there are currently computer games that are classified MA 15+ which should not have been classified MA 15+ and should be R 18, in which case it introduces a whole line of questioning that I would like to pursue—so, is that what you are saying?—or, alternatively, they have got to be coming out of the RC category.

Mr Morisey: Well—sorry?

Hon ROBIN CHAPPLE: I will ask a question in a moment.

Mr Morisey: It is my understanding that some of the material which has been forced down into MA 15+, with the emergence of the new category, would probably float into R 18+.

Hon NICK GOIRAN: That would be good.

Hon ROBIN CHAPPLE: Absolutely.

Hon NICK GOIRAN: And I think that is consistent with the second reading speech of the Attorney General, where he says —

Therefore, the introduction of an R 18+ classification is a new, adults-only classification that can be applied to some of the more extreme material that may currently fit within the MA 15+ classification.

So no-one has got an issue with that; in fact, it is entirely logical that that is where the R 18 games will come from.

The CHAIRMAN: Except I have a question about how they got classified MA 15+ in the first place.

Hon NICK GOIRAN: Sure.

The CHAIRMAN: If they are really R 18+, they should not have been classified by the board —

Hon NICK GOIRAN: They should have been refused classification.

The CHAIRMAN: Yes, that is right.

Hon ROBIN CHAPPLE: Can I —

The CHAIRMAN: Can we just continue to pursue this.

Hon ROBIN CHAPPLE: I do have a question I would like to ask on that.

The CHAIRMAN: We have just got a situation where we are just trying to understand. These videos—a portion of them, the new R 18+ games—will be coming from the MA 15+ category and reclassified. I mean, that is pretty clear.

Mr Morisey: I think that is a reasonable assumption, do you not?

Mr Hainsworth: Yes.

The CHAIRMAN: That is pretty clear from the way that even the bill is drafted.

Mr Morisey: I think that is a reasonable assumption, yes.

Hon NICK GOIRAN: That is either the case or the Attorney General said something incorrect in the second reading speech. I am sure it is correct.

Mr Morisey: Yes.

The CHAIRMAN: Okay. In light of that, are you saying that they are only coming from the MA 15+ category, or will there also be some that were refused classification but, with this new R 18+ category, will now fit into that category and can be removed from the RC —

Mr Morisey: No. It is my understanding that the ministers' decision was that there shall be no dilution of the R 18—RC classification, which —

Hon ROBIN CHAPPLE: Just touching on some of this, my understanding is that both the commonwealth and our minister have said that there will be no reclassification of R or dilution of R classification. My understanding is also that a number of games that are currently in MA 15+ have actually been reworked and rebadged that normally would have been refused classification and are now operating in MA 15+. For example, again, *Fallout*, I think it is, has reference in other countries to the use of morphine; in this country it has to be called MX or something like that. So that currently fits in MA 15+. That will now not need to be a modified game and, I assume, would fit in R 18+. So I am assuming that there will be a number of games that will not have these modifications in them, in terms of dialogue or whatever, which will now just revert to the original game, which will now be an R 18+.

Mr Morisey: I can only say that if a game has been classified MA 15+ and it has been modified or edited to be accommodated in MA 15+, the game is classified, and that is the end of; it is an MA 15+ game.

Hon ROBIN CHAPPLE: My comment then comes: if they reintroduce the game without the modifications, then it would become R 18+.

Mr Morisey: Well, no, you see, you cannot—I do not see the point of them reintroducing the game without the modification in it to get a different classification. If the game has been classified MA 15+ and it has been on the market for, say—I do not know—three months, six months, I do not think they would reintroduce it again in its current format because it has been classified; it is an MA 15+ game. But if they took it and gave it a new name and put something else in it, and took that to the Classification Board after 1 January, it is a distinct possibility that it could go to R 18+ if it has got new material in it.

Hon NICK GOIRAN: Would that not be a dilution of the RC category then?

Mr Morisey: I beg your pardon?

Hon NICK GOIRAN: Would that not then—that circumstance you have just described—be a dilution of the RC classification?

Mr Morisey: Well, I do not know because I do not know what the new material is.

Hon NICK GOIRAN: It is material at a higher level than the current MA 15+.

Mr Morisey: Well, I am not a classifier. I cannot speculate on what they will accept as R 18+ and what they will take out of an MA 15+ game and what they will edit in that. I do not classify the games.

The CHAIRMAN: Can I just say that I am finding the current answers to the committee's questions concerning in that the bill currently before the Parliament that the committee has been asked to inquire into actually proposes the reclassification of some computer games. It allows for some computer games that are currently MA 15+ to be reclassified to R 18+. So some consideration to the questions that are being asked by the committee must have been given, and so, on that basis, the committee is entitled to answers to the questions. For you to incorporate into the bill provisions that enable the reclassification of MA 15+ games to R 18+ games, and for there to be a grace period of 90 days and another period of 12 months that are provided for in the bill, means that some consideration to these questions about what computer games are currently classified MA 15+, which would now be reclassified as R 18+, must have been given by someone, either at a commonwealth level or a state level, and I think the committee is entitled to answers to the questions that it is putting. Now, if you are saying that you are not able to answer those questions, can you tell us who in the department is in a better position to answer these questions, because I think this is information that the Parliament is entitled to have an understanding of before it passes the legislation?

Mr Morisey: The bill does not talk about reclassification of games; it only talks about —

[12.15 pm]

Mr Hainsworth: A couple of points: one is that what the second reading speech is trying to convey is that there is a refused classification category and, just like the R 18+ category, it has a series of, if you like, guidelines associated with it that basically tell the classifier that if it meets these criteria then it should be refused classification. There has been no alteration to those guidelines for computer games, with the exception of where they have actually added some things —

The CHAIRMAN: Can I just say that on my reading and comparison of the two—the current guidelines and the proposed new guidelines—there has been deletion of words. Under the section headed “Crime or Violence”, it goes through “depictions of” and it has three items listed in Roman

numerals. The words “gratuitous”, “exploitative” and “offensive” have been deleted from the introduction into that paragraph, so there has been dilution of the wording in the refused classification, on my reading and comparison of the two guidelines.

Hon NICK GOIRAN: I guess it would be helpful if the committee understood from you: in terms of the MA 15+ upper limit at the moment—so, under the current guidelines MA 15+ is the highest-ranking computer game available to the public in Australia, and in Western Australia in particular—if there is to be no dilution of the RC classification, should the upper limit for MA 15+ games not form the new upper limit for R 18+ games? I will give you a practical example. The current guidelines for MA 15+ under “Language” say that aggressive or very strong coarse language should be infrequent. That is the upper limit for an MA 15+ game—aggressive or very strong coarse language should be infrequent. If aggressive or very strong coarse language was actually frequent in a game, it must therefore in the current system be refused classification. Language of that nature should be infrequent. That is in the current guidelines, not the final agreed ones. My question is: since the final agreed guidelines with regard to R do not have that same restriction—that aggressive or very strong coarse language should be infrequent—it must follow that there has been a dilution of the RC classification.

Mr Hainsworth: What you are actually saying is that the RC classification has come down.

Hon NICK GOIRAN: Which is a dilution.

Mr Hainsworth: The point that the Attorneys General have made is that, in their view, the R refused classification category basically has not been pushed down.

The CHAIRMAN: Has not been?

Mr Hainsworth: Has not been pushed down.

Hon NICK GOIRAN: That is their view, but are they right?

The CHAIRMAN: There are words that are actually deleted.

Hon NICK GOIRAN: It is one thing for the second reading speech to say that RC material will not be included in the proposed classification and that there will be no dilution, but it is another thing for that statement to be correct. When it is foreshadowed with the word “importantly”, I imagine it is the case that the Attorneys General especially want parliamentarians to take notice of that statement. I want to be satisfied of the veracity of the statement, and as the Chair said, I do not know if there is some other witness that can help us in relation to the specifics of these guidelines, but I am not satisfied with what I have heard this morning.

Mr Morisey: That is what they have decided —

The CHAIRMAN: It is not a case of what they have decided; the issue is whether their decision has been accurately reflected and implemented in the drafting of the proposed new guidelines. The question the committee has is that there seems to be a disconnect between what the Attorneys General said they wanted at the SCAG meeting and what is actually being delivered.

Mr Hainsworth: The ministers have accepted the guidelines. They are of the view that it does not dilute the refused classification category.

Mr Morisey: And it reflects their decisions.

Mr Hainsworth: And it reflects their decisions.

The CHAIRMAN: Yes, but you are saying that all the games that are now going to be classified under the R 18+ category are all coming out of the MA 15+ category currently.

Mr Morisey: I can only assume that that will be the case, because with what is in RC, I can only come back to what their decision was. There was to be no dilution in the RC category. The ministers are satisfied that the guidelines —

Hon NICK GOIRAN: Can I ask if you were present for the discussions between the Attorneys General in relation to this matter at the meeting?

Mr Hainsworth: No.

The CHAIRMAN: Mr Morisey, were you present at the SCAG meetings?

Mr Morisey: I do not go to SCAG meetings, no.

The CHAIRMAN: The second reading speech states that the R 18+ classification will be applied to some of the more extreme material that may currently fit within the MA 15+ classification. The committee notes the word “may” in this statement and asks: if the material is not currently within the MA 15+ classification, what other classification may the material fall within?

Mr Hainsworth: The dilemma we have is that if the material has been submitted for classification, it will have been given either an MA 15+ classification or, if it did not meet that boundary and it exceeded the boundary of refused classification, it would have gone into the refused classification.

The CHAIRMAN: That is correct.

Mr Hainsworth: The issue is that there are potentially a number of computer games out there that have not actually been classified because they know that they would not meet the MA 15+ or be on the edges of the MA 15+, so it is either that it may be that the publisher, if you like, of the material has made a determination not to submit it, so basically what you will potentially get is an influx of new computer games where the boundaries may or may not have been classified as a refused classification. If they have already been refused classification, then they cannot be assessed for a further two years. If it was that they were on the margin of the MA 15+, it is possible, I guess, in two years’ time that the classifier may say that, given the community standards that apply to the interpretation of the guidelines, yes, that computer game may, in fact, fall into an R 18+.

Hon NICK GOIRAN: Which would be a dilution of the RC classification.

Mr Hainsworth: It is not necessarily a dilution of the restricted classification; we would say it is a reinterpretation.

The CHAIRMAN: A reinterpretation downwards.

Hon NICK GOIRAN: If RC is the highest standard possible and something is brought down, how is that not a dilution?

Mr Hainsworth: I think the issue is that you have in mind a very straight, narrow line. The point I would make is that is that they are guidelines, so what is aggressive language to some is not necessarily aggressive language to others; it is not a discrete, thin line—“Yes, you’re in; yes, you’re out”; I think there is a margin at the edges and I think what we are arguing about is the margin at the edges.

Hon NICK GOIRAN: All right. To ensure that there is the greatest clarity in this matter, are you in a position to advise why it is the case that the current MA 15+ guidelines do not now form the guidelines for R 18+?

Mr Hainsworth: I think that is, again, trying to give some clarity around that border issue.

Hon NICK GOIRAN: It seems to me that the R 18+ guidelines fit somewhere between the current MA 15+ and the current RC.

Mr Hainsworth: Yes, that would be a reasonable assumption.

Hon NICK GOIRAN: And because it is midway between the two and things that were midway between the two would have normally automatically gone into RC, there has to be a dilution.

Mr Hainsworth: It would not necessarily have automatically gone into RC; it may have been at the top end of MA. These propositions are untested.

The CHAIRMAN: Yes, but the second reading speech makes it clear that some will have gone into MA 15+ and that these will now be classified R 18+, but it also has to, by implication if not explicitly, be saying that some games that would have gone into RC will now fall into R 18+.

Mr Hainsworth: I cannot do that without seeing the material. I cannot answer that.

Mr Morisey: The speech says that —

The CHAIRMAN: If you do not accept that proposition, what you are saying is that there are a whole lot of games out there that are not being classified at all, because they are the only alternatives that currently exist—MA 15+ or RC. If you are saying that they do not fall into RC and there is not going to be some dilution of the RC category to provide for this R 18+, are you saying that there are a whole lot of games out there that are just not classified at all?

Mr Morisey: No, I am not saying that there are a whole lot of games out there. There could be games out there that have not been submitted for classification for one reason or —

The CHAIRMAN: I accept there might be a portion, but you have to accept that there are some games that have been classified RC which, with the introduction of the R 18+ category, could now fall into the R 18+ category. Otherwise, what is the point of having it?

Mr Morisey: It just depends on what is in them, but that is a distinct possibility, yes. I am not a classifier.

The CHAIRMAN: I might just suggest that we take a 10-minute adjournment now, because I would like to have a discussion with my colleagues in relation to —

Hon ROBIN CHAPPLE: I will just ask a question, if I may. In relation to the refused classification as it originally stood, there were certain things that meant that games, videos or whatever else were classified as RC, based on violence of a very high degree impact; excessive, frequent, prolonged or detailed cruel or real violence; sexual violence and a whole range of issues. There are quite clearly a number of games that go beyond MA 15+ at the moment that do not meet the refused classification but cannot be classified under MA 15+ because they go beyond what is allowed for MA 15+. What I am trying to establish is: do they actually go into a refused classification or do they just go into limbo, because they cannot be classified as MA 15+ but they certainly do not meet the refused classification standard? What happens to those games?

Mr Morisey: It is quite possible that they could edit them and they would get them so they fall into MA 15+ so they are satisfied that, yes, this now fits MA 15+ criteria.

[12.30 pm]

Hon ROBIN CHAPPLE: But if a game is refused as an M 15+, does it by definition become a refused classification if it does not meet the criteria of refused classification?

Mr Morisey: Only if it is going to be formally submitted for classification. From my understanding, when the game is submitted, the classifier will say to the publisher, “This is pushing the boundary of MA 15+. We suggest you edit 10 seconds from here and 10 seconds from there and that will fit comfortably within MA 15+.” That does not necessarily say it will become an RC game. You are just pushing the boundary of it. As I say, I am not a classifier. I do not know how they work. They have constant negotiations with industry and they have trained assessors. We just leave that to the commonwealth. They are the classifiers.

Hon ROBIN CHAPPLE: I am really trying to get down to not necessarily your view or the classifiers’ view, but refused classification has a number of specific things that it said in terms of what is a refused classification. There are certainly games out there which would not get an M 15+ classification but if you actually look at the refused classification, it would not be refused classification.

Mr Morisey: Would not be refused classification?

Hon ROBIN CHAPPLE: In term of there are games out there that do not fit the refused classification category but they also do not fit the M 15+.

Mr Hainsworth: They are in no-man's-land.

Hon ROBIN CHAPPLE: What happens to them? Are they by default called a refused classification or do they just wander around in the ether until someone decides they will get a classification?

Mr Morisey: As far as the legislation is concerned, that would be an unclassified computer game because it has never been submitted for classification.

The CHAIRMAN: What if it has been submitted for classification?

Mr Hainsworth: If it has been submitted for classification and is in what we will call a “post-MA 15+”, and restricted classification, so it does not meet the restricted classification criteria but obviously it exceeds MA 15+, I suspect the practicality of that is that most distributors would not want their product to be refused classification and would modify it to be MA 15+.

Hon NICK GOIRAN: I suggest to you that that is not in fact the case. The guidelines specifically say under “Refused Classification”, and I quote directly from the guidelines —

Computer games that exceed the MA 15+ classification category will be Refused Classification.

Mr Hainsworth: Yes, but to continue my story, if they do not modify down and they want to keep at the level they are at, they will be refused classification.

Hon NICK GOIRAN: So there is no limbo or middle ground but negotiations may take place.

Hon ROBIN CHAPPLE: They will be refused classification but they do not necessarily meet the refused classification standard.

Hon NICK GOIRAN: They do by exceeding MA 15+.

Mr Hainsworth: If it does not meet the MA 15+, basically, it gets refused classification. Does it meet the standard for what I would call a “refused classification”, as documented? If you have clearly transgressed that line, you are automatically refused classification. What we are saying is that there is a space between MA 15+ and that. Under the current regime, yes, the product would be refused classification. It would not necessarily meet all or any of the criteria that were basically assigned to refused classification.

The CHAIRMAN: So you are saying that there is a significant gap between the criteria for MA 15+ and refused classification. Is that your evidence to the committee?

Mr Hainsworth: Yes.

The CHAIRMAN: Can you just outline where those gaps exist?

Mr Hainsworth: If I go to where we currently are with refused classification, MA 15+, for example states —

Refused Classification

SEX

Depictions of actual sexual activity are not permitted.

The CHAIRMAN: Where are you reading from?

Mr Hainsworth: From the refused classification —

The CHAIRMAN: Of which one?

Mr Hainsworth: Of the current guidelines—sorry, the proposed guidelines. So —

MA 15+

Sexual activity may be implied.

Sexual activity must not be related to incentives or rewards.

The CHAIRMAN: Sorry, I am still lost. Are you looking at the 2008 “Guidelines for the classification of Films and Computer Games”?

Mr Hainsworth: No, it is the proposed guidelines.

The CHAIRMAN: And you are reading under where?

Mr Hainsworth: Under MA 15+ “Classifiable elements” —

Sexual activity may be implied.

Sexual activity must not be related to incentives or rewards.

Under the RC category —

Depictions of actual sexual activity are not permitted.

Depictions of simulated sexual activity that are explicit and realistic are not permitted.

The CHAIRMAN: If the question that has been asked is, “Is there a significant gap between the MA 15+ and the RC”, we need to be looking at the current guidelines to draw that comparison, not the proposed guidelines.

Mr Hainsworth: Sorry, we do not have a copy of the current guidelines.

The CHAIRMAN: At this point, I just suggest that we have a 10-minute break. I will suspend the hearing for 10 minutes and resume at 12.45.

Proceedings suspended from 12.36 to 12.50 pm

The CHAIRMAN: Prior to adjourning the hearing, the committee was asking a range of questions in relation to the impact of the introduction of an R 18+ classification and what that would have in terms of whether it would in fact dilute the RC classification category. In light of the answers that we are getting, the committee has determined that there is probably little value in proceeding down that line of questioning because, clearly, we need to talk to the review board in relation to those questions because, as you have stated a number of times, they are issues of classification, which are not matters that are dealt with at a state level; they are dealt with at a commonwealth level. So, the committee is not going to pursue that line of questioning. However, the committee would like to know from the witnesses the names of the relevant person or persons the committee should contact to get answers to the line of questioning that we were following prior to adjourning the hearing. If you could provide those to the advisory officer, Kimberley Ould, before close of business today.

Mr Hainsworth: Yes.

The CHAIRMAN: I apologise for the tight time frame, but the committee has a very tight time frame to report back to Parliament, so our hands are somewhat tied; and there is little value in pursuing that line of questioning.

Mr Hainsworth: I think the point myself and Mr Morisey would make is we are not trying to be unhelpful here; what you are talking around is an issue of classification and the reality of it is that that is a matter that is undertaken by the Classification Board and the Classification Review Board. I think we are talking in parts at perhaps cross-purposes on the basis that we cannot tell you what a classifier would actually do with the material.

The CHAIRMAN: Okay; that is fine.

Hon NICK GOIRAN: I just wanted to get your view in terms of the bill that we have before us. We identified earlier that it is an urgent matter for the reasons we discussed. Is it an option to amend the bill to ban the sale of R 18+ games in Western Australia only from 1 January 2013?

Mr Hainsworth: Technically, that is a possibility. Obviously, the call of government has been to pursue the bill down this particular line; however, yes, it is open to Parliament to basically say that the sale of R 18+ computer games is restricted, or is not restricted but the advertising is restricted, or some mix of those particular elements.

Hon NICK GOIRAN: If Parliament were inclined to do that, I take it then it would be open for a government down the track to come back to the Parliament at some later date with an amendment to remove the ban on the basis that the guidelines more accurately reflect what the second reading speech says?

Mr Morisey: Parliament can amend legislation when it likes.

The CHAIRMAN: Just in relation to the consultation that has been undertaken in relation to the bill that is currently before the house, the Commissioner for Children and Young People issued a set of guidelines for assessing the impact of the proposed legislation on children and young people. I was just wanting to know whether this bill has been assessed against those guidelines proposed by the Commissioner for Children and Young People.

Mr Hainsworth: No, it is our understanding that they have not. That is partially, I guess, on the presumption that the enforcement regime was basically put in place to, if you like, in particular, protect young people from the purchase of the games.

The CHAIRMAN: However, that question was not directly asked of the commissioner.

Mr Hainsworth: No.

Hon NICK GOIRAN: Can I just follow up on that? I understand that the view of the Commissioner for Children and Young People is that she opposes the implementation of an R 18+ classification for computer games on the basis that the best interests of children and young people must be paramount. There seems to therefore be some dichotomy there between what the department has understood the purpose behind the introduction of R 18+ is for and what the Commissioner for Children and Young People understands. Both are saying that it is important for the protection of children, yet one is saying, "Introduce a category", and the other is saying, "Don't."

Mr Hainsworth: Which I suspect in ways is reflective of the wider community debate around R 18+ computer games. So, we have been basically given, if you like, a policy decision to implement. We have been implementing that policy decision under instruction.

The CHAIRMAN: Did the department consult with the Commissioner for Children and Young People to determine whether the enforcement provisions of the bill go far enough to protect children and young people?

The Witnesses: No.

The CHAIRMAN: In relation to the bill generally, what consultation has been undertaken at a state level?

Mr Morisey: Most of the consultation was done by the commonwealth and it was industry, community groups, the Classification Board itself, and the director of the Department of the Attorney General classification branch. I think—I am not sure—we had a brief consultation with the WA Police law enforcement agency, but with the department itself, I have not consulted with anybody because it was all done at ministerial council level.

The CHAIRMAN: Yes, but as I understand it, the commonwealth negotiation revolved around whether there should be an R 18+ classification for games and the WA bill deals with the enforcement of that decision.

Mr Morisey: That is correct.

The CHAIRMAN: So, I would have thought that it would have been appropriate for there to be some consultation in relation to those enforcement provisions.

Mr Morisey: We are only responsible for drafting the enforcement legislation. Any negotiation with the commonwealth, as I say, is done by the minister. We only talk at officer level in relation to decisions made by ministers. I have spoken to my counterparts in the commonwealth and some of the other jurisdictions, but that is only in the context of the progress of, “How’s the drafting of your bill going? We have written to your minister seeking advice on certain things.”

The CHAIRMAN: Were you instructed by the Attorney General not to consult with other relevant agencies or stakeholders in drafting the enforcement bill?

Mr Morisey: To draft it?

The CHAIRMAN: In the draft.

Mr Morisey: That would have come through the cabinet process.

Mr Hainsworth: I do not think we got an instruction not to consult.

The CHAIRMAN: I just turn now to clause 7 of the bill, which proposes the new section 85(3A). How is the penalty of \$2 000 arrived at?

[1.00 pm]

Mr Morisey: I will just have a look. I think, from memory, that is a similar offence to the one which exists for films.

The CHAIRMAN: It is clause 7, proposed new section 85(3A).

Mr Morisey: That is a similar penalty to what is in current section 70 of the act: a person must not exhibit an R 18+ film so that it can be seen from a public place by a minor; it is a \$2 000 penalty. So, we just made the penalties consistent with what already applies to R 18+.

The CHAIRMAN: Is that the same penalty that applies right across all the jurisdictions?

Mr Morisey: I beg your pardon.

The CHAIRMAN: Does that same penalty apply across all jurisdictions?

Mr Morisey: I am sorry; I misunderstood your question. I would have to check what their penalties are. Their legislation’s structure is different, so they do not have the actual dollar penalties; they talk about penalty units, and you would have to go through and read what a penalty unit equates to. I am sorry; I cannot answer that question.

The CHAIRMAN: That is okay. Can you take that as question on notice 10 to provide the committee with penalty payments for a similar offence in all the other jurisdictions across Australia?

Mr Morisey: Yes.

[*Supplementary Information No 10.*]

The CHAIRMAN: What is the rationale for the exception regarding exhibition by a parent or guardian in that clause?

Mr Morisey: That currently applies to R 18 films, and it is my understanding that the rights of parents should not be impinged upon; they have to exercise their parental right and responsibility as to what happens in the family home.

The CHAIRMAN: So it is okay to impact the rights of the child, or any concern about the child’s wellbeing?

Mr Morisey: If a parent wants to allow their child to access R 18 material that is a decision of the parent, but that parent cannot disclose or display that material to a child who is not theirs. But that is consistent with the drafting of the current legislation in relation to R 18+ films.

Hon NICK GOIRAN: Some might say consistently bad.

Hon ROBIN CHAPPLE: Some may agree.

Mr Morisey: That has been in the act since it was proclaimed back in 1996.

The CHAIRMAN: Just moving on to clause 9 of the bill, which proposes a new section 88(1A) and (1B), how is the penalty of \$5 000 arrived at?

Mr Morisey: If you look at existing section 79 of the act, there is a \$5 000 penalty for a person to sell or supply to a minor an R 18+ film; so it is the same penalty as exists for films. Also, the penalties, if I may point out, have to be ratified by Parliamentary Counsel.

The CHAIRMAN: I do not know that Parliamentary Counsel ratifies penalties. Nevertheless, can you take it as question on notice 11 to provide the committee with details as to what the penalty payment for that offence is in other jurisdictions in Australia?

[Supplementary Information No 11.]

The CHAIRMAN: What is the rationale for the defence contained in proposed section 88(1B)(b) where it is a defence that the minor was employed by the person charged or that person's employer and the supply took place in the course of that employment?

Mr Morisey: Again, that defence is available in section 79(2) of the act in relation to the sale or supply of R 18 films, so it just mirrors the same defence that currently exists for R 18+ films

The CHAIRMAN: To what extent does this new offence form part of the national scheme? Is this offence being mirrored in all jurisdictions across Australia?

Mr Morisey: It probably is, but it is said in different words. I would say that is quite uniform, without having consulted the other jurisdictions' legislation, because you must cast your mind back to when this bill was originally drafted in 1996—it was part of a model bill. So each jurisdiction has very similar enforcement provisions as a result of the model bill which was prepared back in about 1994–95.

The CHAIRMAN: I am just turning to clause 15 of the bill, which proposes section 153A. That is headed “Change of classification of computer games from MA 15+ to R 18+”, which indicates there is obviously an intention or a capacity under the commonwealth legislation to reclassify computer games from MA 15+ to R 18+ and this provision provides for the enforcement that arises as a result of that. Proposed section 153A(b) states —

within 12 months after the coming into operation of this section, the computer game becomes classified as R 18+ under the Commonwealth Act;

In relation to that, I am a bit curious as to the reasons for the decision to make that a 12-month grace period, particularly given your earlier evidence to the committee that once a game or film is classified it cannot be reclassified within two years?

Mr Morisey: I will have to talk to Parliamentary Counsel about that. That is a drafting issue.

The CHAIRMAN: Can I just say that Parliamentary Counsel actually drafts bills based on instruction that it receives, so what were the instructions provided to Parliamentary Counsel?

Mr Morisey: We only provide general instructions; they do the actual drafting and we leave it up to them as to what is a reasonable period of time and things like that.

Hon NICK GOIRAN: So Parliamentary Counsel came up with the idea of 12 months at 153A(b)?

Mr Morisey: I would have to check that. I am saying it has been a while since —

Hon NICK GOIRAN: So it may have been part of the instructions to Parliamentary Counsel?

The CHAIRMAN: We will take that on notice as question on notice 12. The committee would like to know how the period of 12 months was determined

[Supplementary Information No 12.]

The CHAIRMAN: Proposed section 153A(c) provides —

Within 90 days after the change in classification, a person commits an offence in relation to the computer game under section 85, 85A, 86, 88 89, 92, 94 or 95 ...

The committee's interest here is: how was the period of 90 days determined?

Mr Morisey: This is a transitional provision, as you would note. We use the period of 90 days when we changed the act back in 2003 to give suppliers of publications a certain period of time to adjust their stock markings and that. That was just the reasonable period of time that was selected, so we just picked the same period. I would have to find that back in the 2003 amendments. It was 90 days, and we just stuck to the same period of time, which we believed was a reasonable period of time to give people ample notice to comply with the legislation. I will just have to find it.

The CHAIRMAN: I am a bit confused about what they would be required to comply with, because if a computer game was approved with an MA 15+ classification on the basis that the really offensive material had been edited out of the computer game, under the new amendments that we are proposing now to introduce the R 18+, is it possible that the computer game could be reclassified with those bits that were omitted being included back into the computer game as an R 18 classification? When I read this, it seems to suggest to me that that is what is proposed.

Mr Morisey: That is possible, if the game is going to be reclassified.

The CHAIRMAN: If it is going to be reclassified in that way, then how do you distinguish between the MA 15+ version and the R 18+ version, if they both have the same title?

Mr Morisey: To have a game reclassified, you cannot have it done for two years and it can only be done by the Classification Board itself or if a minister requests it.

The CHAIRMAN: That is great, but if it can only be done after two years then I go back to my earlier question: why does proposed section 153A.(b) refer to “within 12 months”, because if it cannot happen within 12 months then when —

Mr Morisey: I will have to go back to Parliamentary Counsel about that, but that could also be a change in classification. It is possible that if there has been a review of a classification decision, where there is not a time limit on it, a minister can apply for a review of a classification decision, which is bit different than having a reclassification.

Mr Hainsworth: My understanding is that this is actually meant to be a transitional provision where a computer game has perhaps been classified by the board as MA 15+; the minister may object to that and seek for it —

Mr Morisey: Seek for it to be reclassified.

Mr Hainsworth: Seek for that classification to be reviewed —

Mr Morisey: Reviewed—I am sorry.

Mr Hainsworth: — and the outcome of the review is that it should not be MA 15+, it should be R 18+. I suspect that the 12 months is to allow for that process to actually happen.

The CHAIRMAN: I am not too sure the explanation that you have provided to the committee is correct, but we will just take that as question on notice 13 in relation to advice to the committee as to how the 90 days was determined.

[Supplementary Information No 13.]

The CHAIRMAN: The other question I have in relation to this provision is: how will the public be notified that a game has been reclassified from MA 15+ to an R 18+?

Mr Morisey: That would happen when the Classification Board—the commonwealth is required to notify the distributor once a classification decision has been made, and the distributor in their packaging would put the new classification symbols on there. Also, on various occasions, the commonwealth will announce it in the press. They will do a press release from the Classification Review Board notifying a decision to reclassify a computer game or the result of a classification review. We have press releases at work which the commonwealth would send out saying, “Please be advised today that the minister has now decided that the game has been reclassified or reviewed and as a result of the review, the classification is now A, B or C.”

[1.15 pm]

The CHAIRMAN: In relation to the penalties that are imposed in relation to the offence provisions in the bill, is it open to Western Australia to impose a higher penalty?

Mr Morisey: Certainly, yes.

The CHAIRMAN: So they have not been agreed at a national level as part of the national scheme?

Mr Morisey: I would have to cast my mind back to the model bill, which was first published in about 1994–1995. I think the penalties across the jurisdictions vary, but in some instances ours are not as severe as in other jurisdictions and in other instances ours are more severe. It is just a model bill and the penalties are aligned with what currently exists in our legislation for R 18+ films.

Mr Hainsworth: The answer in short is: if you wanted to amend one of the penalties, Parliament can amend the penalty.

The CHAIRMAN: In relation to the bill, I note that there is no review clause in relation to the operation of the bill. Would there be any concern if a review clause requiring a review in five years were to be included in the bill?

Mr Morisey: In all the years since the act has been amended, there has never been a request for the amendments to be reviewed after a period of time. It was never suggested or I was never instructed to provide that —

The CHAIRMAN: Would it impose any difficulties or ramifications if a review clause were included in the bill?

Mr Morisey: It would depend what the review clause wanted to know.

The CHAIRMAN: A review of the operations of the bill in five years—a standard review clause.

Mr Morisey: I would have to talk to parliamentary counsel about that, if it would be difficult. But I know that review clauses are present in other legislations, so I do not anticipate that it would create any immense problems.

[*Supplementary Information No 14.*]

Mr Hainsworth: Once the bill goes through, the act as it is will be amended, so are you seeking for the act to be reviewed at the end of a five-year period or are you seeking for the R 18+ computer games of —

The CHAIRMAN: The review clause could provide for either. When you seek that advice from parliamentary counsel, you could perhaps explore both options.

Mr Hainsworth: I would have thought that adding a review clause into the bill would have been a policy call of government at this point.

The CHAIRMAN: I am not asking for a policy call. I am asking whether there would be any ramifications that would prohibit the inclusion of a review provision in the bill; I am not asking for you to make a policy decision.

On behalf of the committee, we might conclude the hearing at this point today. Thank you very much for your attendance and for assisting the committee in the inquiry. Just to let you know that Kimberley will be in contact with you towards the end of the day or possibly tomorrow morning, because we might have a very late finish today, in relation to just confirming those 14 questions that have been taken on notice so that you are clear about what they are. I would expect that we will require answers to those questions by the end of the week. However, Kim will confirm that when she speaks to you. Also, if you could have to us by the end of today the names of other witnesses we could interview in relation to the issues about the classification process.

Mr Morisey: Kim will be in touch with us about what you want.

Mr Hainsworth: We can provide that. We will give you the relevant contact details of the Classification Board.

Mr Morisey: We can do that.

The CHAIRMAN: Thank you very much.

Hearing concluded at 1.19 pm
