



# **SUBMISSION ON MODERNISING AND HARMONISING CLASSIFICATION STANDARDS**

**May 2026**

## **Who we are**

Children and Media Australia (CMA) is a peak not-for-profit national community organisation whose mission is to support families, industry and decision makers in building and maintaining a media environment that fosters the health, safety and wellbeing of Australian children. CMA membership includes the Association of Heads of Independent Schools Australia, the Australian Children's Television Foundation, the Australian Council of State Schools Organisations, the Australian Education Union, the Australian Primary School Principals Association, Early Childhood Australia, the Council of Mothers' Union in Australia, the Parenting Research Centre, the South Australian Primary Principals Association, and other state-based organisations and individuals.

CMA's core activities include the collection and review of research and information about the impact of media use on children's development, and advocacy for the needs and interests of children in relation to media use.

This submission can be made public.

## **Introduction**

CMA is pleased to have this opportunity to comment on the latest set of proposals to reform the National Classification Scheme (NCS) as set out in the *Update to Modernise and Harmonise the Classification Guidelines 2025* (the Consultation Report). We were involved in the consultations carried out in preparation for this document, and have a long history of contributing to reform efforts on this topic, for example the Stevens review (2020) and the Australian Law Reform Commission reference (2011). Through all of these stages we have steadfastly supported, from an evidence-based perspective, the rights and developmental needs of children. Our overall position is that the recommendations and reforms (like the NCS itself) have shown a puzzling lack of focus on these, considering the protection of

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minors ‘from material likely to harm or disturb them’ is one of four principles on which the *National Classification Code* (the *Code*) is based.<sup>1</sup>

We very much hope that this round of reform will put children’s interests front and centre – partly because children have a right to such treatment,<sup>2</sup> but also because, now that Australian society is realising the importance of limiting access to some kinds of media, it is timely for the Government to support families in identifying positive media experiences for their children. The NCS has a key role to play here, provided it can be shaped to provide the information that families need.

The three main points we would like to make in relation to the current consultation are as follows:

1. The proposals maintain the current system’s failure to differentiate between important developmental stages before the age of 15. The suggested addition of PG13 doesn’t align to any such stage, nor does it help families with children at earlier stages, such as under-5s and under-9s.
2. While we applaud the proposal to enhance the role of scariness in classifications, we submit that it should be given greater prominence than as a ‘theme’. It should be an element in its own right.
3. The proposals have no means of ensuring that research on children’s needs and rights is incorporated, either at the present or going forward. The proposed Classification Advisory Council would rightly exclude ‘industry professionals’ but also appears to overlook the contribution that children’s professionals and advocates could make.

## Classification and the rights of the child

In order to set the scene for our submission on the current consultation, we reproduce here a passage from our last submission, to the consultation on the Stage 2 Reforms in 2024:

In its work, CMA is always guided by child development research and by the UN Convention on the Rights of the Child (CRC). The Convention has widespread acceptance throughout the international community, with more signatories than any other international agreement. Australia has obligations under the Convention in any case, but CMA submits that the strong acceptance of the norms it embraces should provide a further impetus for the Government to look closely at the provisions of the Convention and use them to shape the National Classification Scheme.

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<sup>1</sup> National Classification Code, 1(b).

<sup>2</sup> See *UN Convention on the Rights of the Child* (1989), article 3 (‘In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.’)

Research evidence can keep us mindful of important facts such as children’s passage through different stages of development, with strengths and vulnerabilities evolving over time; and not coincidentally, the Convention, too, recognises children’s evolving capacities as an important principle:

States Parties shall respect the responsibilities, rights and duties of ... persons legally responsible for the child, to provide, *in a manner consistent with the evolving capacities of the child*, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention. (article 5; emphasis added)

Regarding media use, article 17 is most obviously salient:

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
- (b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- (c) Encourage the production and dissemination of children's books;
- (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Article 13 lays down the child’s right to freedom of expression, and to seek and impart information, subject to certain limits. Article 18 recognises the role of parents, and places an obligation on States to support them in their child-rearing:

- 2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall *render appropriate assistance* to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children. (emphasis added)

The provision of accurate classification information is an important aspect of this assistance, especially in modern times when the role of media consumption in children’s lives is bigger than ever, and continuously growing.

CMA draws your attention particularly to the requirement in article 17 to encourage the development of guidelines to protect children from injurious content (para (e)). There is ample evidence to suggest that ‘injurious’ in this context should be read to include violent and scary content, and that which can be implicated in the grooming of children as future gamblers (for example games with loot boxes). It is also arguable that the term should be

seen as encompassing content that is designed to maximise engagement, and make disengagement difficult – that is, what is known as ‘persuasive design’.

Article 17 is known to have been the subject of a complicated negotiation process, where some states parties wanted stronger protection and some wanted weaker (Tobin and Handsley, 2019).<sup>[3]</sup> CMA suggests that if the Convention had been negotiated in the 2020s instead of the 1980s, article 17 would have looked significantly different, due to the massive growth in significance of mass media activities over the intervening years. (For example, the concept of ‘mass media’ would have given way to one that more clearly includes user-generated content, social media and online influencers.) In any case, the Committee on the Rights of the Child has recently gone some way towards filling the gap with its *General comment No. 25 on children’s rights in relation to the digital environment (GC25)*. CMA commends that document to you, and urges you to look closely at all that it has to say. We draw your attention, in particular, to:

- the need to have regard to up-to-date research from a range of disciplines in designing age-appropriate measures in keeping with the principle of evolving capacities;
- the discussion of the role of the business sector (especially significant given the way article 17 is phrased); and
- the link to other rights such as health and welfare, education, and leisure and play.

In short, the message, not just from GC25 but from many who have a profound understanding of children’s rights, is that children have a right to access digital services, but to do so safely – that is, in ways which do not undermine their healthy development. The NCS should include measures to make this a reality, including legislation and regulation, but also the allocation of resources to support parents and carers in using the NCS recommendations in their own local context.

While the rights laid down by the Convention are binding on signatory governments, they are now coming to be recognised as general norms for appropriate behaviour by private corporations and individuals where children’s interests are concerned. In particular, the *Children’s Rights and Business Principles* provide that businesses should:

1. Meet their responsibility to respect children’s rights and commit to supporting the human rights of children;
4. Ensure the safety and protection of children in all business activities and facilities; and
5. Ensure that products and services are safe, and seek to support children’s rights through them.

As the NCS necessarily requires the compliance of a range of businesses for the protection of children’s rights and interests, its further development should be informed by these norms.

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<sup>3</sup> John Tobin and Elizabeth Handsley, ‘Article 17. The Mass Media and Children: Diversity of Sources, Quality of Content, and Protection Against Harm’ in John Tobin and Philip Alston (eds), *Commentary on the Convention on the Rights of the Child* (Oxford University Press, 2019) ISBN 9780198262657.

This is particularly so considering the (relatively new, and likely to be expanded) role of businesses in classifying their own content.<sup>4</sup>

Principle (b) in the *National Classification Code*, mentioned above, opens the way for operationalising article 17(e), by requiring the *Classification Guidelines* and decisions to protect minors from ‘material likely to harm or disturb them’ – a concept with a clear overlap with ‘injurious to ... well-being’. This principle is also critical for the provision, consistent with article 18, of support which is useful to, and used by, parents in guiding their children to healthy and enjoyable screen choices. A proper examination of the factors that can guide the framing of the guidelines to achieve this is significantly absent from this review.

Instead, the review overemphasises the role of *community standards* in the framing of classification categories and criteria. The *Code* invokes ‘community standards’ only at principle (d), relating to depictions of violence and sexual violence, and those that demean. The prevention of harm to children, especially young children, requires much more than attention to community concerns: it requires ongoing examination of the research evidence and established child development theory and practice.

To adequately support principle (b), and comply with Australia’s international obligations, the NCS requires more than modernising and harmonising: it requires the introduction of categories that clearly signal age-appropriateness through to age 18. It also requires ongoing review of the research evidence and its application to the classification elements and criteria for those age groups.

These ideas are developed further below.

## The changing reality of media consumption

CMA has observed, over multiple reviews of classification and other matters, a tendency to believe that changes in technology and business models for content delivery can and should inform changes to the substantive rules on certain kinds of content. The Consultation Paper follows this line of thinking, stating that ‘Streaming , interactive content and global platforms now shape how Australians encounter media, and the current guidelines were not designed for this reality.’<sup>5</sup>

The statement fails to distinguish between the categories and underlying rationales of the NCS (which are the focus of the *Guidelines*), and the mechanisms for applying those

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<sup>4</sup> Children and Media Australia, *Submission in response to Public Consultation Paper: Modernizing Australia’s Classification System – Stage 2 Reforms* (2024), <https://childrenandmedia.org.au/assets/files/taking-action/cma-classification-24-stage-2-submission.pdf>.

<sup>5</sup> Australian Government, Mettlesome and Social Research Centre, *Update to Modernise and Harmonise Classification Guidelines 2025* (Consultation Paper), p 1.

(including classification process and enforcement). Certainly there is a case for changing the latter in response to technological advancements, but not the former.

Relying on child development knowledge, we observe that children's tendency to respond to content in certain ways is not changed by the technology or business arrangements behind the content's delivery. If anything, there is a need for greater caution now that so many children are consuming content on their own personal devices (tablets or smartphones) in relative seclusion and without parental supervision. Yet the message often seems to be that responding to new realities gives rise to a need to move towards *deregulation* of content.

In any case, CMA submits that positioning changes in the surrounding environment as the only reason to change the NCS is a misguided approach, because it fails to face up to the shortcomings of the Scheme itself. These have always existed, and they are reason enough to reform the *Guidelines*.

## Renewal or redesign

The Consultation Paper sends mixed signals about the scope and extent of the matters considered open for reform. To quote the Foreword:

This review focuses on practical renewal, not redesign. It keeps what people value, the familiar symbols and clear age categories, while updating the guidelines and thinking behind them. The aim is a simpler, more consistent approach across films, games and publications, supported by modern technology and clearer consumer advice.<sup>6</sup>

CMA does not agree with the apparent approach of separating out the symbols and categories from the guidelines and the thinking behind them. If one wishes to change those guidelines and that thinking, one should be willing also to change anything built on them.

Putting it slightly differently, if the symbols are trusted, it should be because of the guidelines and/or thinking behind them. So if reforms were to play with these, they would risk the trust, or at least the foundation for it.

In any case, there are points further on in the Paper that seem to introduce a fundamental dissonance, for example between general satisfaction with the system and a desire for harm-informed content advice (which would be a radical departure from the current system). Moreover, the current system is referred to as confusing (at C22).

The Paper also intimates that the public currently understands the system well, but later states a desire to 'rebuild understanding'.

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<sup>6</sup> Consultation Paper, p 1.

We note finally that the title of the Paper itself refers to the ‘guidelines’ and yet it proposes a whole new classification, which would require a change to the *Code*, and not just the *Guidelines*. We pick this idea up for further analysis below.

## C01: PG13 rating

As we have long advocated for more age-based categories, and in particular categories based on ages below 15 (currently the lowest one represented in the NCS), CMA does not oppose this change. However we have grave reservations about it.

First we note that no detail is given as to what the criteria would be for the new classification. Nor does the proposal indicate whether the content would be judged to require parental guidance up to 13 or up to *and including* 13 (age cutoffs are used in both ways in classification schemes around the world). Either way, 13 is not a recognised developmental milestone. And most fundamentally, the Paper does not explain the problem that the proposal is seeking to address. To the contrary, it states, as noted above, that the public is generally happy with the current categories. Without any rationale for the change, it is impossible even to guess how it is expected to work in practice.

CMA suggests further public consultation on such a change, once the above information has been made public.

As noted above, the introduction of a new classification category would require a change to the National Classification *Code*, and not just to the *Guidelines*. The same goes for the proposed change from MA15+ to MA16+ (see further below). We do not see this as a reason to favour or disfavour the proposals, but we believe it is necessary to be realistic about the complexity of the change that would be required, and the resources that would go into it. This is all the more so considering the Consultation Paper’s statements about renewal and redesign, discussed above.

We could also suggest that, if the Government should decide to make these changes to one or two of the classification categories, it would be fully justified in looking at them all, and it should consider CMA’s child development-based proposal for G, 5+, 9+, 12+, 16+ and 18+.<sup>7</sup> This would both show a true commitment to building child development evidence into the NCS and give parents of under-13s the information they need. Children under 13 are no less amorphous than children under 15, so adding in PG13 starts to look like a cosmetic change only. Once again, we find the Consultation Paper’s statements in favour of modest or minimal change unconvincing.

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<sup>7</sup> Children and Media Australia, *It’s Time Australia changed to age-based classification!* (nd) <https://childrenandmedia.org.au/taking-action/current-campaigns/classification>.

## C02: Overhaul of themes

CMA supports the removal of genre descriptors, but would suggest even stronger measures to make it clear that genre has no relevance for impact. For example a violent act has no less impact because it is committed by a superhero, and yet we frequently see that genre used to downplay the impact of violence.

CMA does not object to the introduction of 'sub-elements' but we note that this does appear to be at odds with a desire to streamline and simplify the scheme. It would make just as much sense to introduce four new classifiable elements; and in the case of scariness this would be fully justified, based on research evidence about the risk to children's wellbeing. Positioning scariness as an element in its own right (and not a sub-element) would make it considerably easier for families to get access to the information they need when choosing content for their children. This would also ensure that it is never overlooked in the classification process, but seriously considered every time.

## C03: Rebalancing of community concern and evidence

CMA submits that there is no need to balance community concern and evidence of risk of harm to children. If the latter exists, that should be sufficient to determine a classification. There should be no need to balance it with any countervailing public opinion that might exist.

For example, we note that the Consultation Paper states that Australians do not see scariness as a critical matter for warnings.<sup>8</sup> If this is true there is a divergence between public opinion and research evidence, which would see scariness as critical from a child development perspective, even if 'most adults' don't see it as a problem. In CMA's submission, the NCS should be calibrated in such a way that research evidence cannot be overridden by community standards or similar.

CMA would like to comment further on the apparent underlying attitude to public opinion and evidence in the Paper, which appears to be exemplified by the statement: 'Meanwhile, community and advocacy groups called for a more inclusive, evidence-based approach that reflects contemporary values and avoids moral framing.'<sup>9</sup> There seems to be a degree of confusion here, with an apparent assumption that evidence and contemporary values will coincide, whereas there is a distinction between values and morals. Overall, we note that

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<sup>8</sup> Consultation Paper, p 12.

<sup>9</sup> Consultation Paper, p 3.

throughout the paper there are numerous points made based on community standards, but evidence only gets lip service.

## C04: Focus on replication

C04 gives the example of a distinction between violence and gambling for the purpose of managing interactivity.<sup>10</sup> CMA finds the distinction interesting, but we would not want to lose sight of evidence about impact of on-screen violence on real world attitudes and behaviour.

## C05: Adjusting MA15+ to MA16+

As noted above, CMA has long advocated a 16+ category. Therefore we support this change, but we have two comments. First, we support it for different reasons from those put forward in the Consultation Paper. Reliance on a 'social benchmark' represents a move away from evidence, but happily in this case the two things coincide. Second, once again, if it is possible to make this change, we see no reason not to introduce the full suite of age-based classifications described above (G, 5+, 9+ 12+, 16+ and 18+).

## C06: Harmonisation of publications

CMA has no objection to harmonising publications with films and games, but we note that the Consultation Paper states MA16+ to be unrestricted. We are unsure if this is simply an oversight (considering that MA15+ is restricted) or if there is a proposal to change that, which has not been articulated.

For the record, CMA would oppose the removal of the restriction at that level of classification, in fact we believe restriction should be introduced lower.

## C07: Clarify definitions

CMA finds it is not possible to comment on this proposal without seeing further detail.

## C09: The Classification Advisory Council

Community input, especially from parent groups, would be a very useful addition to the NCS, and CMA agrees that this process should be kept separate from any input by 'industry

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<sup>10</sup> Consultation Paper, p 4.

professionals'. However all of this leaves out another group, namely children's professionals and researchers. If the NCS is to be evidence-based, then input from these people will be crucial. CMA does not have a concluded view on whether this should be on the CAC or on a separate body.

## C10: Single-touch classification

CMA has no objection to this idea in principle, but there would be a need to specify who decides what changes are 'significant'. Our level of support would vary depending on the answer to that question.

## C11: Post-release updates to classifications

CMA cannot comment on this without knowing what 'new information or contexts' might justify post-release updates. It is especially difficult to imagine what these might be, if classifications are based on research and/or community values, which are unlikely to change in such radical ways as to justify a revision of a classification.

CMA would also need to know what the procedure would be for determining whether new information or a new context has come about, and whether there would be scope on the government side for identifying such (presumably leading to a higher classification).

## C12: Self-classification as default

CMA generally has no objection to self-classification, provided the tools are up to the task, the criteria and guidelines are soundly based, and there is a robust checking system. In the Netherlands there is a community complaints process, which could usefully be replicated here.

CMA finds the proposal for self-classification as default perplexing: the Paper itself questions whether industry concerns about Board biases are fact-based, so the need for change is not at all clear. We question also whether there is any reason to think industry classifiers will be any less biased than government classifiers. Indeed we submit that they are more likely to be so.

In any case we note that nine in ten Australians prefer independent classifiers,<sup>11</sup> which suggests that any rush to self-classification by default should be checked.

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<sup>11</sup> Consultation Paper, p 18.

## C13: Modernise classification database

CMA supports all these ideas.

## C14: Automated classification tools

To support the flexibility, consistency, trust and usefulness of the NCS, the development and use by all screen content platforms of one classification system would greatly assist consumers.

Further the use by all platforms of one online, regularly updated classification tool for each form of screen experience would aid flexibility and consistency. (Films and games share common classification categories but require separate tools, and differing elements and criteria). The approval and use of multiple classification tools by different screen content companies and platforms works against flexibility, consistency and trust.

## C16: Personalised preferences on the Classification website

CMA has no objection to this proposal in principle, but it is not clear how this would enhance understanding of the NCS overall. Rather it likely instead to lead consumers to inhabit a 'bubble' of their own making.

In any case we would need to know what kinds of preferences were to be available for specification, before expressing a concluded view on this proposal.

## C20: Icons

CMA supports this idea – and we point to the Netherlands' excellent Kijkwijzer system, which uses something similar.

## C21: QR codes

CMA considers these potentially very helpful to consumers.

## Conclusion

The review of the NCS, started 6 years ago, has to date produced little change and nothing to really increase the usefulness of the system to parents, especially those in the early childhood and primary years. When such reviews take so much time to produce an outcome, the Government should take this rare opportunity to grasp the nettle, and put in place an evidence-based system that actually has the structure and tools to prevent harm to children, and can be relied on and worthy of trust.

\*\*\*\*\***END OF SUBMISSION**\*\*\*\*\*