

Technological challenges facing Australian film classification: Regulating interactivity and the impact of new media

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Abstract

Australian film classification relies on assessment of the potential impact of film content on audiences. The capacity to assess impact is becoming increasingly complicated by technological convergence, blurring the boundaries between films and computer games. This is exemplified by the interactive features offered on DVDs and, more recently, the potential for game-inspired interactive cinema. As a result of convergence, audiences are afforded more control over how they watch films and offered greater opportunities to interact with content. In light of these developments, the Australian government is currently considering recommendations for amending the National Classification Scheme arising from a recent review conducted by the Australian Law Reform Commission (ALRC) that proposes an approach based on platform neutrality, streamlining classification across mediums. This paper examines how assessing the impact of film content is problematic, discussing challenges facing the current scheme in reference to convergence, interactivity and related recommendations made by the ALRC.

Introduction

When making the announcement that the Australian Law Reform Commission (ALRC) would be requested to undertake a review of the National Classification Scheme in 2010, the then Minister for Home Affairs, Brendan O'Connor, raised some of the issues facing classification that have been brought about by new media technologies (in McLelland and O'Connor, 2010: n.p.):

When [the] scheme began, classifiable content and the way it was delivered to consumers was relatively static. Today, films can be watched in a cinema, on a DVD, on TV or downloaded. Many video games include significant film segments to tell stories, and some films have interactive content.

O'Connor's comments offer a good starting point for a discussion of film as an increasingly problematic object of classification because they raise key challenges, including convergence and interactivity, and the increased potential for audiences to engage with content. This paper will discuss the current National Classification Scheme and ALRC review. The discussion will focus specifically on the blurring of boundaries between films and computer games that challenges the capacity of classifiers to assess the potential impact of film content on audiences. Two cases will be explored: the interactive features contained on the *Shrek* DVD (2001) and the game-inspired cinematic experience of *Last Call* (2010).

The National Classification Scheme

All films, unless exempt, must be classified before they can be legally exhibited, sold or hired in Australia. The *Classification (Publications, Films and Computer Games) Act 1995* (the Act) lays the legislative foundation for classification procedures, determining who makes classification decisions and how these decisions are to be enforced. Decisions are made at a Commonwealth level, but their enforcement relies on the cooperation of states and territories through complementary enforcement legislation forming part of an intergovernmental agreement on censorship.

Two statutory bodies — the Classification Board and the Classification Review Board – are empowered by the Act to make classification decisions. An important feature of the scheme is that members are drawn from the community to ensure boards are representative of community standards and that, as these standards vary, so too do the decisions of classifiers. Both boards are supported by the Classification Branch of the Attorney-General's Department, who provide administrative services; develop classification policy; advise the Minister for Home Affairs; offer training in classification to industry and government; and run the Classification Liaison Scheme designed to assist distributors meet enforcement obligations (Classification Board and Classification Review Board, 2008: 8).

In addition to the Act, classification boards must adhere to a National Classification Code and classification guidelines: the former consists of the general principles for making decisions; the latter set out classification categories, providing criteria for the kind of content – the themes and depictions – deemed acceptable for representation in each of

these. The principles of the code take into account the rights of adults to make decisions about what films they watch; the need to ‘protect’ more vulnerable audiences like children from harmful material; the need to protect everyone from unsolicited material, making a distinction between content adults choose to see and potentially offensive content they are inadvertently exposed to; and community standards relating to content condoning violence (Commonwealth of Australia, 2005: 2). Board members translate these principles and apply the guidelines in assigning classification ratings – some advisory to help parents determine age-appropriate films for their children and others restricting content to adult-only audiences – along with accompanying consumer advice on ‘classifiable elements’. The rationale for ratings and advice is that audiences, as responsible consumers, will use this information to make their film viewing choices, thus avoiding the occurrence of unsolicited exposure and potential harm.

Assessing impact

A key consideration in applying classification guidelines and assigning consumer advice is the potential impact of content on audiences. There are six classifiable elements considered in assessing impact: themes, violence, sex, language, drug use and nudity. The impact of these elements is determined in relation to their individual treatment, including ‘cumulative effect... [and] purpose and tone of a sequence’ (Commonwealth of Australia, 2012b: 6). Each classification category includes ‘an “impact test” that determines the threshold for [each] category’ (Commonwealth of Australia, 2012b: 6). Basically, the guidelines require that the treatment of these elements be justified by context, meaning ‘material that falls into a

particular classification category in one context may fall outside another' (Commonwealth of Australia, 2012b: 6).

Content thresholds are based on a hierarchy of impact, from very high in RC (content refused classification because it is deemed unsuitable for *all* audiences) to very mild in G (content suitable for general audiences, including children) (Commonwealth of Australia, 2012b). The guidelines state that impact may be considered higher if a scene is highly detailed, for instance greater emphasis through the use of close-up shots or slow motion, or greater accentuation through lighting, perspective or resolution and that, as a rule, verbal references to classifiable elements are considered to be of less impact than visual ones (Commonwealth of Australia, 2012b: 7). This relates to how much we can see and for how long; it is not just a matter of considering whether there are depictions of violence in a film, but the *treatment* of the violence, including how and to what level and length violence is depicted.

The guidelines explicitly state that the impact of a film can be higher if it 'encourages interactivity' (Commonwealth of Australia, 2012b: 7). According to the Act, a film is considered *interactive* if it includes 'a recording from which a computer generated image can be produced' and that recording allows 'a person using it to choose from 2 or more visual images the image that will be viewed' (Section 14(4)). The way interactivity is defined for the purpose of applying classification guidelines to film content is as 'the use of incentives and rewards, technical features and competitive intensity' (Commonwealth of Australia, 2012b: 7). Incentives and rewards must not be related to nudity or sexual activity in any advisory categories (those not restricted to adults) and material will be refused

classification if incentives or rewards are linked to drug use or sexual violence

(Commonwealth of Australia, 2012b: 7).

Despite the fact that technological convergence is blurring boundaries between films and computer games, the Act describes interactivity in relation to the latter in different and more definitive terms. As defined by the Act, a computer game is ‘a computer program and any associated data capable of generating a display on a computer monitor, television screen, liquid crystal display or similar medium that allows the playing of an interactive game’ (Section 5A). An interactive game is considered one in which ‘the way the game proceeds and the result achieved at various stages of the game is determined in response to the decisions, inputs and direct involvement of the player’ (Section 5). However, with increasing opportunities for audiences to interact with film content, in practice this could also apply to film.

Consider how the DVD format has extended levels of interactivity available to film audiences: whole chapters/scenes of films can be skipped, or watched in isolation with relative ease; action can be watched in slow-motion, or stills zoomed in on; sometimes viewing angles can be changed; subtitles are available in various languages; and directors’ commentaries can be listened to. Moreover, additional content – an increasingly common selling point of DVDs – can often be accessed as part of, or outside, a feature film viewing experience. Such content includes deleted scenes, alternative endings, out-takes, behind-the-scenes documentaries, music-clips and interactive games. In other words, this level of interactivity means *the way a DVD film proceeds is determined in response to the decisions*

and inputs of the viewer, which is more in keeping with the Act's definition of an interactive game.

The challenges of convergence and interactivity

The ALRC review of the classification system was conducted in recognition of the challenges associated with technological convergence. The ALRC argues that “convergence” has undermined many of the distinctions that underpin the current classification scheme, and may suggest that the platform on which content is delivered should not determine whether the content should be classified’ (ALRC, 2012: 128). The review proposes a new system of classification based on ‘platform neutrality’. Under this system, feature films and computer games would be more clearly defined through examples, and classification categories and guidelines would be streamlined for application ‘in the classification of all media content – irrespective of its format and the platform by which it is delivered or accessed’ (ALRC, 2012: 203). Theoretically, this would enable classifiers to assign ratings and consumer advice in a manner that responds more practically to the blurring of boundaries between mediums once thought of as distinct. While the government is currently considering the proposals made by the ALRC and it is difficult to predict the outcome, this approach of platform neutrality does not align with the current logic informing the differentiation between films and computer games relied on in classification.

The reason for this is that interactivity has typically been considered a feature of computer games, rather than films, and assumptions about players have been dominated by ideas associated with the effects tradition of research. This tradition posits a causal link between

media depictions of violence and ‘disturbing events in our society’ (Nightingale, 1997: 364). Such research has been challenged on both conceptual and empirical grounds for its ‘oversimplified approach to both media content and media experiences’, relying on there just being a link between media and ‘real’ violence without explaining *how* influence occurs (Cumberbatch, 2002: 269). Despite this, the belief in a causal link is still commonly accepted, which perhaps testifies less to the existence of such a link than to the ongoing influence of this tradition on perceptions of media violence. As Virginia Nightingale argues, regardless of the simplicity of many of the assumptions underpinning such research, the effects tradition has been extremely influential: ‘The power and persuasiveness of the discourse [of audience effects] casts its net over audience and commentators alike ... [and is] formative, agenda-setting, in the way it establishes knowledge of ourselves as media audiences’ (Nightingale, 1997: 366).

The assumptions informed by the effects tradition account for why, previously, the maximum category for games was MA15+ and anything not accommodated by this and, therefore, not suitable for anyone under the age of 15, was banned. Addressing the issue of media effects, the ALRC argues that ‘the evidence on media effects on individual behaviour is sufficiently ambiguous that it would advise against applying different classification criteria or restrictions to different platforms on this basis’ (ALRC, 2012: 99). The ALRC views the recent decision to introduce an R18+ category for games as a positive step that is in keeping with their recommended streamlined approach (ALRC, 2012: 209). Until the introduction of this category in January this year, the same guidelines were used to classify films and computer games (initially drafted in response to convergence). However, separate

guidelines for both are now back in effect. The rationale for this is provided in statements included in the guidelines for games:

Interactivity is an important consideration that the Board must take into account when classifying computer games. This is because there are differences in what some sections of the community condone in relation to passive viewing or the effects passive viewing may have on the viewer (as may occur in a film) compared to actively controlling outcomes by making choices to take or not take action.

Due to the interactive nature of computer games and the active repetitive involvement of the participant, as a general rule computer games may have higher impact than similarly themed depictions of the classifiable elements in film, and therefore greater potential for harm or detriment, particularly to minors (Commonwealth of Australia, 2012a: 6).

This demonstrates the prevailing conceptualisation of interactivity used in assessing impact relies on the assumption that textual features determine levels of audience activity – that, unlike films, games require the interactivity of audiences for narrative progression. Despite this difference, according to this conception, game users, like film audiences, are still rendered passive in their activity because the complexities of the way audiences can and do interact with content are not taken into account. If the ALRC's recommendations regarding platform neutrality are adopted, this may go some way to shifting the assumption that computer games have far greater influence through their interactivity over players than films have over audiences. However, given the logic regarding interactivity on which classification is based and increasing trends in technological convergence, it is also possible

that fears about interactivity that have plagued computer game classification could have a follow-on effect for interactive film content.

The ALRC recognises that the platform neutral approach 'runs counter' to the introduction of stand-alone guidelines for films and computer games (ALRC, 2012: 221). However, it argues that it would still be possible to assess the impact of different kinds of content with streamlined guidelines; that these 'can and should account for the critical differences between media content, by considering features of content – such as sound, moving images, interactivity, still images, text – and given guidance on how those features might affect the impact of classification of the media content' (ALRC, 2012: 221). The guidelines would, therefore, 'not exclude the possibility that interactivity might be a feature of other types of content' in addition to computer games (ALRC, 2012: 221).

Rob Cover refers to two types of interactivity that are useful to think about at this point: 'the sort of interactivity with the text that is *either* built in as a feature of the text, as we find in electronic gaming as dependent on user inputs for play [like a game on a DVD], or that which is clearly not intended by the author-creator, but which through digital technologies allows a user to otherwise transform, reconfigure, alter, or redistribute a text' (Cover, 2001: 108). Classification attempts to attend to visible in-built interactive content but the kind of interactivity that allows audiences to govern *how* they watch films or what they can do with content is largely ignored. For instance, DVD extra-navigational and interactive options such as slow motion and zoom that could potentially influence the impact of a film are not taken into account. The reason for this is that the process of classification has to rely on a very narrow view of audiences as passive recipients, falling into the technologically determinist

trap of viewing technologies as the drivers in terms of audience interactions with convergent media.

Difficulties assessing impact: The trouble with interactivity

A more sophisticated way of thinking about audiences/gamers when talking about convergent media, including films and computer games, is the concept of the *produser*. Axel Bruns argues that, whilst not involved in production of media in the traditional sense, produsers are involved in 'the collaborative and continuous building and extending of existing content' (Bruns, 2007: 3). As an example, Bruns refers to the creation of online content by users, which is ongoing and in a constant state of redevelopment, in 'a continuous process of remixing and/or writing over what has come before, in the pursuit of new possibility ... [creating] multi-layered texts that still bear the imprints of the generations of scribes whose successive efforts have led us to the current point' (Bruns, 2010: 3).

This is in contrast to the traditional production process where a product is created, 'complete and finished', it goes to a distributor who packages it, potentially bundles it with other products, and prepares it for sale to customers who have limited means of feedback and must purchase new products when new variations or editions are made available. In this more traditional process, film audiences and gamers 'are seen as mainly passive and isolated "end users" who literally *consume*, or use up, products until they are depleted and need to be replaced with new and updated versions' (Bruns, 2007: 3). According to Bruns, in the current environment, a more apt explanation relies on recognising that 'the outcomes of the produsage process are no longer discrete product versions, but rather rapidly evolving revisions of existing content' (Bruns, 2007: 3).

Whilst Bruns is primarily referring to the kind of user-generated content we see online, the concept of produsage is still relevant to interactivity afforded by films and games. By virtue of their need to sell products, the entertainment industry has embraced interactivity. In an environment where products are available online without cost, to sell them it is necessary to package them in a way that appeals to increasingly sophisticated *producers* – to offer a means to interact with and build upon the text/product. Take *Shrek's Revoicing Studio*, available as an interactive feature on the *Shrek* DVD produced over a decade ago. Once the disc is inserted into a computer, the 'studio' can be accessed, giving the audience/users the opportunity to 'star' in whole scenes of the film. Basically, a scene plays and users record their own voices over the interactions of the characters. Users are limited by the number of syllables featured in the original scene, but this does not prevent the recording of alternative words. There are a number of examples available on YouTube of such alternatives – one contains a scene titled 'juvenile humour edition' with Shrek asking 'who's horny' and Donkey complaining that he 'can't feel his hos [a colloquial reference to prostitutes]' – that have been redistributed online for others to respond to, or simply re-edit or enjoy (Satlam, 2010).

In terms of how the classification system deals with such additional features and content, depending on the case, they are not automatically considered in relation to the feature film during the classification process. Theoretically, films that are released at the cinema do not need to be reclassified when they are released to DVD, but additional content included on the same disc *does* have to be assessed in order for decisions to be made about ratings and consumer advice. Any *hidden* content must also be disclosed prior to classification. The Act specifies that certain content – 'self-contained... for viewing as a discrete entity' – is defined

as a separate 'work' and, therefore, not considered additional content (Section 5a). For example, a computer game designed to be played independently, or a television show included as an extra on a DVD that could be watched separately to the main feature, would both be considered separate works. This does not account for the fact that most additional content, like out-takes, deleted scenes and documentaries, can be watched by audiences separate to the main feature. The choice to do so is up to the audience and cannot be predicted. However, the purpose of having rules around additional content and extras is to attempt to ensure *all* content is visible at the point of classification in order to *limit* the text so ratings and consumer advice can be assigned.

Under the system recommended by the ALRC, additional content would not change an original classification if it would receive the same rating or a lower rating were it to go through the classification process. Likewise, they recommend that original classification decisions be transferred with content even if it is later delivered via a different platform, unless the content is modified and that modification would change the classification. This means that a change in the way the content is delivered would not constitute a modification (ALRC, 2012: 187). However, as previously discussed, since the ALRC also recommends a system that takes into account differences in impact due to interactivity, in practice a change in platform *could* modify a classification.

The original *Shrek* DVD comes with a PG rating (parental guidance recommended for persons under 15 years) with the consumer advice 'low level coarse language', but clearly this does not and cannot apply to subsequent revoicings of scenes by *producers*. The ALRC recommends narrowing the definition of 'film' currently contained in the Act to avoid having

to classify user-generated YouTube clips like the one described above to limit the volume of content requiring classification (ALRC, 2012: 131). This is a sensible approach. But the point to make is that, despite the system's recognition of the potential increased impact of additional content and interactivity, classification's focus on addressing the text to a discrete entity ignores the plethora of ways in which producers can interact with texts. However, this bracketing off of textual potential is the *only* way for classification to occur. Even with in-built interactive features enabling dialogue changes, for the purposes of classification, the film has to be classified independent of interactive extras. At some point, the film has to *end*; it has to have a final form that does not take into consideration possibilities for changes to the content by producers and the potential impact of these changes.

It is also worth considering how the system might hold up against a film like *Last Call*, which offers in-built interactive features in a cinematic setting. The notion of film as a single, exhaustible and clearly defined, discrete text on which classification depends is very much in keeping with the publicly exhibited cinema experience – a film played continuously from start to finish with no real room for interactivity on the part of the audience. However, the increasing popularity of 3D cinema and the industry push for more interactive experiences to engage audiences may put an even greater strain on this. *Last Call*, which has not been released in Australia, is an award winning interactive horror film created to promote the German horror and crime channel, 13th Street. Utilising convergent technologies, it has been described as 'blending the characteristic gaming element of individual control with cinematic storytelling ... [it] bridges the gap between game and film and thus allows for a brand new entertainment experience' (Coloribus, 2010: n.p.).

At screenings, audiences are asked to send their mobile phone numbers to a speed dialler prior to entering the cinema so that one of them can be called during the film to interact with the main character and direct the course of the narrative and, ultimately, its outcome. The film uses voice recognition software – once the audience member is called, the character asks for a direction, for example ‘should I go left or right’? The audience member interacting with the character also decides if other characters should be saved or left to die. The software converts the audience member’s responses into commands for selecting scenes. The film is interactive in the sense that the audience member directs the selection of scenes, but there are obviously a limited number of possible outcomes. It is not clear what would happen if the audience member simply hung up, or didn’t answer specific questions, but nonetheless, this is a prime example of convergence and interactivity changing the medium of film in the traditional sense – particularly the cinematic experience – as defined by our system of classification. Again, this example is more in keeping with the system’s definition of an interactive game as one in which ‘the way the game proceeds and the result achieved at various stages of the game is determined in response to the decisions, inputs and direct involvement of the player’ (the Act, Section 5).

Under current arrangements, it would be difficult for *Last Call* to be classified as either a film or a computer game and, because of the live interaction of audience members, the assessment of impact would be practically impossible. Classifiers would not only have to consider the impact of the film on the audience as a collective, they would have to consider the potential for differential impact, that is, between the individual interacting with the character on the screen and the rest of the audience who are watching the experience, an

experience that is in some ways live and, therefore, unpredictable. Alternatively, the individual interacting may be considered part of the performance and, therefore, part of the film, or he or she might be defined as an interactive game player. As a live, interactive experience melding the 'old' of publicly exhibited cinema with the 'new' of gaming elements, voice activated software and mobile phone technology, this example demonstrates that film as an object of classification is certainly shifting and the current policy infrastructure – with the need to limit the potential of the text to assess impact – would not hold up in practical terms.

Conclusion

There is no doubt that a more practical approach to classification is a platform neutral one, but it is important to acknowledge that levels of interactivity and the impact of those levels can never truly be assessed, nor regulated. As *Shrek* and *Last Call* demonstrate, film audiences have opportunities to interact with and, indeed, alter texts in ways that cannot be predicted. In this sense, the concept of the *produser* is more appropriate to understanding audience-text relations in a technologically convergent environment, in contrast to the 'captive' and receptive audience that classification decisions so often rely on.

There is a clear tension between the audience member who is conceptualised as a consumer making informed choices about what to watch (who stands *before* the text in the act of consumption) and a produser whose choices produce the textual product (who *acts within* the text according to possibilities afforded by interactivity). The produser cannot be informed and advised about potential impact through ratings and consumer advice; for

practical enforcement of classification, producers' freedom to interact with an already purchased product would have to be restricted because of the impossibility of knowing what they will produce as a result of their interaction with this product. As such, the complexities of interactivity and impact can never be fully accounted for in classification.

As it stands now, the classification system's conception of 'film' as a medium still seems more suited to 'static' delivery – cinematic exhibition where feature films are watched with no interruption or interaction from a passive audience from start to finish. However, even though new technologies and *producers'* interactions with these will continue to threaten and destabilise existing practices of classification, the system will continue to look for ways of making them objects of assessment and control, as evidenced by the request for an ALRC review. For as long as content, technologies and audiences push boundaries, classification will seek to pull them back within in the confines of these boundaries.

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