

29 May 2026

Submission to Modernising and Harmonising Classification Standards

**To the Department of Infrastructure, Transport, Regional Development,
Communications, Sport and the Arts**

Submitted by the Eros Association Inc.

Introduction

The Eros Association is Australia's industry association for adults-only retail, wholesale, media and entertainment. For more than 30 years, Eros has represented businesses involved in the sale, distribution and provision of adults-only products, publications, media and services across Australia.

Eros welcomes the opportunity to provide this submission in response to *Modernising and Harmonising Classification Standards*.

Eros supports the review's stated objectives of creating a classification framework that is simpler, clearer, more consistent across media types, and reflective of contemporary Australian community expectations. Eros welcomes:

- The movement towards evidence-based and harm-informed classification principles rather than moral judgements;
- recognition that consensual adult sexual content, including non-heteronormative and fetish-related depictions, should be assessed through a contemporary and evidence-based framework;
- the objective of greater consistency across films, publications and games; and
- the broader acknowledgement that classification systems should inform consumers and protect minors without unnecessarily restricting lawful adult access to content.

However significant concerns remain regarding legal inconsistencies, lack of harmonisation with other regulatory frameworks especially Online Safety, and the limited consideration given to adult classification categories.

Importantly, progressive, workable classification reform cannot occur in isolation from Australia's broader framework of laws and regulations that determine what adults can legally create, view, read, promote, sell and purchase, regardless of the mode or platform.

Please see Eros's following responses to the review's twenty-two concepts.

C01 - PG13 Rating

Concept C01 proposes introducing a PG13 classification.

Not supported. Retain PG.

Insufficient justification has been provided for this proposal.

The current PG classification has operated effectively for decades and already recognises the important role of parental discretion. Parents and guardians remain best placed to determine whether PG material is appropriate for their children.

The proposed emphasis on age thirteen appears arbitrary and unsupported by evidence.

Additional classification categories may also increase consumer confusion, regulatory complexity and inconsistency across platforms and jurisdictions.

C02 - Overhaul of classifiable element ‘Themes’

Support in principle

It is unclear how this would work, especially for adults-only content. More information is required.

C03 - Improved Reliance on Evidence Over Morality

Strongly support

Eros welcomes the reliance on evidence-based and harm-informed classification principles rather than moral judgement.

C04 - video games - Interactivity classifications focus on replication

Support in principle

It is unclear how this would work, especially regarding adult games. However, Eros supports in general the removal of harsher judgement and stricter benchmarking of interactivity regarding adult games that are currently prohibited.

C05 Update MA15+ classification to MA16+

Not supported.

The existing MA15+ classification has operated effectively for decades without significant evidence of harm or widespread public concern. Concept C05 appears to rely primarily on symbolic alignment with recent bans on people in Australia under 16 years of age accessing social media, rather than demonstrated deficiencies in the current classification framework.

Classification reform should be evidence-driven rather than politically reactive.

The current MA15+ category aligns with the *British Board of Film (BBFC) Rating 15 - Suitable only for 15 years and over.*¹

¹ [*British Board of Film \(BBFC\) Rating 15*](#)

The Government should provide:

- evidence of harm caused by the current MA15+ category;
- evidence that MA16+ would materially improve outcomes;
- analysis of unintended consequences; and
- consultation regarding impacts on consumers, parents and industry.

Recommendation: Absent such evidence, Eros believes the MA15+ category should remain unchanged.

C06 Publications to adopt the rest of the classification system Not supported.

Concept C06 is overly simplistic. Eros cannot support this concept without a lot more work being done. If adopted as is, many Category 1 publications and Category 2 publications would be prohibited from sale and distribution under state laws with penalties including prison.

The proposal would replace existing publication classifications with some of the ratings currently used for films, including replacing the publication Category 2 Restricted with X18+, Category 1 Restricted with the R18+ and some currently Unrestricted General with MA15+.

This proposal does not recognise that:

- content currently allowed in Category 1 publications may not be allowed in the current film R18+ classification;
- content currently allowed in Category 2 publications may not be allowed in the current film X18+ classification.

Category 1 and Category 2 publications are legal for adults in most jurisdictions, but the sale of films classified X18+ remains prohibited in all Australian states and is permitted only in the territories. If this change was to occur without reforms to state classification legislation, publications that are currently legal to sell and distribute would become illegal.

While Eros supports harmonisation in principle, **concept C06** raises significant legal, regulatory and practical concerns. Any meaningful alignment would require coordinated reform across Commonwealth, state and local government frameworks, including planning and retail regulation.

Without this boarder reform, simply relabelling publication classification categories risks creating confusion, inconsistency and unintended legal consequences.

Eros therefore cannot support C06 without:

- substantial further research;
- detailed consultation with industry, regulators and consumers; and
- comprehensive legislative harmonisation.

State and Territory Inconsistencies

Under current state and territory laws, the sale of hard-copy X18+ material is illegal in most Australian jurisdictions, including New South Wales, Victoria, Queensland, Tasmania, South Australia and Western Australia.

By contrast, Category 1 and Category 2 publications are currently lawful for adult sale in most jurisdictions (excepting Queensland and parts of the Northern Territory) subject to packaging, display and point-of-sale restrictions.

Rebranding Category 2 publications as X18+, Category 1 publications as R18+ Unrestricted publications to MA15+ without corresponding legislative reform could unintentionally criminalise the sale of material that is currently lawful.

Such an outcome would represent a significant regression in Australian classification and censorship policy, and create major uncertainty for retailers, distributors and consumers.

Inconsistent Standards Across Media

Australia's current classification framework contains significant inconsistencies between publications and films.

For example, consensual and non-violent fetish depictions may be permitted in restricted Category 1 and Category 2 publications, yet similar depictions in films will be Refused Classification (RC). Realistic depictions of obvious sexual excitement and genital touching are allowed in Category 1 publications but could be prohibited in the current R18+ classification and would have to be classified as X18+, the sale of which is banned in all states.

The inconsistencies demonstrate that Australia does not currently have a genuinely harmonised approach to the classification of adult content across media formats.

Applying identical labels across different media formats without addressing the underlying inconsistencies is likely to create confusion rather than clarity.

Harmonisation with the Online Safety Framework

Furthermore, and just as importantly, Eros submits that classification reform cannot occur in isolation from Australia's broader digital regulation framework.

While the review focuses on harmonisation between films, publications and games, equal consideration **must** be given to legislation and regulatory schemes that rely upon classification standards, including:

- the Online Safety Act 2021;
- Online Safety Industry Codes and Standards;
- anti-discrimination and human rights legislation; and
- broader digital platform regulation.

Relationship with the Online Safety Act

Australia's Online Safety Codes and Standards rely heavily on existing classification concepts when determining:

- what content may be accessed;
- who may access it;
- how that content must be moderated or restricted.

Website and other online service providers, platforms etc routinely apply film and publication classification-style assessments to still images, videos, text and user-generated content, including (but not limited to) whether material constitutes:

- high impact online pornography, including RC and X18+ material;
- high impact material;
- sexually explicit material; and / or
- material unsuitable for minors.

Substantial changes to classification terminology or standards would therefore have direct implications for Online Safety compliance obligations and content moderation systems.

Independent Statutory Review of the Online Safety Act

The recent *Australian Government response to the Independent Statutory Review of the Online Safety Act 2021*² noted that further analysis is required before determining whether Online Safety regulation should be separated from the National Classification Scheme.

In practice, classification regulation and Online Safety obligations remain closely interconnected.

Eros therefore submits that any reform to classification guidelines should include:

- formal consultation with Online Safety regulators;
- analysis of impacts on existing Online Safety Codes and Standards;
- compatibility assessments across legislative frameworks;
- harmonised terminology;
- renewed consultation with industry representatives and
- appropriate transitional arrangements.

Without this coordination the proposed classification reforms risk creating legal uncertainty and compliance confusion for businesses, regulators and consumers, and inconsistencies across platforms and media types.

Adult Classification Categories

Although the review refers extensively to evidence-based reform and harm minimisation, comparatively little attention (aside from currently unworkable publication category relabelling) is given to the adults-only classification categories, including RC, X18+, R18+, Category 1 and Category 2.

² [*Australian Government response to the Independent Statutory Review of the Online Safety Act 2021 p.9*](#)

This omission is significant because these classifications directly affect:

- lawful adult access to hard copy and online content;
- compliance with existing state classification enforcement legislation;
- retail compliance obligations;
- online platform moderation;
- age assurance requirements;
- advertising restrictions; and
- criminal liability under state and territory legislation.

Recommendation: Any meaningful modernisation process must include detailed review of:

- RC, X18+, R18+, Category 1 and Category 2 criteria;
- the treatment of consensual adult sexual activity;
- fetish and kink-related acts;
- consistency across media formats; and
- compatibility with modern online distribution systems.

Principles for Modernised Classification Terminology

Current terminology surrounding adult classifications is outdated, inconsistent and often poorly understood by consumers.

Any revised classification terminology should support:

- clear and accessible consumer information to assist informed choice;
- evidence-based and proportionate regulation focused on demonstrable harm;
- protecting children from age-inappropriate material;
- recognition of consent and context in classification decisions; and
- the right of adults to access lawful content.

Recommendation: Concept C06 cannot proceed unless accompanied by:

- comprehensive legislative harmonisation across all affected jurisdictions;
- review of inconsistencies between publication and film classification standards;
- clarification regarding the treatment of consensual adult fetish content; and
- further consultation with affected industries and regulators.

C07 Clarify definitions

Support in consultation with industry

C08 Reconsideration of sexual content

Strongly support

Eros strongly supports the review's position that sexual acts must be judged using an 'evidence-based, harm-informed framework' and not be 'judged through a moral lens.' This is imperative for any progress to be made on Concept 06.

C09 Classification Advisory Council

Conditional support subject to industry representation.

Eros acknowledges the value of ongoing community participation in classification policy. However, the proposed Classification Advisory Council lacks sufficient detail regarding:

- appointment and removal processes;
- eligibility requirements;
- conflict-of-interest safeguards;
- governance and transparency mechanisms; and
- the scope of the Council's advisory role.

The review also proposes a Council comprised solely of members of the public, without provision for industry representation. Eros believes this is a significant omission.

Industry participants possess substantial expertise in:

- classification compliance;
- the interaction between classification regulation and the Online Safety framework;
- age-restricted sales practices;
- online age assurance systems;
- content moderation;
- technological developments.

A Council that excludes industry expertise risks producing recommendations that are impractical, technologically unworkable or disconnected from operational realities.

Eros recommends:

- The inclusion of appropriately qualified industry representatives on the proposed Council; or
- The establishment of a parallel industry advisory body that formally consults with the Council.
- That any advisory structure should include balanced representation from industry, child safety experts, legal and human rights specialists, digital platform experts, mental health professionals and community representatives.
- The Government should also publish clear information regarding governance arrangements, reporting obligations, term limits, how recommendations will inform future reform, and how the Council will interact with the Classification Review Board.

C10 Single Touch Classification

Titles could be classified once, only to be updated again if the content itself changes.

Support

C11 Permit updates to Classification

Media titles could be updated without the need to have the entire content reclassified.

Support

C12 Self-Classification as Default

Self-classification as the default approach supported by evidence-based tools and systems.
Support in principle.

Eros supports in principle self-classification as the default approach supported by evidence-based tools and systems. However, this raises several questions and more information is required.

The contemporary digital environment makes large-scale reliance on centralised Board classification increasingly impractical. Existing Online Safety obligations, relying on classification guidelines, already require online providers to undertake content self-assessment using classification-style principles.

It raises the question about how this will work under the Classification Act for complaints, and requests or directives to review or re-classify content? Self-classification should not become a mechanism for inconsistent or arbitrary enforcement.

Recommendation: Eros supports Concept C12 subject to the development of transparent, evidence-based implementation frameworks, and only when any proposed harmonisation of publications classification labels with film categories is resolved under Concept C06.

C13 Modernise Classification Database

Support in principle.

C14 Expand use of Automated Classification tools

Support in principle.

C15 Classification Website - Uniform Matrix

Support in principle.

C16 Classification Website - Personalised Preferences

Support in principle.

C17 Classification Website - Unify Listings

Support in principle.

C18 Classification Website - Transparent Decisions

Support

C19 Classification Website - Addition of extra community information

Support in principle.

C20 Element Icons

Conditional support

Eros supports Concept C20 on the basis that images used as element icons must not be stigmatising to any cohort. In practice it might be challenging to produce icons that clearly reflect certain content, especially content that is legal only for adults.

C21 Quick Links to Classification Listings

Support in principle.

C22 Public Education Campaign

Support

Eros supports a public education campaign regarding the purpose and operation of the classification system.

Australia's classification system is frequently misunderstood. The fundamentals of the classification system are to allow consumers to make informed choices about what they read, hear, watch and play, protect minors from harmful material, and protect everyone from unsolicited material they find offensive. This cannot be achieved without a strong community understanding of the classification system.

Improved public education would support informed consumer choice, improve parental understanding, reduce misinformation and strengthen public confidence in the classification system.

Conclusion

Eros welcomes the proposed movement of Classification Guidelines away from moral judgement and toward evidence-based harm assessment. However, significant concerns remain regarding:

- proposals that may unintentionally increase censorship or legal uncertainty;
- inconsistencies with various state laws;
- lack of harmonisation with Online Safety laws and regulations;
- insufficient consideration of adult classification categories; and
- exclusion of industry expertise from advisory structures.

Eros supports the modernisation of Australia's classification framework, genuine harmonisation within and across legislation, transparent governance structures, evidence-based policymaking, and recognition of the realities of modern digital content distribution.

However, the review's proposed concepts demand deeper analysis and further consultation.

Eros thanks you for the opportunity to provide this submission and welcomes ongoing consultation regarding classification reform.

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