

# **GUIDELINES FOR THE SELECTION OF MEMBERS OF THE CLASSIFICATION REVIEW BOARD**

## ***Legislative requirements***

In appointing members to the Classification Review Board (the Review Board) the *Classification (Publications, Films and Computer Games) Act 1995* (the Act) requires that the Governor-General is to have regard to:

‘...the desirability of ensuring that the membership of the Review Board is broadly representative of the Australian community.’

It is the Minister for Home Affairs’ responsibility to make recommendations to the Governor-General regarding appointments. Before making such recommendations, the Act requires that the Minister consult with Censorship Ministers about the proposed recommendations.

The Act does not specify or require a particular process to be followed when selecting people for consideration by the Minister for Home Affairs and State and Territory Censorship Ministers.

## ***Application of Guidelines***

These guidelines, issued by the Minister for Home Affairs after consultation with Censorship Ministers, establish the process to be used for the selection and consideration of persons recommended for appointment to the Review Board.

## ***Principles for selection of members***

The overriding principle when making recommendations for appointments as Review Board members is that the proposed appointment will ensure that the Review Board as a whole is broadly representative of the Australian community.

## ***Role of the Board and the Review Board***

The Review Board’s role is to review, upon application, decisions of the Classification Board. In reviewing such decisions, section 44 of the Act requires the Review Board to deal with an application for review of a decision in the same way that the Board deals with an application for classification of a publication, film or computer game or for approval of an advertisement.

In reviewing a decision of the Classification Board, the Review Board must consider all the facts and relevant matters put before it and reach a new decision in accordance with the applicable requirements under Part 2 or Part 3 of the Act or Schedule 7 to the *Broadcasting Services Act 1992*, as the case may be.

### ***Selection criteria***

In assessing applications for membership of the Review Board, the selection committee will consider the following selection criteria:

1. The ability to interpret relevant legislation and guidelines, or a demonstrated capacity to develop such an ability, in applying the standards generally accepted by reasonable adults in the public interest (this requirement does not mean that formal legal qualifications are an essential criteria)
2. Demonstrated involvement in the community and the ability to reflect broad community standards
3. The ability to apply reason, commonsense and sensitivity when assessing a wide variety of material, including material across the full spectrum of classifiable material, and
4. Demonstrated ability to work as part of a diverse team.

When assessing applications for the position of Convenor of the Review Board, the selection committee will replace criterion four with:

4. Demonstrated ability to lead a diverse team.

The Review Board is intended to be a team of people who can reflect the opinions of ordinary members of the community, articulate their views, appreciate the views of others and be flexible enough to modify those views as a result of discussion with colleagues. The Review Board is not intended to be a team of classification experts.

### ***Additional compositional considerations***

In addition to the prescribed selection criteria, and within the requirements of the Act, the selection committee should ensure that the Review Board comprises:

- persons who have the capacity to assess, identify and represent community standards
- a mixture of men and women, with as close a gender balance as possible
- persons from different geographical locations within Australia
- persons of a reasonable spread of ages
- persons with experience of young people, and
- a mixture of persons from diverse cultural backgrounds.

### ***Selection procedures***

A selection process will be undertaken for all Review Board vacancies with the following exceptions:

- Review Board members who are currently appointed and are eligible for reappointment may be considered for reappointment without advertisement, subject to confirmation from the Convenor

of the Review Board that the Member is performing well on the Review Board or, in the case of the Convenor, subject to consultation with State and Territory Censorship Ministers, and

- Where a vacancy arises within 12 months of completion of the last Review Board recruitment process, the person next ranked most suitable may be approached regarding appointment without the need for advertisement.

### *Selection Committee*

A selection committee will be established to determine recommendations to the Minister for Home Affairs on suitable nominees for appointment to the Review Board. The selection committee will be established approximately six months prior to a vacancy arising on the Review Board.

The selection committee will comprise:

- the Convenor of the Review Board (other than where the vacancy is that of the Convenor in which case an independent person with relevant experience will be included)
- one senior representative of the Australian Government Attorney-General's Department, and
- one representative nominated by State and Territory Censorship Ministers.

The Selection Committee's role will be to:

- oversee the call for applications for positions on the Review Board
- based on the number of applications received, determine whether a recruitment company should be engaged to conduct preliminary assessment of the applications received and to short-list applicants
- prepare a short-list of 20 applicants, to reflect a broadly representative sample of the community
- interview appropriate applicants (wherever possible the committee should interview not less than ten applicants). Interviews must include an experiential screening to assess their ability to work as a classifier and their exposure to the range of material that the Review Board considers
- rank interviewed applicants. When ranking applicants the selection committee should consult referees of the applicants and consider the matters listed under the *Additional Compositional Considerations* part of this protocol, and
- prepare a final report of the selection process and make recommendations for consideration by the Minister for Home Affairs.

### *Call for applications for positions on the Review Board*

Applications for vacancies on the Review Board will be elicited using, but will not be limited to, the following methods:

- Advertisements will be placed on the websites of the Australian Government Attorney-General's Department and the Classification Review Board, and
- Censorship Ministers will be invited to put forward the names of appropriate persons.

### *Information available to potential applicants*

Potential applicants will be invited to obtain an application information package (either directly from the Australian Attorney-General's Department or from the Internet). This package would contain comprehensive information about:

- The legislative scheme and the role of the Classification Board and Review Board
- Information about the Classification Board and Classification Review Board
- Information about current members of the Classification Board and Review Board
- Selection criteria for Review Board membership, and
- Information about the need for applications to address the selection criteria and how to go about this.

### *Consultation with Censorship Ministers*

After consideration of the recommendations of the Selection Committee, the Minister for Home Affairs will consult State and Territory Censorship Ministers about proposed recommendations for appointment.