



Australian Government

Classification Board

Our reference: CB 25-208

By email: foi+request-12446-74261572@righttoknow.org.au

To whom it may concern

Decision on your Freedom of Information Request

On 3 December 2024, you submitted a request to the Classification Board (the Board), seeking access to documents under the *Freedom of Information Act 1982* (FOI Act).

1 Your request

You requested access to:

The following for the computer game 'Avatar: Frontiers of Pandora' not classified using the IARC Global Rating Tool:

- audio/video file sent by the applicant.

If audio/video file sent by the applicant does not exist, then:

- information sent by the applicant except for copy of the game,
- e-mail to and from the applicant.

For both:

- screenshot of the app showing non-publicly accessible information from the database, including the information shown on tabs 'Basic Information', 'Additional Information', 'Recommendations', 'Media' (with screenshot of file on Box if they exist), 'Payment', 'Assessment', 'Related Applications', 'Administration';
- screenshot of the option shown when clicking on 'Related'.

2 Authority to make decision

I am authorised to make decisions in relation to Freedom of Information requests under section 23(1) of the FOI Act.

3 Background

There is no version of the computer game '*Avatar: Frontiers Of Pandora*' not classified using the IARC Global Rating Tool (IARC Tool).

The IARC Tool is an approved classification tool under the *Classification (Publications, Films and Computer Games) Act 1995* (the Act). Classification tool decisions are Classification Board decisions under s 22CF (1) of the Act.

Information on the 'classify once' principle as it relates to classification tools is available on the Classification website: <https://www.classification.gov.au/for-industry/classify-once>.

4 Decision

The right of access under the FOI Act is limited to a 'document of an agency', being a document in the possession of the Board, whether created by the Board or received by the Board (section 4 of the FOI Act refers).

Section 24A of the FOI Act provides that an agency may refuse a request for access to a document if:

- (a) all reasonable steps have been taken to find the document, and
- (b) the agency or Minister is satisfied that the document:
 - (i) is in the agency's or Minister's possession but cannot be found, or
 - (ii) does not exist.

The business area responsible for the subject matter of your request has conducted searches of the Board's information holdings. No documents matching the description in your request were identified as being in the possession of the Board.

I am satisfied that all reasonable steps have been taken to find documents which would be relevant to your request and that the documents do not exist in the possession of the Board.

I have decided, in accordance with section 24A of the FOI Act, that the Board does not hold a document in its possession that meets the terms of your request.

5 Material taken into consideration

In making my decision, I had regard to the following:

- the terms of your request
- the provisions of the FOI Act
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (the FOI Guidelines)
- advice from officers with responsibility for the subject matter contained in the documents captured by your request

6 Legislative provisions

The FOI Act, including the provisions referred to in my decision, are available on the Federal Register of Legislation website: www.legislation.gov.au/Series/C2004A02562.

7 Your review rights

If you are dissatisfied with my decision, you may apply for a review of it.

An application for IC review must be made in writing to the Office of the Australian Information Commissioner (OAIC) within 60 days of the decision.

If you are not satisfied with the way we have handled your FOI request, you can lodge a complaint with the OAIC. However, the OAIC suggests that complaints are made to the agency in the first instance.

More information about the Information Commissioner reviews and complaints is available on the OAIC website here: www.oaic.gov.au/freedom-of-information/foi-review-process.

Further information

The Department of Infrastructure, Transport, Regional Development, Communications and the Arts provides administrative assistance to the Classification Board.

If you require further information regarding this decision, please contact the Department's FOI Section at FOI@infrastructure.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Steven Thomson', with a horizontal line drawn through it.

Steven Thomson
Director
Classification Board

Date: 18 December 2024