

CI 2058a Australian Independent Record Labels Association

Name of organisation: Australian Independent Record Labels Association

Q1:

AIR believes that the ALRC's focus in relation to the classification of sound recordings should be on improving elements of the existing framework.

Q2:

The primary objectives of a national classification scheme should be to reduce inadvertent exposure of content that might be considered offensive to consumers whilst assisting creative industries in giving access to a wide range of content without hindering freedom of expression.

Q3:

The technology and platform for the delivery of content should be taken into account during classification.

Regarding the sale of music; a 'bricks and mortar' retail environment requires standardized self regulation of classifications for potentially offensive material while the delivery of the same content through online sales platforms should not necessitate the same classification guidelines.

We believe that the proliferation of content available online would make the widespread classification of commercially available music through direct to consumer platforms difficult and expensive to monitor. Equally, existing online sales platforms (itunes, emusic, amazon, etc) should not and can not be required to display warnings in the same format as physical CD's, Records and DVDs.

Q4:

Q5:

Q6:

If classification comes at a cost to the owners and distributors of content then costs associated with classification can only be reasonably borne by record labels with a history and potential of mass market reach.

AIR believes that costs and resources associated with adherence to classification guidelines should in no way inhibit the ability of smaller, niche content owners to create and release music whose diversity is integral to the strength of Australia's music culture. We would strongly oppose classification guidelines or rules that affected the profitability or stretched the resources of small businesses engaging in the release of music to relatively small audiences.

Q7:

Q8:

We believe the current labeling system for the classification music is suitable for physical music product.

We are not aware of a standardised classification system for third party online sales platforms for music (itunes etc) but should one be developed we would like to be part of the consultation. Warnings

on these platforms should be clear, non-obtrusive and simple, much like the current warnings on itunes.

Direct to consumer sales platforms online (those managed by the content owners) should not be subject to classification regulations if there is not a reasonable expectation of widespread mainstream reach.

We do not support restrictions on the SALE of 'moderate' and 'strong' impact content and believe that the labeling system is sufficient for children and guardians to make educated decisions on regarding the purchase and consumption of music.

Q9:

Yes. AIR is of the position that music with what is likely to be a small audience should not be subject to costly or resource dependent classification systems. The classification system for sound recordings should be self governed, simple, time efficient and without financial cost to the content owner.

Q10:

Q11:

Q12:

AIR strongly opposes classification measures which could result in censorship of the internet. While we agree that music which is classified as "high impact" or "exceeding level 3" should not be available to minors for purchase online we believe that guidelines for the clear labeling of "high impact" content would be sufficient. AIR does not believe it is practicable to deny consumer access to content, offensive or not, through firewalls, passwords, blacklists or any other means.

Q13:

Q14:

Q15:

AIR supports the current classification guidelines for physical audio recordings. Regarding online content, AIR believes that content available for sale or streaming on a third party sales platform should be labelled with a classification if the content has reasonable potential to cause offense.

Q16:

AIR believes that industry associations ARIA (Australian Record Industry Association) and AMRA (the Australian Music Retailers Association) are suitable industry organizations to oversee the audio recording classification system. The music industry's classification system should remain self governed.

Government agencies should only be involved in the initial stages of establishing new guidelines.

Q17:

Q18:

All content should be classified by the industry. Should complaints be made about incorrectly classified content then ARIA and AMRA should mediate.

Q19:

Classification should not cost independent music producers and independent labels time or money. If the guidelines remain simple then we do not expect the need for government subsidy. If new

guidelines were to force adherence to a costly classification regime then AIR would strongly push for government subsidies for the classification of independent content.

Q20:

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Q26:

Australia labels release content to national audiences. Adherence to different (and perhaps contradictory) classification schemes would be costly and confusing. It is important that consistency in state and territory classification laws are consistent.

Q27:

Q28:

Q29:

Other comments:

This response to the National Classification Scheme Review was written on behalf of AIR and its members:

AIR is the Australian Independent Record Labels Association - AIR is the Australian peak body for independent record labels and self released artists. AIR represents the business and cultural interests of more than 120 record labels and 8,000 musicians and bands. Any Australian record label not majority owned by Sony, Universal, EMI and Warner is considered part of AIR's constituency.

AIR's membership is made entirely of micro, small and medium sized businesses and comprises of businesses that release mainstream popular music as well as specialist blues, jazz, metal, punk, classical, experimental, dance, club, electronic, contemporary classical, country and hip hop labels. AIR conducts its work in the belief that independent music is a crucial part of Australia's cultural fabric and that creators of independent music and art should be supported in achieving their financial and artistic goals.