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Joint Standing Committee on the Review of the National Classification Scheme
Australian Law Reform Commission
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SUBMISSION: *INQUIRY INTO THE NATIONAL CLASSIFICATION SCHEME REVIEW*

The Kultour Network welcomes the opportunity to provide input to the Australian Law Reform Commission's Inquiry into the Review of the National Classification Scheme, and its impact on the Arts in Australia. We believe that the Arts plays a key role in creating cultural harmony and vibrancy in contemporary multicultural Australia. The freedom to express and share those views are integral to an open and dynamic society.

ABOUT KULTOUR

Kultour is the national voice that advocates for the importance of cultural diversity in the activation of and participation in the Arts for the benefit of the broader Australian community, reflecting our Multicultural society. Kultour's network is represented across all States and Territories.

PREAMBLE

Australia became a party to the *Convention on the Protection and Promotion of the Diversity of Cultural Expressions* on 23 September 2009.

There are a number of obligations that are incumbent on the Parties, which are called upon to:

1. endeavour to promote in their territory the creation of an environment which encourages individuals and social groups to create, produce, disseminate, distribute, and have access to their cultural expressions, paying attention to the special circumstances and needs of women and social groups, including persons belonging to minorities and indigenous peoples on the one hand, and, on the other hand, to have access to diverse cultural expressions within their territory and from other countries of the world;
2. ensure information sharing and transparency by providing appropriate information in their reports to UNESCO every four years on measures taken to protect and promote the diversity of cultural expressions;
3. foster the public's understanding of the importance of the diversity of cultural expressions through educational and public-awareness programmes;
4. acknowledge the fundamental role of civil society in protecting and promoting the diversity of cultural expressions by encouraging the active participation of civil society in efforts by Parties to achieve the objectives of the Convention;
5. incorporate culture into sustainable development and strengthen international cooperation in support of developing countries by several means, for instance, by strengthening their cultural industries, building their capacities to develop and implement cultural policies, technology transfer, financial support and preferential treatment for their artists and other cultural professionals and for their cultural goods and services.

KULTOUR SHARED VALUES

The role of the Arts:

Art has the ability to transform life and inspire creativity in all aspects of human existence.

Importance of Diversity of Expression and Equity:

The 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions states that cultural diversity is a driving force of development, not only in respect of economic growth, but also as a means of leading a more fulfilling intellectual, emotional, moral and spiritual life. The relationship between culture and diversity is one of mutual foundation.

Cultural Transmission:

Equitable exchange and dialogue among civilizations, cultures and peoples, based on mutual understanding and respect and the equal dignity of all cultures is the essential prerequisite for constructing social cohesion, reconciliation among peoples and peace among nations.

Access to All: Access, participation and celebration of the Arts in all their diverse forms is a human right, and it plays a formative role for younger generations in the understanding and awareness of oneself in the world.

IMPACT OF CLASSIFICATION ON ARTISTS AND CULTURAL GROUPS

Kultour believes that the Joint Standing Committee must consider in the classification review of public content, the protection of freedom of expression and the arts as a key vehicle and cultural transmitter in society; and that it also considers that society has the freedom of choice in the experience of cultural content.

Kultour fully endorses the Submission from Arts Law Centre of Australia. It captures in detail the risks involved in de-contextualising the arts for classification purposes that would result in censorship and attacks on freedom of speech and expression in Australia, but also holds the many existing self-regulatory mechanisms as adequate, such as those found in the music industry.

Kultour's aforementioned shared values underpin the criticality in submitting a response to this Inquiry in the context of cultural diversity in the arts and social cohesion, in freedom from censorship and government's role in ensuring its protection.

Kultour trusts that the Australian Government will uphold its responsibilities as a signatory to the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions by ensuring that the protection of arts and cultural expressions is not impacted by a regulatory body that inhibits its free and safe manifestations.

APPROACH TO THE INQUIRY: QUESTIONS

Kultour answers a select group of questions that it sees have the potential to threaten the arts and diversity of cultural life in Australia.

Question 2. What content should be classified and regulated?

The Arts should not be classified under this scheme. There are existing protocols for arts experience in the public domain, where the public has not made a choice to experience it. However, all other exhibitions or experience of artworks where by the public has made a choice to engage with it should be left unclassified and for adults to have the authority to make the judgement and for their children.

Question 7. Should some artworks be required to be classified before exhibition for the purpose of restricting access or providing consumer advice?

No, this is censorship. Educational materials such as didactic panels are tools that the creative industries regularly use to provide audience with information and advice. The Australia Council for the Arts has released a series of protocols surrounding best practice in presentation. In addition various national and state agencies provide similar advice that is free and easily accessible. The creative industries have existing regulatory mechanisms and a non-arts classification scheme would only serve to censor rather than educate and inform.

Question 8. Should music and other sound recordings (such as audio books) be classified or regulated in the same way as other content?

No, the existing self-regulatory mechanisms are effective as is. Allow the sector to be responsible for its own actions.

Question 29. In what other ways might the framework for the classification of media content in Australia be improved?

Diversity of expressions must be safeguarded by government. Kultour's concern is that arts and cultural product cannot and should not be classified by a Commission, even if it selects a community representative. It is however classified or scrutinised by society itself.

KULTOUR NATIONAL NETWORK

4A – Centre for Contemporary Asia Art (NSW), BEMAC (QLD), Casula Powerhouse (NSW), Darwin Community Arts (NT), Footscray Community Arts Centre (VIC), Salamanca Arts Centre (TAS), KULCHA Multicultural Arts of WA (WA), Multicultural Arts Victoria (VIC), NEXUS Multicultural Arts (SA), NORPA (NSW), The Street Theatre (ACT)

