



Australian Law Reform Commission
National Classification Review
AMIN Submission

July 14, 2011

About AMIN

The **Australian Music Industry Network** (AMIN) is a national representative body committed to promoting and supporting Australia's contemporary music artists, and the industry that supports those artists.

AMIN's membership comprises the not-for-profit State and Territory music industry bodies from around the country. That membership currently includes:

- Queensland Music Network
- Contemporary Music Victoria
- Music New South Wales
- Music Northern Territory
- Contemporary Music Services Tasmania
- West Australian Music Industry Association

Through its members, AMIN represents thousands of Australian artists, industry workers and businesses – ranging from independent record labels to music managers venues and promoters.

AMIN focuses on career development and growth opportunities for artists as well as the support infrastructure necessary to allow artists to create and present new work, while addressing challenges to such growth.

The organisation provides a critical network for information sharing and national project and policy delivery, while providing its members with the opportunity to engage meaningfully on national issues that impact on the industry.

With that in mind, we welcome the opportunity to make this submission to ALRC's Review of the National Classification Scheme.

Classification – A Music Industry Perspective

AMIN fully endorses the comprehensive submission to this Review prepared by the **Arts Law Centre of Australia**.

While the music industry has undergone radical changes over the past few years, the production and distribution of recorded material remains a central component of the industry. It provides a critical revenue stream for both artists and music businesses, and is a principal form of creative expression for musicians and songwriters.

In order to support that end it is vital that artists be free to produce, distribute and promote new work as widely as possible without interference. Further, individuals should be free to access the forms of music they want to hear.

AMIN is also cognizant that any classification structure in place around music must support the balance between maintaining artists' freedom of expression, while protecting those – specifically minors – from exposure to material considered harmful.

While, as mentioned above, AMIN endorses the Review submission prepared by the Arts Law Centre of Australia, we would like to highlight and reinforce a number of key areas relevant to the artists and industry we represent.

Responses to Specific Review Questions

1. In this Inquiry, should the ALRC focus on developing a new framework for classification, or improving key elements of the existing framework?

AMIN supports the view that a new classification framework should be developed.

While the current system has worked effectively for a number of years – and is generally embraced and understood by the community – the new digital media environment has dramatically changed the way people access and consume music and other art forms.

Further, the sheer volume of music available in the online environment makes it simply impossible to classify all material available to Australian audiences.

Any new classification scheme should be developed with a view to delivering practical outcomes for artists, industry and the community in this context. It should recognise that it is neither possible, nor necessary, to classify all content and place continued emphasis on artists and the industry to self-regulate within guidelines developed by, or in consultation with, the industry.

Further, AMIN supports an expansion of education initiatives that reinforce the practical steps individuals can take to filter material they do not wish to hear, or may be considered inappropriate for children.

Such an approach will allow artists a sense of freedom to create and distribute new work, encourage continued investment in innovative music, and provide the community with the capacity to make informed decisions about the material they access or are exposed to.

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

As proposed by the Arts Law Centre of Australia, AMIN supports a continued focus on self-regulation within the music industry. It should be noted that there has been comparatively low levels public concern expressed about music in this context.

For more than a decade, industry self-regulation has been focused on a system of warning labels on audio-only recorded music products. The *Recorded Music Labeling Code of Practice* is managed by Australian Recording Industry Association (ARIA) and the Australian Music Retailers Association (AMRA).

AMIN supports the underlying published ‘Principles’ of that scheme:

- a) *Adults in a democratic society should be free to listen to what they wish.*
- b) *Creative artists should be free to express themselves without fear of intervention.*

- c) Consumers should be supplied with sufficient information so that they can choose to avoid exposure to material which may offend them, and make informed purchasing decisions in relation to Product which is not suitable for minors.*

Further details are available at <http://www.aria.com.au/pages/codeofpractice.htm>

While it would be possible to harmonise warning labels with the rating systems applied to film, AMIN is of the view the current system is accepted by both the industry and the community and provides the flexibility required by artists while offering important purchasing guidance for consumers.

Artists and industry are increasingly aware of the need to self-regulate when releasing music, particularly in the online environment. For example, music that is provided to online retail outlets – such as iTunes – must clearly be marked when explicit lyrics are featured in songs.

This system of self-regulation has worked effectively to date and AMIN expects no change to that scenario.

Imposing a complex and costly formal classification system on music will not only limit the capacity of Australian artists to create new work, it will limit their ability to take advantage of innovative and emerging new distribution channels the online environment now provides – particularly in terms of building new markets for their music.

At a time when Australian artists are struggling to build sustainable careers by connecting with new audiences, it is AMIN's view that the imposition of a restrictive classification system would be damaging to the future growth of the industry and Australia's artistic output.

And, as highlighted earlier, AMIN considers any attempt to classify all the music available to Australian listeners as unfeasible given the rapid expansion of global online music consumption.

For any clarification on the points raised above, or for more information, please contact AMIN Coordinator Craig Spann - info@amin.org.au.

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