



Australia Council Submission National Classification Scheme Review - Discussion Paper

November 2011

About the Australia Council for the Arts

The Australia Council for the Arts is the Australian Government's arts funding and advisory body.

Its mission is to enrich the lives of Australians and their communities by supporting the creation and enjoyment of the arts. This mission is underpinned by a commitment to:

- Excellent and distinctive Australian art - assisting Australian artists to create and present a body of distinctive cultural works characterised by the pursuit of excellence;
- Access for all Australians - assisting Australian citizens and civic institutions to appreciate, understand, participate in, enjoy and celebrate the arts;
- A strong and vibrant arts sector - providing infrastructure development for Australia's creative arts.

Introduction

The Australia Council welcomes this opportunity to comment on the National Classification Scheme discussion paper. We commend the ALRC for its comprehensive analysis of the current system and its proposal for fundamental reform.

Given the convergence of film, television, radio and the internet, the Australia Council considers the proposal for a new Media Content Act, which applies to all of these media, to be a sound one.

Increasingly, artists are operating directly within the convergent media environment, whether through digitising their work so that it can be distributed, accessed and experienced online; or through the filming of performances, which can be viewed in cinemas or online. This means that the Media Content Act will have great significance to the freedom of artists to *create* and audiences to *experience* cultural products that express and develop our unique cultural identity.

On the whole, the ALRC's proposals strike a sound balance between preserving individual freedoms of expression, assisting consumers to make informed decisions and protecting children from material that is likely to harm or disturb them. Below, we provide comment on several of the ALRC proposals of particular relevance to the arts sector.

Comments on ALRC Proposals

Proposal 6-3

The Classification of Media Content Act should provide a definition of 'exempt content' that captures all media content that is exempt from the laws relating to what must be classified (Proposals 6-1 and 6-2). The definition of exempt content should capture the traditional exemptions, such as for news and current affairs programs. The definition should also provide that films and computer games shown at film festivals, art galleries and other cultural institutions are exempt. This content should not be exempt from the proposed law that provides that all content likely to be R18+ must be restricted to adults: see Proposal 8-1

Proposal 8-1

The Classification of Media Content Act should provide that access to all media content that is likely to be R18+ must be restricted to adults.

We welcome the proposal to exempt films and computer games shown at film festivals, art galleries and other cultural institutions from requiring classification from the Classification Board. As stated in our July submission to the ALRC issues paper, the Australia Council is of the view that, in the vast majority of cases, our galleries and cultural institutions already present films responsibly, with appropriate measures in place to inform the public about work that contains potentially offensive material.

Proposal 6-8

Industry bodies should develop codes of practice that encourage providers of certain content that is not required to be classified, to classify and mark content using the categories, criteria, and markings of the National Classification Scheme. This content may include computer games likely to be classified below MA15+ and music with explicit lyrics.

Although the suggestion to harmonise the classification of music with the National Classification Scheme is in keeping with the principle of providing consistent guidance in a convergent media environment, this proposal does raise some practical considerations that require further investigation.

One feature of music that distinguishes itself from other media such as film, television and games, is that broadly speaking it is both comparatively less expensive to produce and, in the online environment, less expensive to distribute. As a consequence, there is a vast amount of music produced and distributed each year domestically and internationally by both professional and non professional musicians, and which is made available for both commercial and non-commercial purposes.

Although the existing ARIA/ AMRA *Recorded Music Labelling Code of Practice* has provided an effective system of graduated consumer advisory warnings to assist consumers in their music purchases, this code only applies to physical products. The task of effectively applying the classification scheme categories to online music

consumption is challenging as it not only involves an enormous volume of music, but numerous providers of music including online music stores, subscription streaming services, and social media. To implement the classification scheme's categories for online music in a way that provides effective advice will require cooperation that spans multiple industries, territories and international jurisdictions.

As the ALRC's discussion paper has not addressed these challenges, we strongly recommend that the ALRC undertakes more consultation with the music industry before making its final recommendation on this matter.

Proposal 7-4

The Classification of Media Content Act should provide that an authorised industry classifier is a person who has been authorised to classify media content by the Regulator, having completed training approved by the Regulator.

Question 7-2

Should classification training be provided only by the Regulator, or should it become part of the Australian Qualifications Framework? If the latter, what may be the best way for the Board, higher education institutions, and private providers, and who may be best placed to accredit and audit such courses?

The Australia Council welcomes the proposal for more involvement of industry in classifying content. However, given the limited resources available to many industries – including the arts sector - it is important that the costs of training and accreditation are not prohibitive.