

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
CLASSIFICATION BOARD

Question No. 35

Senator Barnett asked the following question at the hearing on 22 February 2011:

Senator BARNETT—That is fine. We will deal with that shortly. I want to deal with the issues we have dealt with before—the audits and the call-in notices....So seven have not complied [in the six month period to 31 December 2010] and they relate to what? Can you be more specific?

Mr D McDonald—They were adult magazines that were not classified. They were on sale and were not classified.

Senator BARNETT—And who was the distributor? You can provide on notice who they were. Were they separate distributors or the same distributor?

Mr D McDonald—They were different. We can supply those names to you.

The answer to the honourable senator's question is as follows:

At the hearing of 22 February 2011, the Director of the Classification Board, Donald McDonald AC advised that in the six month period 1 July to 31 December 2010, there were eight publications called in with seven distributors not complying with call-in notices.

It has since been determined that there were in fact seven publications called in. Six of the distributors of these publications did not complying with the call in notice.

The non-compliant organisations as at 31 December 2010 were:

Distributor/Publisher	no. of publications
Gordon & Gotch	1
LA Magazines	2
Metro Interactive/ Primal Urge	1
Windsor Wholesale	2
total	6

It should be noted that in January 2011 the Classification Board received advice from Gordon and Gotch stating that the item called in was not a new or unclassified product, but was actually a classified product covered by a valid serial classification declaration. The publisher had changed the name of this product during the period of the serial declaration, but the format and content remained unchanged. That is, the distributor claimed it was a legally classified product under a new name.

The Board has now accepted that advice, and the distributor/publisher of this publication is no longer considered to be non-compliant. As at 8 March 2011, the number on non-complying publications call in notices for the 2010-2011 reporting period to date is five.