

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
CLASSIFICATION BOARD

Question No. 34

Senator Joyce asked the following question at the hearing on 20 October 2008:

Provide details of audits conducted in the last 5 years, including lists of titles that were found to be incorrectly classified or never submitted for classification.

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

The serial declarations scheme for publications commenced on 1 December 2005 and has been in operation for 2 years and 11 months. The Classification Board conducts periodic audits of serial classification declarations as a safeguard to ensure that conditions of the audit are being met.

The issues of publications that are audited have not previously been submitted for classification because they are covered by a serial classification declaration. As the scheme has only been in operation for two years and 11 months, audit numbers can only be provided for this timeframe and not for 5 years.

Since 1 December 2005, the Board has issued 209 serial classification declarations. Eight audits were completed in 2006 and 13 audits were completed in 2007. As at 18 November 2008, 26 audits had either been completed or were in progress for the year.

Where an audit reveals that the audited issue contains material that, if the issue were classified separately, would cause it to be classified with a higher classification than the original issue, the Board must revoke the declaration so far as it affects that issue and any future issues under the declaration subsequent to the decision to revoke.

To date five serial declarations have been revoked because the issue that was audited contained material that would cause it to be classified with a higher classification than the original issue. The titles of the publications which have had the serial classification declaration revoked are *Australian Penthouse* (both the Unrestricted and Category 1 restricted versions), *Australian Hustler*, *Picture* and *Rustler*.

The Classification Board does not monitor publications titles that are not submitted for classification.

The Attorney-General's Department has three classification liaison officers who monitor general compliance with State and Territory classification enforcement legislation and who collect information about unclassified publications. In the five years since October 2003 CLS officers have visited over 1000 newsagents, service stations and convenience stores – that is, retail outlets that stock restricted publications. Where CLS officers have found material on display which is not classified, the title of the publication title and the identity of its distributor are passed on to the State and Territory censorship officer for that jurisdiction as part of the regular reporting process. Details of point of sale are held by CLS and are available to law enforcement if required. A list of unclassified titles identified by CLS officers over the past five years has not been collated as it would require the reallocation of significant resources.