

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Program 1.1

Question No. 1

Senator Barnett asked the following question at the hearing on 18 October 2010:

Since 24 May 2010:

(a) How many periodicals with a serial declaration have been audited and how many failed the audit? Can you describe the process involved in the audit?

(b) How many items have been subject to a call-in notice? How have these items come to the attention of the board? What has been the response from the distributors? Can you provide a detailed breakdown by type of item and supply the names of the distributors?

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

(a) In the period from 14 May 2010 to 18 October 2010, 13 serial classification declarations (declarations) have been audited. Of these, one declaration was revoked.

The Classification Board audits all declarations within their period of validity. Section 13(5) of the *Classification (Films, Computer Games and Publications) Act 1995* provides that declarations must be revoked if the Board finds material that would be at a higher classification or contains advertisements that have been refused classification.

For auditing purposes, the Board examines the publication and determines whether or not it meets the guidelines for the classification at which it was granted, and whether or not the publication breaches any sale conditions imposed. Publications audited are sourced and purchased by Classification Liaison Scheme (CLS) officers from a newsagent, service station or, where required, an adult shop. Occasionally, where CLS cannot independently procure a publication, a request is made to the distributor to supply the Board with a current copy.

If no breach of the declaration and relevant conditions is found, no further action is taken.

If the publication exceeds the classification of the original issue, a "show cause" letter is sent inviting the applicant to supply reasons for the Board not to revoke the declaration. The applicant is given three business days to respond.

Following the applicant's response, the Board will consider the response before concluding the audit. If the Board decides that, taking any matters into account raised by the applicant, the audited publication exceeds the classification conditions of the declaration, then the Director will issue a notice revoking the serial classification.

If no response is received to the "show cause" letter, then the Director will issue a notice of revocation of the declaration and that issue of the publication, along with future issues become unclassified. Such publications and the distributors are then referred to enforcement agencies for appropriate action.

CLS officers are advised of revocations, and the relevant publications are included in the Publication Enforcement Bulletin.

(b) Between 24 May 2010 and 18 October 2010 there were 15 call-in notices issued.

These items come to the attention of the Board in a variety of ways including from complaints from members of the public, or via Community Liaison Scheme Officers' investigations.

As at 4 November 2010 no responses have been received from the distributors.

Of the 15 call-in notices issued in the period, 11 were for publications and four for films.

The breakdown of items and distributors is as follows:

Distributor	Films	Publications
Australian and International Publications Distributors (AIP)	3	2
LA Magazines	0	2
Metro Interactive / Primal Urge	0	5
Windsor Wholesale	0	1
Play Me / Rated R Plus	1	1
Total	4	11
Total Call-Ins	15	