



## **Submission in response to the Australian Government review of Australian classification regulation**

**19 February 2020**

### **1. About us**

#### **ALIA**

The Australian Library and Information Association is the professional organisation for the Australian library and information services sector. On behalf of our 5,000 personal and institutional members, we provide the national voice of the profession in the development, promotion and delivery of quality library and information services to the nation, through leadership, advocacy and mutual support.

#### **Australia's public library network**

Australia has more than 1600 central, branch and mobile libraries, with 9.3 million registered members and more than 114 million customer visits each year. Offering books, magazines, newspapers, DVDs, WiFi, PC internet access, learning programs, fun activities and expert staff help, they are a much loved, highly regarded and trusted community resource, with loans of more than 165.3 million items a year.

#### **Other libraries**

In addition to our public libraries, there are approximately 9,400 school libraries, 2,000 special libraries (health, law, government, corporate, heritage, arts, media) and 450 university and TAFE libraries. There are nine National, State and Territory Libraries, located in capital cities around Australia. These flagship institutions attract more than 9.5 million physical visitors each year, and hold collections valued at \$4.1 billion.<sup>1</sup>

### **2. Areas of particular interest**

We welcome the opportunity to comment on the Australian Government's review of classification regulation. Our specific interest is in 'Part 2: Modernising classification legislation, item 6', and the question: 'Consistent with the current broadcasting model, could all classifiable content be classified by industry, either using Government-approved classification tools or trained staff classifiers, with oversight by a single Government regulator?'

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<sup>1</sup> <https://www.nsla.org.au/index.php/about>

Related to this is our response to part 8 and the question: 'Is the current co-operative scheme between the Australian Government and the states and territories fit for purpose in a modern content environment?'

### **3. The issue for libraries**

Many library users are born overseas and/or speak a language other than English at home, and they want to borrow materials in their first language. We offer books in most languages through our libraries, with the collection geared towards the needs of our diverse communities. We also provide access to audiovisual materials for study and for leisure.

However, what has been normal practice in libraries for decades – buying and lending films in foreign languages – has, over the last few years, become a significant issue. Increasingly we find ourselves unable to source the materials in first language we need to provide a service to everyone in the community.

For the past three years, the State Library of NSW, Public Libraries Victoria and multicultural special interest groups have worked together to advocate for changes to the Classification Act 1995 (Cth) to address this inequality. We have taken our lead from the Australian Law Reform Commission 2012 report *Classification—Content Regulation and Convergent Media*. One of the eight guiding principles for a New Classification Scheme states that, 'communications and media services available to Australians should broadly reflect community standards, while recognising a diversity of views, cultures and ideas in the community.'<sup>2</sup>

In the past, we have bought foreign language films on DVD in small quantities from a few small specialist companies for lending through public libraries. The films may carry their country's classification, but they have not gone through Australia's Classification Board – and in the quantities we are talking about, this would not be commercially viable.

The situation has differed according to the implementation of classification provisions across States and Territories but legal advice in recent years has thrown doubt on the legality of specialists selling these unclassified films on DVD to libraries. This has placed suppliers at risk of prosecution and as a result, the library supply of foreign language films has dried up.

While this is primarily a public library issue, it can also affect other libraries, including those in the education sector.

### **4. Desirable outcomes**

#### **4.1 Increased availability of LOTE films on DVD in libraries**

As an outcome of the review of Australian classification regulation, we would like to see a mechanism which would enable us to improve the availability of foreign language films on

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<sup>2</sup> [https://www.alrc.gov.au/sites/default/files/pdfs/publications/summary\\_report\\_for\\_web.pdf](https://www.alrc.gov.au/sites/default/files/pdfs/publications/summary_report_for_web.pdf)

DVD through libraries – this could be in the form of libraries self-classifying content, exceptions for libraries, or some other device.

#### **4.2 A solution which is not specific to one format or technology**

Increasingly our libraries are subscribing to content streaming services such as Kanopy, a digital platform for lending films. We would like to see legislation which takes into account the foreign language film acquisition and lending issue outlined above; encompasses streaming as new method of delivery, and is designed to be tech-neutral, so it remains relevant through further advances in media technology.

#### **4.3 Consistency across all jurisdictions**

Libraries are generally funded by local, state and territory governments, but in the case of public libraries operate as a national network. This involves collaborative initiatives, which may include purchasing agreements.

We would welcome legislation which provides consistency across all jurisdictions to reduce complexity for libraries and our suppliers, and to provide greater clarity about the necessary processes for acquiring, rating and lending LOTE films.

#### **4.4 Relationship with other legislative reform**

We have responded to the concurrent Online Safety Legislative Reform Discussion Paper and expressed our concerns on two fronts. The first, libraries being held accountable for library patrons' use of public internet terminals. The second, legislation designed with the major social media platforms in mind resulting in libraries being subject to unreasonable demands as an unintentional consequence of a new Act.

If we were to achieve a self-classifying position with LOTE films, we would not want this new responsibility to have the unintended consequence of increasing our liability in the area of online safety.

### **5. In conclusion**

ALIA and our library members welcome the opportunity, through the review of Australian classification regulation, to address a problem which has been an issue for libraries for a number of years, and which has now reached a critical point. We look forward to further involvement as the consultation moves into the next phase and we hope we can achieve legislative change which will benefit communities with diverse populations across Australia.

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