



Our reference: 55829

12 February 2020

Dear Mr. Neville Stevens AO

REVIEW OF AUSTRALIAN CLASSIFICATION REGULATION UNCLASSIFIED FILMS

State Library of NSW and Working Group on Multicultural library Services

Background information

Public libraries play a very important role in helping to build strong communities, ensuring that information is available to everyone regardless of their level of education, language or ability to pay. Public libraries provide cultural and educational services and facilities for business and economic gain and for social and community well-being, as well as helping to combat loneliness for many isolated and older members of the community.

Public Library services aim to meet community expectations that include equality of access to resources which, in culturally diverse areas, will also include access to feature films in DVD format. Libraries provide access to films in English and offer the same level of service to members of our culturally and linguistically diverse (CALD) communities by providing films in their own languages.

The *Classification (Publications, Films and Computer Games) Act 1995* contains an unintended legal impediment in relation to the sourcing and supplying of unclassified films in languages other than English (LOTE). This has significantly reduced public libraries capacity to purchase films to replenish collections for our CALD communities. Public libraries are allowed to lend unclassified films as no charge is involved, but the selling of unclassified films in LOTE places our suppliers of these films at risk of breaching the Act. This legislation does not apply to direct overseas acquisition, but many public libraries are unable to buy direct from overseas suppliers due to a range of issues including language barriers and council's procurement policies. It also disadvantages local businesses.

For the past four years the State Library of NSW, the Public Libraries Victoria Network Multicultural Special Interest Group and representatives of other States and Territories

and the Australian Library association (ALIA) have worked with the Australian Classifications Office to find practical solutions to resolve the legislative impediments. The Classification Office have indicated their support and willingness to find a solution that benefited Australia CALD communities.

Modernising classification legislation

The unintended consequence of the Classification Act is that it prevents public libraries from purchasing LOTE films for CALD communities as selling unclassified films place our suppliers at risk of prosecution under current classification requirements.

As a result CALD communities are disadvantaged as public libraries are unable to purchase films in their own languages. Often these library users have limited English and literacy in their own language, and people often use films to get closer to their culture through stories told in their own language. Students and members of the community in general often use these films to improve or learn a language.

Public libraries support the approach to self - classify films across all platforms, for materials made available to CALD library clients. We also support the development of training and classification tools approved by the Minister or the new regulator.

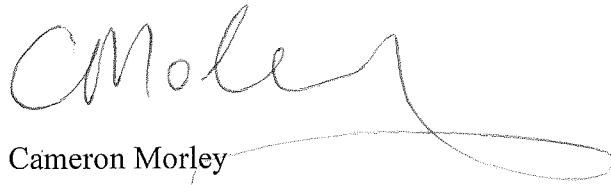
The ability to acquire and make accessible films in Languages Other Than English in public libraries presents many complexities that libraries successfully have managed:

- Films are purchased by public libraries in more than 49 languages across Australia
- The selection and purchasing of films are normally a mix of recommendation from the public and suppliers based in Australia
- Library staff have a broad range of language skills and /or work with Australian suppliers that are normally native speakers of the language
- LOTE suppliers are often native speakers and they import LOTE DVD's on demand
- Library suppliers understand purchasing profiles provided by libraries
- Libraries follow Classification categories from general to MA 15 +
- Library procedures are consistent with the Classification Act ensure that identification checks of patrons are undertaken for items Classed MA
- Libraries tend not to purchase material rated R
- Library systems allow libraries to regulate access to materials by the age or other restrictions
- The current cost of classifying LOTE films is prohibitive as suppliers sell less than 50 copies nation wide

Classification governance

Public libraries will benefit if regulations are consistent across Australia. Currently the difference in the enforcement and penalty provision is confusing for public libraries that tend to work in a cooperative manner.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'CMorley', with a long horizontal flourish extending to the right.

Cameron Morley

**Manager Public Library Service
State Library of NSW**

