



Australian Library and Information Association (ALIA): Response to consultation on Modernising Australia's Classification Scheme – Stage 2 Reforms

Context for this submission

About ALIA and Australian Libraries

ALIA is the national body for the Australian Library and Information Services Sector. ALIA is a member-based organisation that supports and represents Australian libraries, from public and school libraries in local communities, through to academic, government and specialist libraries serving specific communities, and nationally significant collecting institutions. No matter the size or position, libraries are committed to ensuring that members of the Australian community have access to information and culture that they need in the interests of a thriving democracy.

Libraries play an important role in the Australian book industry. In public and school libraries across Australia, libraries provide a wide range of fiction, non-fiction and other resources and accompanying programs. Libraries are loved – around a third of Australians are members of their local public library, and more than 150 million items are borrowed each year, in physical and digital formats.¹

Australian libraries purchase, curate, catalogue and preserve publications of all types. Through services such as Trove and the Australian National Bibliographic Database (ANBD) people can find detailed information on publications, both those in-print and historical, including which libraries hold copies.

Libraries take their legal responsibilities under the classification law seriously and welcome the current consultation which provides an opportunity to strengthen information and guidance for libraries and other participants in the book ecosystem, as well as reviewing the scheme in light of technological advances and societal changes.

Current challenges for LGBTQIA+ publications

This submission is written in a period where anti-LGBTQIA+ protests against library collections and programs have been at an elevated level for more than 12 months in Australia. A number of these have reached the mainstream news, such as the recent motion at Cumberland Council to remove all 'same-sex parent' books from the council libraries,² or the violent protests against rainbow storytime in a number of libraries across the country.³ Alongside these more visible incidents, ALIA has been supporting libraries to

¹ National and State Libraries Australasia (NSLA) (2023). *Australian Public Library Statistical Report 2021-2022*.

<https://www.nsla.org.au/wp-content/uploads/PLS-2021-22-final.pdf>

² Lewis A (15 May 2024) Western Sydney's Cumberland City Council votes to overturn ban on same-sex parenting books in libraries ABC <https://www.abc.net.au/news/2024-05-15/western-sydney-council-vote-same-sex-book-ban/103851924>

³ Marshall C & Gibson B (16 Nov 2023) Pop-up drag queen story time held in Shepparton after official event cancelled, ABC <https://www.abc.net.au/news/2023-11-16/shepparton-drag-storytime-cancelled-after-protest-threats/103111912>

respond to a sustained range of challenges from a number of groups. From March 2023 to the end of May 2024 164 challenges to 95 titles were reported to ALIA. The vast majority of books have a connection to LGBTQIA+ matters, contain LGBTQIA+ characters or themes, are written by LGBTQIA+ authors, or are books that deal with LGBTQIA+ relationships in an equivalent way as heterosexual relationships. Oftentimes these challenges will be couched in non-discriminatory ways, with concerns about issues such as sexual or sex education content. However when looked at in aggregate the clear overrepresentation of LGBTQIA+ titles in the challenged list suggest that the concerns are more with the LGBTQIA+ nature of the content than any other aspect.

Prior to 2023, ALIA did not record book challenges as they were such a rare occurrence, and when they did occur were easily handled by established processes for the reconsideration of library materials. The recent protests, however, have been more challenging, often coming from outside the local council area in a coordinated fashion and accompanied by threats toward library staff and the LGBTQIA+ community. ALIA outlined some of our concerns in a recent submission to the Australian Human Rights Commission,⁴ and can provide more information on the incidents and challenges if required.

In this environment, ALIA notes the risk of people seeking to use the classification system to discriminate against certain groups in society. It is important that any changes to the scheme do not inadvertently act as a tool to discriminate against or suppress the voices of marginalised communities.

About the book industry

There have been more than 140 million books published in the past 500 years and there are an additional 4 million or so new titles published each year – of which 20,000+ are Australian titles. In Australia authors rarely earn a living wage from their writing,⁵ and fewer than 10% of titles sell more than 100 copies.

Reading, however, remains one of our most popular cultural activities, perhaps supported by the overwhelming evidence of its benefits, leading to a happier, healthier and more connected society.⁶

ALIA is proud to work closely and collaboratively with our book industry partners. ALIA supports the Books Create submission from ALIA, the Australian Society of Authors, The Australian Publishers Association and BookPeople (formerly the Australian Bookseller's Association) and notes that these concerns are held across the industry.

Purpose and scope of the National Classification Scheme

1. Are the guiding principles set out in the Code still relevant in today's media environment?

ALIA is generally supportive of the guiding principles.

2. Do you support the proposed criteria that defines what material should be classified under the Scheme?

ALIA generally agrees with the proposed criteria for classifiable content at the high level, being professional, commercial and directed at an Australian audience.

⁴ ALIA (2024) *Submission on current and emerging threats to trans and gender diverse human rights* <https://read.alia.org.au/alias-submission-current-and-emerging-threats-transgender-human-rights>

⁵ Zwar J, Crosby P, and Throsby D. 2022 National Survey of Australian Book Authors. Industry Brief No. 3: Authors' Income. Sydney: Macquarie University. <https://doi.org/10.25949/C63YXQ77>

⁶ Australia Reads (2023) *Research Review: Snapshot* <https://australiareads.org.au/wp-content/uploads/2023/08/Australia-Reads-Research-Review-Snapshot-August-2023.pdf>



We note that the precise wording for definitions will be important. For example, the definition in the consultation paper of “distributed on a commercial basis” as capturing “organisations or individuals that distribute media content as part of their business” could still encompass groups “whose main purpose is not to distribute media content for commercial gain”. Similarly, the framing of “directed at an Australian audience” may need clarification regarding the position of small specialist imports or loans/licenses of e-content from international platforms.

From a policy perspective, ALIA supports criteria and a definition of publication that covers digital publications including ebooks but excludes online content. However, our experience is that there are a number of challenging categorisation issues at the edges of this line, including the difference between self-published publications and online user-generated content. We are unsure that the additional criteria of “uploaded by the service provider itself” is as clear for publications as for some other forms of content. Some additional clarity and guidance around “distributed on a commercial basis” may assist here, and we would be very happy to consult on definitions drawing from our experience in dealing with a vast variety of publications.

ALIA agrees that classification should be the responsibility of the service provider that makes the content available in Australia. We would welcome additional clarification that in the case of libraries this is the publisher and/or the distributor, and not the library service who has purchased the content, for the avoidance of doubt. Libraries often purchase a package of materials rather than selecting individual titles, especially for e-content. In making these purchases they should be able to rely on the distributor’s due diligence that materials will be provided in accordance with classification law, for example with the appropriate classification markings. In turn, libraries are also proactive about checking their catalogues when classification decisions are made, and contacting distributors to ensure that materials are dealt with properly. ALIA considers that additional education and outreach on responsibilities under the *Classification Act* to the library sector would strengthen the integrity of the system, along with greater promotion of classification decisions and improved search functionality on the Classification Board website (more on this issue later in the submission).

Finally, ALIA brings to the government’s attention the status of audiobooks. Audiobooks are an increasingly popular medium for reading books and are available from most Australian public libraries. Currently they do not seem to fit into the definition of publication in the *Classification Act 1995* (the Act), which is limited to “written or pictorial matter”. ALIA considers that an audiobook is most analogous to a book, and our experience is that members of the public also would consider this analogous, and most likely assume that they were currently covered by the classification system as publications. ALIA would support the inclusion of audiobooks as publications, acknowledging that all mediums have slightly different considerations even within the same categorization.

3. Are there any other issues with the current purpose and scope of the Scheme that should be considered?

In a general update, consideration should be given to the applicability of the scheme to both physical and digital publications. For example, the current marking requirements for category 1 & 2 publications speak to requirements to seal the publication in opaque packaging materials, with no guidance for what the equivalent may be for the same publication delivered electronically.

ALIA also agrees with the Books Create submission that if there are particular genres or formats of publications that are causing concern then approaches to industry to ensure that longstanding practices such as shelving and display arrangements are in place and consumer information is easily accessible would be a logical first approach before any legislative changes.



4. Do you support changes to the definition of a 'submittable publication' to provide clarity on publications requiring classification under the Scheme?

ALIA is supportive of changes to the definition of 'submittable publication' to make it clear that publications that are likely to be refused classification, or given a classification of 'category 1 restricted', 'category 2 restricted' or 'unrestricted – recommended 15+', should be submitted. This would clarify the responsibilities for submitting publications.

ALIA notes that the current requirements for submittable publications are not well publicized or understood. Given the wide range of people with responsibility for submitting publications, including for example bookshops importing publications which do not have an Australian publisher, additional education about the scheme is important whether or not the definition changes. Guidelines for both the current and any future definitions of submittable publication would be welcomed by industry.

ALIA would not be in favour of a more general widening of the definition of submittable publications than the one currently proposed. The current classification scheme has served Australia well for decades, and has ensured that the Australian public has had access to good quality content, both domestically produced and international. The publishing industry, and the wider book industry however run on very small margins, and these are even more insubstantial for more niche areas such as literary works, poetry and works from authors from historically marginalised communities. Any additional unnecessary barriers to bringing books to market threaten the viability of these books. We note again our concerns that any changes to the current classification system must not increase the risk of discrimination against diverse voices in the book industry.

A framework for evidence-based classification guidelines

1. Do you support the establishment of an independent Classification Advisory Panel or similar body?

ALIA considers that the establishment of an independent Classification Advisory Panel (CAP), and the subsequent increase in expert revision of the classification guidelines would be welcome, although frequency should not be more regular than every couple of years to support industry implementation.

2. What issues or expertise relevant to the classification environment would you like to see represented in a Classification Advisory Panel or similar body?

Amongst the experts on the panel should be experts from the book industry authors, publishers, booksellers and librarians, who bring expertise both about the industry and about the book reading public. ALIA would support the inclusion of people from minority groups, especially from those groups that have a history of having their voices censored such as the LGBTQIA+ and First Nations communities.

The CAP should also be able to draw on outside experts. For example, if there are particular genres of publications that have been raised in relation to the guidelines, to consult with authors, industry and academic experts in those genres. There is also the potential for the CAP to consult with people from particular identified groups and readers.

3. Are there any aspects of the current Guidelines that you would like the Classification Advisory Panel or similar body to consider?

ALIA notes that the Publication Guidelines 2005 will be 20 years old next year. The guidelines both control the access to published works, and also influence what is published. As such, it's important that they keep pace with evolving community standards, expectations and understandings. Rather than attempt detail any specific areas of concern in this submission, ALIA considers that the establishment of a CAP with



direction to review the Guidelines would be the best approach, bringing a range of experts, including librarians and other members of the book industry, to update the Guidelines.

Fit-for-purpose regulatory and governance arrangements for classification

1. Do you support the consolidation of classification functions under a single national regulator at the Commonwealth level?

ALIA is cautiously supportive of a single national regulator. Given the current cooperative nature of the classification system, and the challenges of moving to a co-regulatory scheme, this is likely to be a reform that would take considerable time. ALIA would like to see more immediate updates and changes outlined in this submission progress in advance of any moves to a single national regulator to avoid the danger that necessary reforms are unduly delayed.

2. What key considerations should inform the design of fit-for-purpose regulatory arrangements under a single national regulator model?

If a single national regulator was established it would be incredibly useful if enforcement was also standardized across Australia. The current slightly different approaches to enforcement across the states and territories, including the different approach to category 1 & 2 publications in Queensland has caused issues for the library sector, especially dealing with national distributors of ebooks who are unable to tailor their products at state level and thus have to impose the restrictions of the most restrictive jurisdiction nationally.

3. Is there a role for the Classification Board and the Classification Review Board under a single national regulator model?

ALIA notes that currently publications are rarely submitted to the Classification Board, however as the only mechanism by which publications can be classified it currently plays a very important role in publication classification. The system where only submittable publications are classified has, and continues to, serve publications and the public well and ALIA considers as such that the Classification Board would continue to play an important role. ALIA, along with the book industry, is happy to explore ways of providing more consumer information, and would welcome further conversations, however, ALIA does not consider that there is a need to move away from the current system of classification at this stage.

4. Are there any gaps or unintended consequences that may be caused by consolidating classification functions under a single national regulator at the Commonwealth level?

ALIA notes simply that publications consist of a very small volume of work in the current system, and notes that there is always the danger that the specific requirements of publications are overlooked by a busy, national regulator.

Additional Matters

Communication

Currently there is no proactive notification to industry when books are called in for classification, or a classification decision is made. For the library sector, we currently rely on a number of key people keeping an eye on the Classification Board's RSS feed, which is an inefficient approach prone to failure. As a result books may be classified, and libraries, bookshops and suppliers may not be aware that they need to take retrospective action such as re-labelling.

The ability to subscribe for classification updates or other methods of enhanced communication from the Classification Board would reduce the risk of publications not being swiftly updated with classification information.



When books are classified, it would be useful to have more detail about the publications. Use of industry standard identifiers such as International Standard Book Numbers (ISBNs) would enable the quick update of catalogue records within the library sector, and aid identification in the wider book industry. When a classification decision is made, it would be good to be clear about the applicability across different versions, for example print and ebook or volumes within an omnibus. The use of ISBNs to identify the versions covered by the classification decision would aid a comprehensive update of the title across library systems.

Classification markings

Currently if a book is classified then it is required to display that classification marking, even if the classification is 'Unrestricted'. The labelling of unrestricted publications is an unnecessary expense as it gives the consumer no additional information as to the content of the publication or the age recommendations. ALIA would support a change so that only 'category 1 restricted', 'category 2 restricted' or 'unrestricted – recommended 15+' are required to carry markings.

Searchability

The industry would appreciate it if there was a list of all classified publications that is easily searchable. The utility of such a list would be enhanced if you could exclude pornography. This is a request we have had from numerous libraries and library vendors.

Conclusion

ALIA thanks the Department for the invitation to submit to this consultation, and for the proactive engagement with the library sector in relation to the proposed reforms. ALIA is very happy to provide further information on any of the points raised above, or to suggest additional experts from the library sector. Any questions should be directed at first instance to Trish Hepworth, Deputy CEO, on Trish.Hepworth@alia.org.au

