

20 April 2011

Committee Secretary

Senate Standing Committees on Legal and Constitutional Affairs
PO Box 6100
Parliament House
Canberra, ACT 2600
Australia

Dear Committee Secretary

Inquiry into the Australian film and literature classification scheme

On 7 April 2011 the Arts Law Centre of Australia appeared before the Senate Inquiry into the Australian film and literature classification scheme. In that session we took a question on notice from Senator Barnett regarding the constitutionality of reforming the current classification system for a national enforcement regime.

It is our response that a national classification enforcement system could likely rely on a mix of the following heads of power in the Australian constitution:

- (a) the interstate and international trade and commerce power (section 51(i));
- (b) the communications power (section 51(v)); and
- (c) the corporations power (section 51(xx)).

Such a combination of powers would cover the majority of material and media created and disseminated in Australia between states and territories. Alternatively, the states and territories may refer their powers for classification to the Commonwealth. Arts Law is confident that a Crown lawyer commissioned by the committee would be able to give a more thorough opinion on the question.

We thank the Senate committee for their consideration of the issue.

Yours sincerely

Robyn Ayres