



THE HON BOB DERIUS

Minister for Home Affairs

Senate Legal & Constitutional Affairs Committee
Budget Estimates 2008-2009
25-28 May 2009

Tabled Document No 10

By: MR ROGER WILKINS AO

A-GS DEPT
Date: 25/5/09.

04 FEB 2009

08/26558

Mr Mick Keelty APM
Commissioner
Australian Federal Police
GPO Box 401
CANBERRA ACT 2601

Dear Commissioner

I am writing to seek your cooperation in addressing low levels of compliance by retailers and distributors with classification enforcement laws. I am writing in similar terms to all Police Commissioners and the Queensland Commissioner for Fair Trading.

It appears there are offensive publications, some involving depictions of people who are or appear to be under 18, available in unrestricted premises in breach of classification laws. Some retailers are also displaying and selling material with misleading classification markings.

The EROS Association, a national adult industry association, has claimed that only 5% of adult publications sold are classified and that inappropriate material is being sold in newsagents and convenience stores. Eros has stated that approximately 5,000 Category 2 restricted level titles were available in Australia last year, of which less than 50 were classified. In 2007-08, the Classification Board classified 56 publications Category 2 restricted, and made five Category 2 restricted Serial Classification Declarations.

I understand that after recent audits, the Classification Board has revoked a number of serial publication declarations as many of the titles audited contained material the Board considered to be Refused Classification. Other audited titles, although marked as Category 1 restricted, were found to be unclassified.

I understand that the Director of the Board, Mr Donald McDonald AC, has also 'called-in' for classification a number of unclassified submittable publications. Submittable publications are publications which are unclassified and which would, if classified, be likely to be restricted to adults or classified Refused Classification. The sale of submittable publications is an offence in all Australian jurisdictions.

This low level of compliance with classification enforcement laws by retailers and distributors of adult publications is a matter of serious concern. As one means to increase compliance I

believe it is important that police and the Queensland Office of Fair Trading (given their role in enforcing classification laws in Queensland) give increased priority and adequate resources to the enforcement of classification offences. I seek your assistance in achieving this.

At my request Censorship Ministers discussed at our 6 November 2008 meeting concerns about the availability of offensive publications and films, in breach of classification laws, and asked officers to develop proposals to address the problems for consideration at our next meeting in April 2009.

I also raised this issue at the 7 November 2008 meeting of the Ministerial Council for Police and Emergency Management – Police and indicated that I would write to Police Commissioners about it.

The Classification Liaison Scheme (CLS) is a joint Australian Government, State and Territory initiative, whose role is to conduct compliance checks in the marketplace, liaise with industry to improve compliance, provide support to law enforcement and respond to enquiries and complaints from the public. As scheme officers have no enforcement powers, they refer serious breaches of the law to enforcement authorities.

Since December 2008 the CLS has started compiling a Publications Enforcement Bulletin to improve communication with law enforcement agencies. The Bulletin is now e-mailed to law enforcement and censorship officials and provides information concerning the availability and sale of unclassified (but potentially submittable) publications in unrestricted premises across Australian jurisdictions. It lists publications that the CLS has purchased, or which have been the subject of a complaint, and what action the Director and the Classification Board has taken; for example, by calling in a publication for classification or revoking a serial publication declaration.

I attach a copy of a recent bulletin for your information. I hope this initiative will facilitate increased enforcement of classification laws relating to offensive publications.

I am providing a copy of this letter to Police Ministers for their information.

The action officer for this matter in the Attorney-General's Department is Amanda Davies who can be contacted on (02) 6250 5545.

Yours sincerely



Bob Debus



Australian Government
Attorney-General's Department

Classification, Human Rights and
Copyright Division

PUBLICATIONS ENFORCEMENT BULLETIN

No. 3 — 23 January 2009

The publications listed below may be in breach of classification enforcement laws. They have been purchased recently in one jurisdiction and may be available in others.

The sale of submittable publications¹ is an offence in all Australian jurisdictions under State and Territory classification enforcement laws. Unless or until submittable publications have been classified by the Classification Board it is an offence to distribute and/or sell them. The sale of classified publications which carry incorrect classification markings is also an offence in all Australian jurisdictions.

Under the authority given to him by classification laws, the Director of the Classification Board may call in² some of the publications listed below for the purposes of classification.

Future bulletins will provide you with information regarding the outcome of this process. Information added or updated since the previous bulletin appears in **bold type**.

Please note that there could be more than one version of a particular issue in the marketplace and some may be compliant.

Please direct any queries to the Coordinator of the Classification Liaison Scheme on (02) 9289 7191.

Publication Title	Initial Status	Action ³	Current Status
<i>18 Eighteen</i> Vol 11 No 2 February 2008 (US version only)	unclassified	not called in - distributor unknown	unclassified
<i>Adam Girls International Teenz</i> Vol 9 No 1	unclassified	called in	unclassified
<i>Best of Cheri</i> Vol 30 No 10 May 2007	classified under serial classification	serial classification revoked	unclassified (likely RC)
<i>Cheri Teens</i> No 42 March 2007	unclassified	called in	unclassified
<i>Cheri Teens</i> No 43	unclassified	called in	unclassified
<i>Cheri Teens</i> No 46	unclassified	called in	unclassified
<i>City Circle Magazine</i> November 2007	unclassified	called in	unclassified
<i>Club International Holiday</i> 2007 Issue	unclassified	not called in - distributor unknown	unclassified
<i>Dirty Deeds</i> No.8	unclassified	called in — classification complete	classified RC
<i>Finally Legal</i> Vol. 5 No 1 2003	unclassified	called in	unclassified

<i>Finally Legal Vol. 7 No 7 July 2005</i>	unclassified	called in	unclassified
<i>Finally Legal Vol. 9 No. 5 April 2007</i>	classified under serial classification	serial classification revoked	unclassified (likely RC)
<i>Genesis No.96 March 2005</i>	unclassified	called in	unclassified
<i>Hawk Vol 17 No 4 February 2008</i>	classified under serial classification	serial classification revoked	unclassified (likely Cat 2)
<i>Hawk Vol 17 No 5 March 2008</i>	classified under serial classification	serial classification revoked	unclassified (likely Cat 2)
<i>High Society Vol.29 No.12</i>	unclassified	called in	unclassified
<i>High Society Vol.30 No. 4</i>	unclassified	not called in — distributor unknown	unclassified
<i>High Society Teen Angels No.40 February 2007</i>	unclassified	called in	unclassified
<i>High Society Teen Angels No 41</i>	unclassified	called in	unclassified
<i>Just Popped Vol. 13 No 8</i>	unclassified	called in	unclassified
<i>Leg World No. 53 April 2007</i>	classified under serial classification	serial classification revoked	unclassified (likely RC)
<i>Live Young Girls January 2005</i>	unclassified	called in	unclassified
<i>Live Young Girls December 2006</i>	classified under serial classification	serial classification revoked	unclassified
<i>Live Young Girls Vol 28 No 8 August 2007</i>	classified under serial classification	serial classification revoked	unclassified (likely RC)
<i>Live Young Girls Vol 28 No 11 November 2007</i>	classified under serial classification	serial classification revoked	unclassified (likely RC)
<i>Live Young Girls Vol 29 No 4 April 2008</i>	classified under serial classification	serial classification revoked	unclassified (likely Cat 2)
<i>Nexxt (carries no publication details)</i>	unclassified	called in	unclassified (likely RC)
<i>Out Vol.38 No.3</i>	unclassified	called in	unclassified
<i>Petite No. 71 November 2007</i>	unclassified	called in	unclassified
<i>Purely 18 Vol 9 No 5 February 2007</i>	classified under serial classification	serial classification revoked	unclassified (likely Cat 2)
<i>Purely 18 Vol 9 No 10 July 2007</i>	classified under serial classification	serial classification revoked	unclassified (likely RC)
<i>Purely 18 Vol 10 No 5 February 2008</i>	classified under serial classification	serial classification revoked	unclassified (likely RC)
<i>Purely 18 Vol 10 No 7 April 2008</i>	classified under serial classification	serial classification revoked	unclassified (likely RC)
<i>Purely 18 Vol 10 No 9 June 2008</i>	classified under serial classification	serial classification revoked	unclassified (likely RC)
<i>Purely 18 Vol 10 No 10 July 2008</i>	classified under serial classification	serial classification revoked	unclassified (likely RC)
<i>Ravers DVD Vol. 1 No 5</i>	unclassified	serial classification revoked	unclassified (likely Cat 2)
<i>Rusler's XXX Teenage Hardcore Issue 58</i>	unclassified	called in	unclassified
<i>Swank No 124 May 2007</i>	unclassified	called in	unclassified
<i>Swank No 134 February 2008</i>	classified under serial classification	serial classification revoked	unclassified (likely RC)
<i>Swank No 141 September 2008</i>	classified under serial classification	serial classification revoked	unclassified (likely RC)
<i>Teazer Just 18 Vol 5 No 9</i>	classified under serial classification	serial classification revoked	unclassified (likely RC)
<i>Teazer Just 18 Shavers Special No. 2</i>	unclassified	called in	unclassified
<i>Teenz Vol. 8 No 11 September 2007</i>	unclassified	called in	unclassified
<i>The Very Best of High Society Vol 24 No 2 Mar 2007</i>	classified under serial classification	serial classification revoked	unclassified (likely RC)
<i>Velvet No. 135 May 2008</i>	classified under serial classification	serial classification revoked	unclassified (likely RC)

Important: Unclassified publications identified by the CLS but not purchased (i.e. the content has not been examined by the Director of the Classification Board) are reported to State and Territory officials through monthly activity reports.

¹ A **submittable publication** is a publication which is unclassified but which would, if classified, be likely to be classified as RC; or, would be likely to be restricted to adults to the extent that it should not be sold or displayed as an unrestricted publication; or, is unsuitable for a minor to see or read.

² **Calling in** is a process in which the Director of the Classification Board requires the publisher of a publication which he has reasonable grounds to believe may be a submittable publication to submit an application for the classification of that publication.

³ Publications may not be called in because the publisher is unknown or because the Director is still considering the issue.

**THE HON BOB DEBUS**

Minister for Home Affairs

08/26558

04 FEB 2009

Mr Andrew Scipione APM
Commissioner
NSW Police Force
Locked Bag 5102
PARRAMATTA NSW 2124

Dear Commissioner

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At my request Censorship Ministers discussed at our 6 November 2008 meeting concerns about the availability of offensive publications and films, in breach of classification laws, and asked officers to develop proposals to address the problems for consideration at our next meeting in April 2009.

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I am providing a copy of this letter to Police Ministers for their information.

The action officer for this matter in the Attorney-General's Department is Amanda Davies who can be contacted on (02) 6250 5545.

Yours sincerely



Bob Debus



THE HON BOB DEBUS
Minister for Home Affairs

08/26558

04 FEB 2009

The Hon Tony Kelly MLC
Minister for Police
Level 34
Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

Dear Minister 

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I attach for your information my letter to Police Commissioners on this issue.

Yours sincerely

**Bob Debus**



THE HON BOB DEBUS
Minister for Home Affairs

08/26558

04 FEB 2009

Ms Christine Nixon APM
Chief Commissioner
Victoria Police
PO Box 415
Victoria Police Centre
MELBOURNE VIC 3005

Dear Chief Commissioner

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**THE HON BOB DEBUS**

Minister for Home Affairs

04 FEB 2009

08/26558

The Hon Bob Cameron MP
Minister for Police and Emergency Services
GPO Box 4356
MELBOURNE VIC 3001

Dear Minister 

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Yours sincerely

**Bob Debus**

**THE HON BOB DEBUS**

Minister for Home Affairs

08/26558

04 FEB 2009

Mr Bob Atkinson APM
Commissioner
Queensland Police Service
GPO Box 1440
BRISBANE QLD 4001

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Yours sincerely



Bob Debus

**THE HON BOB DEBUS**

Minister for Home Affairs

04 FEB 2009

08/26558

The Hon Judy Spence MP
Minister for Police, Corrective Services and Sport
PO Box 15195
City East
BRISBANE QLD 4002

Dear Minister *Judy*

At the 7 November 2008 meeting of the Ministerial Council for Police and Emergency Management – Police I said that I would write to all Police Commissioners pointing out the problems related to the enforcement of classification laws and seek action.

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Yours sincerely

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Bob Debus

**THE HON BOB DEBUS**

Minister for Home Affairs

08/26558

04 FEB 2009

Mr Karl O'Callaghan APM
Commissioner
Western Australia Police
2 Adelaide Terrace
EAST PERTH WA 6004

Dear Commissioner

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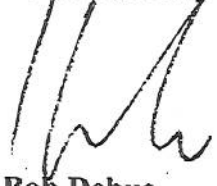
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Yours sincerely



Bob Debus

**THE HON BOB DEBUS**

Minister for Home Affairs

08/26558

04 FEB 2009

The Hon Rob Johnson M.L.A.
Minister for Police
20th Floor
Governor Stirling Tower
197 St George's Terrace
PERTH WA 6000

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Mr Malcolm Hyde APM
Commissioner
South Australia Police
GPO Box 1539
ADELAIDE SA 5001

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Minister for Home Affairs

08/26558

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The Hon Michael Wright MP
Minister for Police
GPO Box 1072
ADELAIDE SA 5001

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Mr Darren Hinc APM
Commissioner
Tasmania Police
GPO Box 308C
HOBART TAS 7001

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This low level of compliance with classification enforcement laws by retailers and distributors of adult publications is a matter of serious concern. As one means to increase compliance I

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At my request Censorship Ministers discussed at our 6 November 2008 meeting concerns about the availability of offensive publications and films, in breach of classification laws, and asked officers to develop proposals to address the problems for consideration at our next meeting in April 2009.

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I attach a copy of a recent bulletin for your information. I hope this initiative will facilitate increased enforcement of classification laws relating to offensive publications.

I am providing a copy of this letter to Police Ministers for their information.

The action officer for this matter in the Attorney-General's Department is Amanda Davies who can be contacted on (02) 6250 5545.

Yours sincerely



Bob Debus



THE HON BOB DEBUS
Minister for Home Affairs

04 FEB 2009

08/26558

The Hon Jim Cox MP
Minister for Police and Emergency Management
GPO Box 2208
HOBART TAS 7001

Dear *Jim* Minister

At the 7 November 2008 meeting of the Ministerial Council for Police and Emergency Management -- Police I said that I would write to all Police Commissioners pointing out the problems related to the enforcement of classification laws and seek action.

I attach for your information my letter to Police Commissioners on this issue.

Yours sincerely

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Bob Debus



THE HON BOB DEBUS
Minister for Home Affairs

08/26558

04 FEB 2009

Mr Michael Phelan APM
Chief Police Officer
ACT Policing
GPO Box 401
CANBERRA ACT 2601

Dear Mr Phelan

I am writing to seek your cooperation in addressing low levels of compliance by retailers and distributors with classification enforcement laws. I am writing in similar terms to all Police Commissioners and the Queensland Commissioner for Fair Trading.

It appears there are offensive publications, some involving depictions of people who are or appear to be under 18, available in unrestricted premises in breach of classification laws. Some retailers are also displaying and selling material with misleading classification markings.

The EROS Association, a national adult industry association, has claimed that only 5% of adult publications sold are classified and that inappropriate material is being sold in newsagents and convenience stores. Eros has stated that approximately 5,000 Category 2 restricted level titles were available in Australia last year, of which less than 50 were classified. In 2007-08, the Classification Board classified 56 publications Category 2 restricted, and made five Category 2 restricted Serial Classification Declarations.

I understand that after recent audits, the Classification Board has revoked a number of serial publication declarations as many of the titles audited contained material the Board considered to be Refused Classification. Other audited titles, although marked as Category 1 restricted, were found to be unclassified.

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Yours sincerely



Bob Debus

**THE HON BOB DEBUS**

Minister for Home Affairs

04 FEB 2009

08/26558

Mr Simon Corbell MLA
Minister for Police and Emergency Services
GPO Box 1020
CANBERRA ACT 2601

Dear Minister

At the 7 November 2008 meeting of the Ministerial Council for Police and Emergency Management – Police I said that I would write to all Police Commissioners pointing out the problems related to the enforcement of classification laws and seek action.

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Yours sincerely


Bob Debus



THE HON BOB DEBUS
Minister for Home Affairs

08/26558

04 FEB 2009

Mr Paul White APM
Commissioner
Northern Territory Police
GPO Box 39764
WINNELLIE NT 0821

Dear Commissioner

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Bob Debus

**THE HON BOB DEBUS**

Minister for Home Affairs

08/26558

04 FEB 2009

The Hon Paul Henderson MLA
Minister for Police, Fire and Emergency Services
GPO Box 3146
DARWIN, NT 0801

Dear Minister *Paul*

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**THE HON BOB DEBUS**

Minister for Home Affairs

08/26558

04 FEB 2009

Ms Julie Grantham
Commissioner for Fair Trading
GPO Box 3111
BRISBANE QLD 4001

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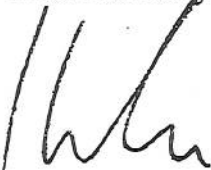
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Bob Debus