



**Australian Government**

**Professor Rosalind Croucher  
President**

**Australian Law Reform Commission**

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Re: Response to Issues Paper for the Review of the Australian Media and Communications Authority

Thank you for the opportunity to make a submission with regards to some aspects of your Issues Paper regarding the role of the ACMA. In this submission I would like to make some observations about the part of your paper that discusses whether the ACMA might take on certain classification functions, referring to the ALRC's 2012 report, [Classification–Content Regulation and Convergent Media](#).

Your draft proposal 7 reads:

That the Department will undertake further work on the potential to expand the ACMA's remit to include the functions of the Classification Board and Classification Review Board Scheme.

Relevant to your inquiry, the ALRC's report recommended that a single agency be responsible for classification regulation in Australia. In chapter 14 of its report, the ALRC recommended that the functions of this regulator should include:

- (a) encouraging, monitoring and enforcing compliance with classification laws;
- (b) handling complaints about the classification of media content;
- (c) authorising industry classifiers and providing and approving classification training;
- (d) facilitating the development of industry classification codes and approving and maintaining a register of such codes;
- (e) liaising with relevant Australian and overseas media content regulators, classification bodies and law enforcement agencies; and
- (f) educating the public about the National Classification Scheme.

The ALRC also noted that other functions of a regulator may include:

- (g) providing administrative support to the Classification Board;
- (h) maintaining a database of classification decisions;
- (i) assisting with the development of classification policy and legislation;
- (j) conducting or commissioning research relevant to classification; and
- (k) promoting media literacy and cyber-safety.

The ALRC report also canvassed arguments about who this single regulator might be, including arguments that it should be the ACMA (see pages 325ff). But no specific recommendation was made about who the

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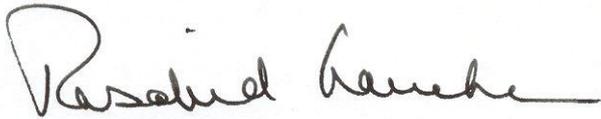
Web [www.alrc.gov.au](http://www.alrc.gov.au)

regulator should be, rather the emphasis was upon what that regulator ought to do. The ALRC report may therefore be said to support your draft proposal regarding the ACMA, and particularly that further work should be done to determine whether the agency's role should be expanded to include some additional classification functions.

However, with respect to the aspect of the proposal raising whether ACMA's remit should include the functions of the Classification Board and Classification Review Board, I would like to point out that the ALRC did not recommend that the core work of the classification boards—viewing content such as films and determining its classification—should be performed by the regulator. Instead, the ALRC report recommended that some of this work should continue to be performed by an independent classification board, and that other classification decisions be made by industry, with industry decisions being subject to audits and reviews by the Classification Board.

Please don't hesitate to contact me if you would like further comment on this matter.

Sincerely,

A handwritten signature in black ink, reading "Rosalind Hancock". The signature is written in a cursive style with a long horizontal flourish at the end.