



Honourable Yvette D'Ath MP
Attorney-General and Minister for Justice
Minister for the Prevention of Domestic and Family Violence

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Your ref: A1255286

19 APR 2024

Mr Neil Laurie
The Clerk of the Parliament
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Laurie

I refer to e-Petition 4010-23 tabled in the Legislative Assembly on 19 March 2024 titled *Sexually Explicit Publications*. The Petition requests that the House do all within its power to ensure that:

1. all sexually explicit publications be held in a restricted area;
2. any minor who wishes to borrow sexually explicit publications be accompanied by a parent or guardian;
3. Legally Restricted Publications be removed fully from public library catalogues;
4. Public libraries and school resource centres be audited for 'Submittable Publications', and where these are found, that they be submitted to the Classification Review Board.

The classification of publications is undertaken by the Commonwealth Classification Board (Board) in accordance with the National Classification Scheme (NCS). The NCS is a cooperative arrangement between the Commonwealth, state and territory governments underpinned by the *Intergovernmental Agreement on Censorship* and supported by a legislative framework comprising the *Commonwealth Classification (Publications, Films and Computer Games) Act 1995* (Commonwealth Act), *National Classification Code* (Code), classification guidelines and complementary state and territory classification enforcement legislation. The *Classification of Publications Act 1991* (Publications Act) is the relevant classification enforcement legislation for publications in Queensland.

Under the NCS, most printed publications, including magazines do not need classification. Only submittable publications (including publications which may be refused classification or restricted to adults in accordance with the Code and classification guidelines) require classification. Submittable publications may be

classified as: refused classification; category 2 restricted; category 1 restricted; or unrestricted.

Restricted and refused classification categories are usually applied to adult publications containing nudity or sexually explicit content. Publications that are refused classification contain content that is very high in impact and fall outside generally accepted community standards (e.g. sexualised nudity involving persons portrayed as minors or that promote, incite or instruct in matters of crime or violence).

A publication that has been refused classification cannot be sold or distributed in Australia. In Queensland, category 1 restricted and category 2 restricted publications are also not permitted to be sold or distributed (as they are defined as prohibited publications under the Publications Act) unless an exemption applies.

Under the Publications Act, if the Director of the Board reasonably believes a submittable publication is being (or will be) published in Queensland (that is not subject to an exemption), the Director may require the publisher of the publication to submit an application for the publication's classification by the Board.

Complaints about a particular publication, film, or computer game, or its classification, can be made to the Classification Board at the below address:

Post: Classification Branch
Department of Infrastructure, Transport, Regional Development,
Communications and the Arts
Level 6, 23–33 Mary Street
Surry Hills NSW 2010

Website: <http://www.classification.gov.au/contact-us>

If a person believes there has been a breach of Queensland classification enforcement legislation, such as the Publications Act, they can contact the Office of Fair Trading (OFT), on 13 74 68 which investigates these breaches.

If the OFT receives a complaint about a publication that has already been classified by the Classification Board as restricted, then it will take steps to ensure the publication is removed from display. If the publication has not been classified the complainant would be invited to lodge a request with the Classification Board to have the publications classified. The OFT will take appropriate action as previously stated if the classification of the publication states it is restricted.

In March 2023, the Australian Government announced its intention to reform the NCS in two stages. The first stage of reforms to update the NCS have come into effect, including changes to reduce unnecessary regulation and reduce costs by allowing industry to self-classify films and computer games using accredited classifiers.

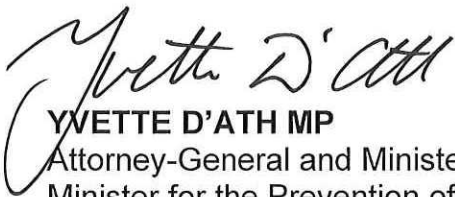
Public consultation to inform the development of the second stage of reforms to the NCS has also commenced. It is intended these reforms will clarify the purpose and scope of the NCS, establish fit-for-purpose regulatory and governance arrangements,

and improve the responsiveness of the scheme to evolving community standards and expectations.

The public consultation process is being undertaken by the Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts. To provide feedback, go to: <https://www.infrastructure.gov.au/have-your-say/modernising-australias-national-classification-scheme-stage-2-reforms>.

I thank the petitioners for bringing their concerns to the attention of the House.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Yvette D'Ath', is positioned above the printed name and titles.

YVETTE D'ATH MP

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