

Australian Law Reform Commission Review of Censorship and Classification – Terms of Reference

ASTRA welcomes the Government's decision to ask the Australian Law Reform Commission (ALRC) to conduct a review of classification in Australia. ASTRA recognises the need to examine existing legislation and guidelines that form the national framework for content regulation, in the light of technological change, communications convergence, and the increased availability of global media content.

ASTRA is the peak industry body for subscription television in Australia. ASTRA was formed in September 1997 when industry associations representing subscription (multi-channel) television and radio platforms, narrowcasters and program providers came together to represent the new era in competition and consumer choice. ASTRA's membership includes the major subscription television operators, as well as channels that provide programming to these platforms.

The subscription TV industry is the undisputed market leader of digital broadcasting. A dynamic sector that is constantly evolving and growing, it is received nationally by 34% of Australians through their homes and many more through hotels, clubs and other entertainment and business venues.

ASTRA is keen to ensure that, in undertaking the review, the Commission is cognisant of the different ways consumers receive and use content. While ASTRA supports a consistent approach to the classification of content to be used across all platforms, there are substantial differences in the way consumers use, and expect to receive, the same content when distributed on different platforms or via different services.

ASTRA believes that building a strong content and distribution industry in Australia requires a regulatory framework that encourages competition and consumer choice, including appropriate application of classification standards across different media and communications industry sectors. Subscription television consumers have a direct relationship with subscription television providers to receive a particular type of service, and thus should not necessarily be subject to the same regulatory framework that would apply to universally accessible broadcasting services.

ASTRA is confident that the proposed terms of reference are sufficient in scope for the Commission to have regard to different content delivery platforms and services. ASTRA also welcomes the acknowledgement of other reviews to be conducted in 2011 likely to cover similar matters, and the potential for certain matters to be referred to another ongoing review where appropriate. This should help the development of consistent recommendations to Government on content classification and related matters.