

Q and A provided to Sunday Telegraph journalist Jesse Phillips.

I am interested in the classification of his work? Are comic strips classified?

The *Classification (Publications, Films and Computer Games) Act 1995* (the Classification Act) defines publications as ‘any written or pictorial matter, but does not include: a film; or a computer game; or an advertisement for a publication, film or a computer game.’

This could include a comic book if it were submitted for classification.

The Classification Act provides that only certain publications are required to be submitted for classification.

These are known as ‘submittable publications’ and are those types of publications that contain depictions or descriptions that are either likely to cause the publication to be classified Refused Classification, or are likely to cause offence to a reasonable adult to the extent that the publication should not be sold or displayed as an unrestricted publication, or are unsuitable for a minor to see or read.

Submittable publications must be submitted to the Classification Board for classification before they can legally be sold, distributed or advertised.

The Board will classify any material submitted to it in accordance with the provisions of the *Classification (Publications, Films and Computer Games) Act 1995* (Cth), classification code, and classification guidelines.

The Classification Board may call-in a submittable publication for classification under section 23 of the Classification Act.

Is it legal/illegal to display or sell graphic cartoons depicting rape, incest, bestiality and paedophilia? Would it be legal to sell/buy his work in Australia?

Classification offences, conditions and restrictions relating to publications, films, and computer games are contained in the enforcement legislation of every State and Territory.

It is the responsibility of State and Territory authorities to pursue breaches of these provisions in each State or Territory.

State and Territories legislation contain offences against the sale, display, and possession of refused classification material.

What would be the legal status of him showing his most controversial work to a paying audience?

State and Territory classification laws govern the exhibition of films in public places and these may vary across jurisdictions. State and Territory classification legislation can be found at www.classification.gov.au.

If a live production was thought to be offensive in some way, this could be addressed under common law and/or the relevant State or Territory’s criminal legislation. The matter of

whether a performance does breach common law or criminal legislation is one for the enforcement authority in that jurisdiction.