

Dear Donald,

Under the Submittable Publications Scheme, many of our members have received official notices from you to submit a publication for classification, because it has come to your attention that they are 'Submittable Publications'. We note from the Classification Database that the best selling novel, 50 Shades of Grey, has not been submitted for classification by the book's publisher, Penguin Books.

After quite a few months of strong sales, the novel has caused many adult traders to voice their concerns to us, that the Board is applying a double standard toward this book when compared with similar erotic material sold by our members.

Wikipedia's official page on the novel states that: "(It) traces the deepening relationship between a college graduate, Anastasia Steele, and a young business magnate, Christian Grey. It is notable for its explicitly erotic scenes featuring elements of sexual practices involving bondage/discipline, dominance/submission, and sadism/masochism (BDSM)." Similar reviews and descriptions of the novel are all over the internet and in mainstream newspapers.

Under the Act the definition of a Submittable Publication is:

submittable publication means an unclassified publication that, a having regard to the Code and the classification guidelines to the extent that they relate to publications, contains depictions or descriptions that:

- (a) are likely to cause the publication to be classified RC; or
- (b) 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
- (c) are unsuitable for a minor to see or read.

and further:

Levels of Restriction

State and Territory laws require that 'submittable publications' (those likely to warrant restriction to adults) must be submitted to the Board for classification before they can legally be sold, distributed or advertised.

Publications considered to be unsuitable for minors and likely to offend some sections of the adult community are classified in the Restricted categories.

However, when making its assessment, the Board may determine that a publication does not warrant restriction to adults. Such publications are classified 'Unrestricted'. Some publications classified 'Unrestricted' may not be recommended for readers under 15 years of age

Unless the Board believes that 50 Shades of Grey is suitable for minors to see and unless the Board believes that the novel would not offend 'some sections' of the community, it cannot be called anything else but that. Unless of course the exemptions set out in the Guidelines below apply:

Bona fide artworks

Bona fide artworks are not generally required to be submitted for classification as they are not generally considered to be 'submittable publications'. Bona fide artworks which may offend some sections of the adult community may be classified in the 'Unrestricted' category when set in an historical or cultural context.

Many of our members are forced to recall, send in or classify material that deals with themes that are way less fetishistic than those in 50 Shades of Grey and where, unlike the erotic novel, their sale is also restricted to adults. We believe that, prima facie, this constitutes an anti-competitive environment within the Board that hands a commercial benefit to mainstream publishers and against adult publishers, for selling essentially similar material. Our members are extremely concerned about this situation and are keen to hear a response from the Board.

Yours Sincerely,

Robbie Swan: Coordinator