

Submission to the
REFERENCES COMMITTEE
of the
SENATE STANDING COMMITTEE ON
LEGAL AND CONSTITUTIONAL AFFAIRS
on the
**Australian film and literature
classification scheme**

Civil Liberties Australia (CLA) is a not-for-profit association, which reviews proposed legislation to help make it better, as well as monitoring the activities of parliaments, departments, agencies and forces to ensure they match the high standards Australia has traditionally enjoyed, and continues to aspire.

We work to keep Australia the free and open society it has traditionally been, where you can be yourself without undue interference from 'authority'. Our civil liberties are all about balancing rights and responsibilities, and ensuring a 'fair go' for all Australians.

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Note: This document uses two reference styles. Websites are referenced through footnotes, while publications are referenced using the Harvard Bibliographical method.

1 Executive Summary

1.1 Recommendations

A brief outline of the major recommendations are provided here. For details, please turn to section 5.2.

1. **Dramatically improve national sex education curriculum;**
2. **Streamline and simplify classification categories;**
 - a. Abolish the Refused Classification category;
 - b. Return sexually explicit material to the original 1995 definitions.
3. **Abolish the current Classification Scheme**
 - a. Move to industry self-regulation;
 - b. Retain the Classification Review Board as an oversight body.
4. **OR, Abolish mandatory classification** for films and video games (minimum change alternative);
 - a. All material would assume an adult (no minors) rating without review and can be shown or sold to adult audiences;
5. **Repeal** the *Classification (Publications, Films and Computer Games) Amendment (Terrorist Material) Act 2007*;
6. **Limit Australian Communication and Media Authority's (ACMA) power** to issue website takedown notices;
7. **Create a "whitelist"** for internet content published in Australia. Reintroduce free filter software for households which desire them.

1.2 Basic Philosophy

The above recommendations are based on a basic philosophical stance on censorship married to practical measures to avoid unsolicited exposure to unwanted material. This submission discusses why censorship is inherently flawed, but the conclusion can be summarised as:

- Government has a responsibility to ensure that accurate consumer advice is available to citizens seeking it, but freedom to choose what to read, hear or see must be left to individual Australians;
- Industry is able to self-regulate, with sufficient deterrents to prevent abuse;
- The Internet is of such vast volume and of such a dynamic nature that attempting to ban even a small proportion of it is a farcical concept. The Government would achieve greater success and public support by working from a positive capacity;
- Aspects of the current system which are working should be retained, and those that aren't should be discarded.

2 Background

The first and most important question to ask is: what exactly are we trying to accomplish with the Classification Scheme. The current system is old and tired, and a full review is appropriate. Too often legacy policies and procedures are left in place because that is the way things have always been done. It is worth examining the original premise and evaluating whether the reasons for the National Classification Code continue to make sense. Certainly the technological landscape has dramatically changed since the Code was put into effect. Consumer grade technology proliferated over the last two decades now allows everyone, not just major corporations, to produce and distribute media. The rise of the Internet has allowed this work to be published to a large audience and also creates pragmatic and logistical problems for hard borders for media and ideas. It also reasonable to say that, in many ways, society is much more tolerant today than it has previously been.

2.1 Purpose

What exactly is the purpose of the National Classification Scheme? The code and act do make some attempt to list the reasons for the exercise:

- Adults should be able to read, hear and see what they want;
- Minors should be protected from material likely to harm or disturb them;
- Everyone should be protected from exposure to unsolicited material that they find offensive;
- Enforcing community standards on violence, demeaning portrayals, morality, decency and propriety;
- A national scheme with consistent ratings across state borders.

The underlying assumption is that classification is the best way to accomplish these things. Classification is taken to be a system where all works available in Australia are judged for character, literary, artistic or educational merit and for the persons or class of persons for whom the work is intended. The product is a rating indicating the general suitable age of the audience and a list of consumer advice regarding the content of the work.

Few doubt the usefulness and desirability of being informed about the content of material before being exposed to it. This is simply because we, as humans, have different moods and experiences. Some days we may be in the mood for deep contemplation over difficult issues, at other times just shutting off our brains and allowing ourselves to be entertained. Some media assumes a large amount of prior knowledge in the audience. Some media presents difficult, complex issues where there may not be any right answers. Some media explores fantasy ideas that cannot be pursued in the real world. Some environments make certain kinds of media socially inappropriate. All this together means that knowing the kind of experience one is likely to have beforehand is important. It is this role that classification fills well.

Preventing minors, or indeed the entire population, from reading, hearing and seeing what they want is the censorship function of the classification scheme. This is based on the presumption that children are incapable of comprehending certain ideas until they have reached certain developmental milestones or have sufficient life experience, usually signified by reaching certain arbitrary ages. The majority of all material entering Australia is deemed to only be suitable for certain age ranges among children or solely the adult population. The capabilities of children is explored in section 3.8.

In practice, very little material is completely banned in Australia. What little is, is often subject to high levels of controversy. Banning material is based on the premise that certain kinds of material creates ill social effects or may actively harm those who view it or society at large. There is the further assumption that banning such material is effective in preventing these social ills in the first place. This is the flawed media effects model, and is examined in section 4.1.

Another role of the Classification Scheme is to help protect people from exposure to unsolicited material they find offensive. This is largely covered by consumer advice being available. The key word here is ‘unsolicited’. Often people in the non-target audience attack material they happen to disapprove of to ensure no one else can experience it. A pluralist society means that everyone has the freedom develop their own ideas. The price we pay is having to accept that our neighbours may hold ideas we disapprove of, and this right cannot be impinged. This is further explored in section 3.3.

The Classification Scheme also attempts to impose morality, decency and propriety under the guise of ‘community concern’ or what a ‘reasonable adult’ would believe. This is inherently problematic, partly because Australia is a pluralist society, but also because it attempts to legislate morality. What concerns the community or is acceptable to reasonable adults changes over time. This is considered in section 3.2.

The final major purpose of the Classification Scheme is to construct a national system. The Constitution has generally been interpreted to not grant the Commonwealth censorship power, and State cooperation is thus crucial. A national system reduces operating costs and administrative overhead. It also permits those travelling within Australia to receive consistent advice as they pass from state to state. A national approach certainly makes a great deal of sense, since what unites us as a nation is much greater than what divides us.

2.2 Preconditions

A government must enjoy a high level of trust among its citizenry in order to restrict their citizen’s ability to read, hear or see what they want. When a government exercises such power, it inherently sets up a situation where material can be viewed by some (the censors), while the rest are reminded they are the Great Unwashed, incapable of deciding for themselves. While it is true that the Classification Board and Classification Review Board are at a distance from government, there have been

a number of recent instances which have caused many to doubt the Federal Government's trustworthiness on matters of censorship.

As a first example, the *Classification (Publications, Films and Computer Games) Amendment (Terrorist Material) Act 2007* was extremely damaging to public trust, when it demonstrated the lengths to which the Federal Government would go to restrict access to material. This bill had support from both the Labor and Coalition Parties¹, but it was passed over the objections of legal experts², the Classification Review Board³ and the States and Territories⁴. Indeed, this was the first time the Commonwealth demonstrated that the feel-good phrase 'national co-operative scheme' was merely a term of convenience and spin. If the Commonwealth is prepared to act unilaterally for some material, how long until this precedent is followed again against other material inconvenient to government?

This is particularly pertinent in the shadow of WikiLeaks and the Government's clumsy and wrongheaded response to recent leaks. The Prime Minister⁵ and Attorney General of Australia demonstrated they were prepared to condemn an Australian citizen, threatened with death from high ranking foreign nationals, and yet they could not name one Australian law that that citizen had broken. If the Government is prepared to abandon an Australian citizen who embarrasses it or its allies, then how can the public trust it when it comes to their reaction to material that is contrary to the Government's interests? As the leaks have made clear, the Government's interests are not necessarily one and the same as the public interest and certainly not necessarily in line with community standards. Such a response further increases public scepticism about government and weakens public trust in the system. This is startlingly relevant when a government agency is found to have added portions of the WikiLeaks website to a proposed list of material to censor on the Internet, even if the attempt was eventually abandoned.⁶

Before to the 2007 election, the then Opposition expressed grave concern that the Classification Review Board was no longer at arms length from government. Indeed, the Labor Party declared: "...[W]e have a board that, in large part, is representative not of the community at large but of a narrow political ideology rep-

¹Senator Joseph Ludwig, Senate Hansard, *Australian Parliament House*, viewed 26 December 2010, <http://www.aph.gov.au/hansard/senate/dailys/ds190907.pdf>

²Law Council Of Australia Submission, *Australian Parliament House*, viewed 26 December 2010, http://www.aph.gov.au/senate/committee/legcon_ctte/completed_inquiries/2004-07/classification/submissions/sub15.pdf

³Classification Review Board Submission, *Australian Parliament House*, viewed 26 December 2010, [http://www.ag.gov.au/www/agd/rwpattach.nsf/VAP/\(22D92C3251275720C801B3314F7A9BA2\)~Classification+Review+Board.pdf/\\$file/Classification+Review+Board.pdf](http://www.ag.gov.au/www/agd/rwpattach.nsf/VAP/(22D92C3251275720C801B3314F7A9BA2)~Classification+Review+Board.pdf/$file/Classification+Review+Board.pdf)

⁴Hon. Philip Ruddock, House Hansard, *Australian Parliament House*, viewed 26 December 2010, http://parlinfo.aph.gov.au/parlInfo/download/chamber/hansardr/2007-08-15/toc_pdf/5613-3.pdf

⁵Julia Gillard can't say how WikiLeaks founder Julian Assange has broken the law, *The Australian*, viewed 26 December 2010, <http://www.theaustralian.com.au/national-affairs/julia-gillard-cant-say-how-wikileaks-founder-julian-assange-has-broken-the-law/story-fn59niix-1225966954147>

⁶WikiLeaks removed from ACMA blacklist, *ZDNET*, viewed 15 January 2011, <http://www.zdnet.com.au/wikileaks-removed-from-acma-blacklist-339307604.htm>

resented in the Liberal Party. How can the Australian community have confidence in the classification watchdog when more than half of its members are representative of such a narrow constituency? The government, as it has done with so many other Public Service institutions that it has had its hands on, has transformed the Classification Review Board into a source of jobs for Liberal Party mates”.⁷ It may be noted that, until the change of government, the Board was increasingly made up of politicians (failed or otherwise), lawyers and psychologists, with an average age rapidly approaching 60.⁸ This is hardly ‘broadly representative of the Australian community’. While some attempt has been made to correct this since the change of government, nothing has been done to prevent the previous situation returning in the future. How can Australians have confidence in the Classification Scheme when the next Senator Brian Harradine, with the power to enforce a personal veto⁹ over the makeup of the Boards, is just an election away?

On top of all this, the public has also witnessed individual members of parliament use their positions to attack the Classification and Classification Review Boards and their decisions when they personally disagreed with a particular outcome. A primary example is the reactions of the Hon. Philip Ruddock and Senator Steve Fielding to the Classification Board’s decision to allow the sale of Phillip Nitschke and Fiona Stewart’s *The Peaceful Pill Handbook* leading to its eventual ban on a technicality despite being a popular seller in Australia¹⁰. Another example is the personal, 20-year crusade Senator Julian McGauran has against the film *Salò*. The recent re-granting of an R18+ rating to this film had Senator McGauran apoplectic¹¹. The attacks Members of Parliament launch against the Boards are always on the side of increasing censorship, indeed, some of these Parliamentarians only seem to do it to big-note themselves, painting themselves as the guardians of the community and the upholders of ‘decency’ and ‘wholesome’ values. Certainly, the public has only seen tightening of the Classification Scheme since its introduction. With rare exceptions, this is always over material that is available to adults in other countries around the world. This picture is not improved with the recent attempt to have an R18+ rating introduced for video games. This category was originally proposed in the 90s, and with even over 98% of public submissions in favour of the new category, and Australia being unique in not having an adult rating for games, successive governments, through their censorship ministers, have been stalling. Together, this gives the strong impression that Australian Governments believe Australian adults are particularly feeble minded compared to adults who live in other countries.

Without having first rebuilt widespread public trust, any moves the Government

⁷Hon. Arch Bevis, House Hansard, *Australian Parliament House*, viewed 26 December 2010, http://parlinfo.aph.gov.au/parlInfo/download/chamber/hansardr/2007-08-15/toc_pdf/5613-3.pdf

⁸About the Australian Censorship Office & Classification Boards, *Libertus*, viewed 22 January 2011, <http://libertus.net/censor/aboutcboards.html>

⁹Cabinet X-rates new censor list, *The Sydney Morning Herald*, viewed 26 December 2010, <http://web.archive.org/web/20000815104641/http://www.smh.com.au/news/9905/08/text/national11.html>

¹⁰The Peaceful Pill Handbook, *Refused-Classification*, viewed 31 December 2010, http://www.refused-classification.com/Pub_peacefulpillhandbook.htm

¹¹Salo - 120 Days of Sodom, *Refused-Classification*, viewed 31 December 2010, http://www.refused-classification.com/Films_Salo.htm

makes to further restrict access to material must be viewed with extreme scepticism by Australians. Recent governments have dramatically raised public mistrust, and the Government will have to work hard to earn it back.

2.3 Rest Of World

It is worth looking at how other countries solve these perceived and real problems as a point of comparison with the Australian case. It is only worth comparing open, pluralist societies to Australia. Totalitarian regimes are synonymous with censorship and a puritanical, authoritarian mindset, as these are the best methods to keep the population in fear and under control. It should be noted, however, that such tight control cannot be maintained forever. Tunisia has recently had angry, ongoing protests over many things, including the high level of censorship in that country. This eventually lead to the president being deposed, despite his attempt to hang on by lifting media restrictions.¹² Such anger can last a long time, as anti-censorship attitudes prevalent in Spain are still strong more than a generation after the fall of General Franco.

2.3.1 United States

The most common method for rating films in the US is the Motion Picture Association of America's rating system. It is a voluntary system, not enforced by law. It is intended to only serve as means of providing consumer advice. Video games are handled in a similar manner through the Entertainment Software Rating Board. Publications are relatively untouched. While the US has a history of censorship (Heins 2007), the First Amendment guarantees that relatively little can actually be banned these days.

2.3.2 United Kingdom

The United Kingdom has a non-government body called the British Board of Film Classification that fulfils a similar role to the Australian Classification Board. Individual counties have the power to override the ratings of the board for their particular area (giving both stronger and weaker ratings). Like the Australian system, the UK system is often under criticism for being over-zealous in censorship matters.

2.3.3 Rest of Europe

There are many different rating systems across Europe, mostly government run, but also some voluntary industry bodies. Where mandatory classification is not required, like in Germany, Denmark and Norway, unrated films may only be sold to adults or at least, older minors. There is generally no distinction made between 'illegal' and 'banned'. Some places, like Austria, only bother to rate films that will be shown in public, allowing adults to make their own decisions for home video releases. Most video games are rated through the Pan European Game Information system, which eliminates the overhead of having several rating system across Europe. It has a high impact, adult only rating. Publications are rarely rated.

¹²Media enjoy their new-found freedom, *Financial Times*, viewed 19 January 2011, <http://www.ft.com/cms/s/0/d66a24b2-2324-11e0-b6a3-00144feab49a.html>

3 Philosophy

There are several fundamental concepts underpinning thinking about the media and its influence on society. These ideas are fundamental to supporting a classification system, and are therefore worth exploring. What exactly does it mean to be offended? Why do we frown on exploring the more negative aspects of the human experience? Isn't the exploration of fear or revulsion just as valid as the exploration of excitement or elation? What is art? Why do we assume that certain concepts are beyond the reach of children? What exactly is a child? How does a child become an adult? These are thoughtful questions we must understand and try to answer before we can usefully start restricting what material is available to whom, or even determining if restricting material is valuable in and of itself.

Philosophical considerations also come into play when we contemplate the limits of science. Science can only tell us what *is*¹³; it predicts the outcomes of certain stimulus given certain conditions. It cannot tell us what is *just*, what is *desirable*, or even what *ought* to be (Preiss, Gayle, Burrell, Allen & Bryant 2007). That isn't to say that what *is* isn't important, but it cannot be the only input into policy decisions. The values and principles we hold and can defend as a society, what we can practically and justly control and enforce and what collateral damage we are prepared to accept in the process must also be examined.

3.1 Ethics

Numerous ethical systems have been devised by great thinkers throughout history. There are few definitive ways to judge one ethical system as being more 'correct' than another, and that is not our concern. The details of particular ethical systems, such as virtue ethics, libertarianism or utilitarianism aren't important. However, it is worth noting that what's evolved is neither good nor bad; it just is. We have evolved an ability to question the worth of our actions against values that we communally have decided are virtues. This ability is also neither good nor bad. What is 'natural' is not necessarily good, and what is 'good' is not necessarily natural (Ehrlich 2000). What matters then, is not attempting to decide what is universally good, or universally bad, but what virtues are the ones we want to foster in society. Of particular relevance to this discussion is *Hume's Guillotine* and *Relativism*. These are concepts that all ethical systems have to be able to address.

Hume's Guillotine, or the *is/ought problem*, speaks to what we can actually claim (Palmer 2005). From a set of purely factual statements it is not logically possible to draw an ethical conclusion. Thus, even if a particular kind of material can be definitively shown to cause identifiable pain in a subject, it is a logical fallacy to conclude

¹³Sam Harris has recently postulated that science can be used to construct a moral framework, but most philosophers agree that he hasn't adequately accounted for the is/ought problem, and his conclusions could lead to what would generally be considered immoral outcomes. Sam Harris: Science can answer moral questions, *TED*, viewed 10 February 2011, http://www.ted.com/talks/lang/eng/sam_harris_science_can_show_what_s_right.html Massimo Pigliucci, About Sam Harris' claim that science can answer moral questions, *Rationally Speaking*, viewed 10 February 2011, <http://rationallyspeaking.blogspot.com/2010/04/about-sam-harris-claim-that-science-can.html>

that the ethical thing to do is to restrict that material. We must inject values, that are inherently subjective, to make that final leap. Making such value judgements is not necessarily bad, but their injection needs to be recognised, because we don't all agree on which virtues should be the most important.

Relativism, in its most basic form, is that we all have different ideas about what is and isn't 'good'. Generally this isn't so much a difference of values, but rather definitions. A good example of this is the abortion debate. A major aspect of the debate isn't over whether it is ethical to kill a person, that's rarely questioned. Instead, the debate is over exactly what point a person results from the joining of egg and sperm. It is possible to construct valid arguments for as early as conception and as late as several months after birth, and indeed, infanticide, when and where it has been practised, has been defended exactly on these lines (Palmer 2005). Such arguments are largely based on what attributes a human requires to be considered a person (and all positions are problematic to some degree). The point is, what is considered offensive, disgusting, amusing, exciting or even extreme are also subject to this same variability. As every Australian has slightly different life experiences, the lines each of us draws between what we find enjoyable or not are all slightly different. This is because many of these issues exist on a continuum and attempting to draw a solid line will necessarily create edge cases. It is not a case of 'black' and 'white', nor even of greyscale, but of the myriad of colours in the full spectrum.

This means any classification system, because it inherently injects values, will have people who do not quite agree with every decision. The entire system is subjective and no amount of expertise or experience will completely eliminate that fact. When effective banning is a possibility, acting as though there are firm boundaries becomes dangerous. It means artists and media producers cannot know exactly where they stand when creating a work. It is possible to produce material that all involved firmly believe will be of low enough impact to be legal to sell in Australia, yet the Board may disagree.

Certainly, all the various classification categories suffer from this problem. It is, however, only really a concern when material is Refused Classification. If there is a subjective difference of opinion over particular material carrying a PG or M rating, getting the rating wrong has relatively minor consequences. It means that a minor may be prevented from seeing a relatively mild piece for a few years, or that a minor may see a moderate piece before they are fully equipped to understand it. In both cases a guardian can exercise their own judgment before exposure, and provide support in the event of miscalculation. Additionally, the Board can reclassify the material in the event there is enough community desire to do so. However, in the case of Refused Classification there is no way for an adult to decide if the rating was appropriate. There is no way for someone to decide if they have the emotional and intellectual toolkit necessary to understand and digest the material, even if they possess similar training and life experience to anyone on the Board.

3.2 Morality

Morality and ethics are very similar ideas. Many philosophers would conflate them as synonyms. In common vernacular, however, morality has puritan overtones that ethics lack. In particular, it conjures ideas of religion, sex and an eternal soul. These concepts are wholly out of place in legislation, and indeed the Constitution of Australia explicitly guards against the imposition of religious ideas. None the less, there are virtues that a large number of Australians aspire to, commonly referred to as values, that have their basis in morality.

Governments should never attempt to impose values by legislation. It is the difference between an advertising campaign encouraging Australians to exercise and legislation forcing Australians to exercise. It is a fact that exercise improves health. A healthy population is generally happier and in the government's interests as it keeps health costs down. While this is a shared value that would likely have the broad support of most Australians, imposing it would almost certainly not enjoy popular support. The added element is the forced imposition of values, even when they are agreed with.

The reason that some feel that morality can safely be enacted in legislation is their concept of absolute morality, or at least the certainty and immutability of some moral principles. There is yet to be an entirely convincing argument that an absolute moral code can even exist, and indeed the consequences of holding such convictions are rather horrendous. There will always be edge cases where two moral goals come into conflict and then the system breaks down as each person has slightly different ideas about which goal should take priority. For instance, it is very easy to say it is morally wrong to kill, but then issues like euthanasia or wars of self defence come up, immediately making the issue much murkier. Acting as if there is an absolute morality is therefore pretending to know things that we don't, and even cannot, know. It is wrongheaded. Morals and laws aren't real or even natural, in any substantive sense. They reflect an agreement within the broader community about values, an agreement that may change as values transform over time.

The biggest danger in assuming an absolute morality is that such systems degrade into tyranny, as history has shown time after time. All information is imperfect and must be treated with humility. When humans act with absolute certainty of the knowledge they possess, they become as dictators and oblivious to the suffering they cause. Such thinking must be opposed, or in the words of Oliver Cromwell, "I beseech you, in the bowels of Christ, think it possible that you may be mistaken" (Bronowski 1973).

A fantastic example of overcoming this is secularism. Religious faith is a difficult subject, but as a society we accept that religious freedom is important. Most Australians would not enjoy living under a theocratic government. The only way to avoid this is to profess no preference for any, or even lack of, religion. Secularism protects all religious and irreligious positions.¹⁴ Those who argue or act against

¹⁴What is "secular"? *Evolving Thoughts*, viewed 23 January 2011, http://evolvingthoughts.net/2009/05/13/what_is_secular/

secularism are also arguing for the eventual disempowerment of their own favoured religious position. If their desires come to pass, a precedent will be set that will make it easier for their own religious position to be destroyed when the population's dominant religion shifts as it inevitably will.

The point is that there is a vast difference between secularism and theocracy. One allows every citizen to choose for themselves, the other requires every citizen to hold particular beliefs. Secularism is a fundamentally more open concept. Perhaps the best way to see this is to consider John Rawls' *Veil of Ignorance*. None of us had any control over who our parents were nor the country and culture in which we were born and raised. We could not control how privileged our lives would be, nor the environment that would shape us to maturity. The veil of ignorance is an approach to thinking about society from the perspective of all members. Behind the veil, everything that shapes our identity (race, class, gender, etc) is unknown, and we then imagine how we would want society to function when we do not know what attributes we will possess in that society. It is useful to consider how we would want society to treat us if we happened to be born members of society's most reviled, ostracised or poverty stricken group. This idea has parallels through the more contentious ideas behind the Classification Scheme.

This is particularly the case with sexual freedoms. Sexual freedom is a major area where the democratic process breaks down. While there are some organisations devoted to protecting sexual identity and freedoms, many individuals aren't prepared to openly defend them when they come under attack. Largely due to our religious heritage, there is still a huge amount of shame and stigma associated with sex that is largely unjustifiable. It isn't just homosexuals that are shamed, but large numbers of other gender and sexual minorities. If your job or social standing would be negatively affected because you perceive yourself a man, born into a woman's body, or that you get sexual pleasure being encased in rubber, or find humiliation sexually empowering, you aren't going to stand up when your right to enjoy that comes under attack. This is very relevant to the classification debate because of the way sexual material has been handled since the turn of the millennium.

That's not to say that society should be a free for all. Finding domination of a partner sexually fulfilling is only acceptable in relationships where all participants are consenting and capable of consent, in particular, the submissive. It obviously becomes rape in all other situations. A case can be made that restricting sexuality is also actively harmful because it prevents people from being who they are, and being honest with themselves. This is a nuance that is often lost in discussions about such matters. While it is certainly true that everyone should be entitled to pursue a fulfilling sex life (or indeed a fulfilling life in general), if they cannot find anyone who complements their desires, they have no right to force the issue. That is where entitlement ends, as they are certainly not entitled to impose their will on others. It's the classic democratic claim that one person's rights end where another person's begin.

3.3 Pluralism

Pluralism is the foundation of a liberal democracy and is largely based on an acceptance of the fact of relativism. It means that Christians have to surrender their urge to impose 'religious education' on every Australian, for the freedom to not have Sharia Law imposed on them. It means that Hindus surrender their ability to prevent the consumption of beef, for the freedom to be able to work on the Sabbath. It means not banning the brussel sprout because you don't like them, for the freedom to eat what you like. It means not outlawing homosexuality for the freedom to partake in heterosexual relationships.

For policy, this can be a very difficult line to walk. It is very difficult to take all positions into consideration. Often times the biases that we bring are very deep and difficult to see. The crucial concept seems to be to maximise personal liberty. The elements of a good society flow naturally from this. People cannot be free to live their lives as they see fit if they cannot afford to feed and clothe themselves and their family. People cannot be free to live their lives as they see fit if they live in constant fear for their lives and safety, real or imagined. People cannot be free to live their lives as they see fit if they are dying from lack of healthcare, or cannot think critically from an inadequate education. And people cannot live their lives as they see fit if the people living around them are not also able to live their lives as they see fit.¹⁵ In particular, maximising personal liberty also prevents society degenerating into mob rule. Mob rule is particularly dangerous because it serves to only further sideline those already marginalised in society.

It should be noted that there is a difference between 'personal liberty' and 'choice'. With choice there seems to be a middle ground between too little and too much that maximises happiness. Too little choice and happiness declines because there is too little control over your own life. Too much choice becomes paralysing, as there are too many options to evaluate. Additionally, satisfaction decreases if you feel your choice isn't perfect, that you may have made a better choice, and the fault is yours, not the system's.¹⁶ Personal liberty, however, is more the ability to make decisions in the absence of coercion.

3.4 Privacy

Another important concept is privacy. Australian society largely supports the concepts of privacy and personal space. What we choose to do in our own homes, and when we are by ourselves or among a group of like-minded individuals is deemed to be largely our own business. There should be no intrusion by the government or the fourth estate, at least until such time as a crime is committed.

This is certainly a value we aspire to in Australian society. It is a value worth supporting because it is unrestrictive and allows for personal liberty. Consider the

¹⁵Morality Has No Place in the Law, *Daylight Atheism*, viewed 23 January 2011, <http://www.daylightatheism.org/2011/01/morality-has-no-place-in-the-law.html>

¹⁶Paradox of Choice, *TED Blog*, viewed 25 January 2011, http://blog.ted.com/2006/09/26/paradox_of_choi/

converse, where every action of every citizen could be observed, scrutinised and available for public discussion. While people may discern some social ‘improvements’, it is restrictive because people who do not like the idea would have no choice but to submit. Privacy, and its partner, anonymity, allows marginalised people to gather and build support groups for themselves. This is important for people who would otherwise not enjoy societal support, such as someone suffering a mental illness and whose livelihood may be at risk if this is disclosed. It is why wiretapping and data-retention must require judicial oversight. The worthwhile cost for this freedom is that it also allows people with malicious intentions to congregate.

Underpinning a lot of the ideas examined thus far is a further, more fundamental idea. That is acceptance of at least some level of the philosophical idea of individualism. It is widely accepted that Australians feel their own individual goals, hopes and dreams have value in and of themselves. It is in line with maximising personal liberty. To be able to pursue our individual desires, without encroaching upon others, is a fundamental value in Australian society.

So, privacy cannot be dismissed with ‘those with nothing to hide have nothing to fear’.¹⁷ To claim otherwise is dangerous. We close the door when in the toilet not because we are getting up to something improper, but because the majority of us feel vulnerable being watched in such a situation, and also because it may be uncomfortable for others. We all have aspects of ourselves that we want to protect from scrutiny, and this is entirely reasonable. Privacy means it is no one’s business what we say in private conversation, and what we experience, until such time as a crime is committed, and least of all, the government’s.

The very balance between vulnerability and concern for other’s comfort is important to the Classification debate. The vast majority of material experienced in Australia is accessed in private, or at most, amongst a small group of individuals who have each actively chosen to experience it. Accordingly, the primary rationale of the National Classification Code must become dominant: *adults should be able to read, hear and see what they want*.

There is certainly a distinction between different mediums for transmitting classifiable material. Publications require active, ongoing participation from the audience. Cinemas require the audience to actively choose to attend. Films seen within the home require the audience to actively select and continue to watch the film. Video games require the audience to be actively engaged to play. Websites, and other mediums provided by the Internet, actively require the audience to instruct their computers to gather the requested information. This is unlike public broadcasting media such as radio, television and outdoor advertising where, other than tuning in, no active participation is required by the audience.

¹⁷Debunking a myth: If you have nothing to hide, you have nothing to fear, *Computer Weekly*, viewed 16 January 2011, <http://www.computerweekly.com/blogs/the-data-trust-blog/2009/02/debunking-a-myth-if-you-have-n.html>

3.5 Offence

With all the above taken into account, we can now explore what it means to be offended. To be offended is to be exposed to ideas that challenge us in a way that we find unpleasant. Our reaction is often uncontrollable, irrational and wholly based on our previous life experience. It is also fundamental to the human experience and cannot be ignored or eliminated.

We take offence if our individual moral values are challenged. Our moral sense has different aspects that can be offended. Offence can be caused by exposure to situations that seem unfair or harmful, such as excessive executive remuneration. It can be triggered by loyalty if we feel our particular social group or a respected authority is placed under attack. Our sense of purity can be offended by environmental factors, such as smelling something fetid, or seeing someone doing something that we personally find repugnant. It can also be triggered by bringing to the surface a traumatic event we experienced in the past. The feeling is often unpleasant, but also motivating. It is the motivation behind everything from road rage to keeping our homes clean. We demand the respect we think we are entitled to, we care about damage to our reputations, and we like to see that our good behaviour is respected and reciprocated.

These modes of offence are clearly at play in the human experience. Contrary to economic theory, humans are not rational agents. Indeed, humans who behave purely rationally behave in socially awkward ways. Various runs of the *Ultimatum Game* shows that we are prepared to sacrifice a fair amount to see someone suffer who we feel has treated us unfairly.¹⁸ This ability seems innate, like our predisposition for language. Young infants, even before language has developed, show the ability to track social interactions and can determine helpful or harmful behaviour.

For our purposes, the question really becomes, ‘do we have a right to not be offended’? The answer has to be ‘absolutely not’. A society where offence was outlawed or curtailed would be one without any meaningful discussion, and would eventually lead to stagnation and decay. The only way to progress is to challenge prevailing ideas and modes of thinking, explore the truth behind old claims and investigate other possible explanations. That is not possible without examining ideas that are held as dogma, and this is necessarily going to offend to some people. As already discussed, the reason different people take offence at different things is ultimately because we are all different.

The relevant point for Classification is intent. There is a vast difference between someone going out of their way to cause offence to a particular group of people, and a thoughtless remark that unintentionally causes offence. Therefore, unsolicited exposure to unwanted material is thus a bigger concern than solicited exposure. Given that most non public access mediums require active and ongoing solicitation by the audience, there are then very few grounds for banning material.

¹⁸Why humans are so quick to take offense, and what this means for the presidential campaign, *Slate Magazine*, viewed 23 January 2011, <http://www.slate.com/id/2202303/pagenum/all/>

3.6 Freedom of Speech

Closely allied to the concept of offence is freedom of speech. Perhaps what is most disheartening about freedom of speech debates, is that one always ends up defending material that is not appealing, and only of interest to a very few. In the words of Evelyn Beatrice Hall, “I disapprove of what you say, but I will defend to the death your right to say it”. That is often the point, as censorship very quickly becomes a slippery slope. History, and indeed Australian history, shows that there are always those who wish to restrict public discourse to only what they agree with.

The largest Australian rejection of censorship came after banning works could no longer withstand widespread public condemnation. This gave birth to the current system, thanks to the foresightedness of Don Chipp. Since then, we’ve seen censorship being ratcheted up. The Non-Violent Erotica saga of a decade ago is a significant case in point. Somewhat ironically, some items of classic literature of the type that sparked the liberalisation of censorship in Australia are again on a list of banned books in the government owned Australia Post, although, curiously, not *Lady Chatterley’s Lover*.¹⁹

When the depiction of acts that are perfectly legal for consenting adults to engage in becomes effectively banned, we have already started down the slope to thought crime. That a crime not involving fraud can be committed with just pen and paper is bizarre. Producing what we imagine should not become unconscionable as long as the creation involves only people capable of consent who do so consent. All imaginings are open to criticism, impassioned argument, or rejection, but bans implies that some thoughts are disallowed.

There are two primary principles for freedom of speech to have any meaning. The first is that of viewpoint neutrality. Free speech shouldn’t be limited just because some, or even a majority of people, disagree or are offended by it. The better approach to counter disagreeable expression is with well-reasoned and robust argument. Persuasion, not coercion, is the way to address ideas that are not approved of. The second principle is that the speech must not cause a direct, imminent harm, and that suppressing such speech will avert that harm. This is basically the ‘Fire!’ in a crowded theatre principle (Strossen 2000). Most of the material that is considered Refused Classification fails to meet both these criteria.

Instruction to crime, for example, is a questionable criterion for banning material. It may be material that the majority disagree with, but that is insufficient. It is also not possible to demonstrate direct, imminent harm. Anyone interested in constructing explosives does not need access to a particular book. Anyone with a chemistry degree has the required knowledge, and if you are interested in causing destruction, going to the black market for information is not going to be a deterrent. Knowing how explosives can be manufactured, however, can be very useful for someone who happens to sell products that are on a list of required ingredients. This restriction has also led to the rather ridiculous banning of material showing

¹⁹Australia Post stamps out raunchy Penguins, *Crikey*, viewed 10 February 2011, <http://www.crikey.com.au/2009/10/14/australia-post-stamps-out-raunchy-penguins/>

graffiti art. Governments do commission graffiti artwork, and assuming all graffiti is malicious has led to embarrassment.²⁰

3.7 Social Norms

Our culture has developed over a long period of time. It is an evolved construct. It is often surprising how deep this construct goes. For example, even something as fundamental as perspective has been found to be culturally derived. In our culture we readily make use of two-dimensional pictures to represent three-dimensional scenes. The conventions we use, such as making objects in the distance smaller than objects in the foreground, are ubiquitous. There is strong evidence that this is a social construct. As an anecdotal example, a member of an isolated tribe living in the African forest, brought out onto the great plains for the first time, was startled and even fearful to see buffalo in the distance, first taken to be insects, become larger as they were approached (Ehrlich 2000). Such a person would not have shared many of our norms on perspective.

Many optical illusions depend on the way our culture has constructed perception. Our expectations regarding distance and angles produce automatic compensation for new pictures. This phenomenon is known as ‘habituation’. Our minds filter out and make assumptions about our environment because detailed information is distracting. For instance, the sound of an air conditioner starting up will immediately be noticed as a distinct hum, but is quickly filtered out as background noise. This is one reason why it is so hard to make progress on environmental issues. As humans we tend to hold the background environment as constant, and thus we filter out the subtle changes that occur at a slow pace (Ehrlich 2000).

This is not to say that human behaviour doesn’t have a basis in our genes. It absolutely does, but it also has a significant basis in the environment we are born and raised in. Indeed, it is the interplay between our genes and our environment that makes us who we are. It is only very recently, for example, that the colour blue has become ubiquitous with little boys, and pink with little girls. Some of our construction of gender comes from things like not letting boys cry, or only allowing girls to play with dolls. Constructed gender roles are not the whole story, of course. Performing genital realignment surgery at birth and raising the child as if they had been born that way is not enough to make that child grow into the gender to which they had been assigned.²¹

Socially constructed boundaries should be challenged. Traditional boundaries can often be unjust or unfair. This is how we grow as a society, and the reason we have ‘modern’ standards. It is why we continuously examine which taboos are worth preserving and which are damaging. It is possible that these social norms do give some ‘protection’ against some ideas. That is, it may be easier for Australians to

²⁰DIY MP ‘told’ graffiti he removed was art, *News.com.au*, viewed 10 February 2011, <http://www.news.com.au/diy-mp-told-graffiti-he-removed-was-art/story-e6frfkp9-1111113361008/>

²¹Sex Reassignment at Birth: A Long Term Review and Clinical Implications, *Pacific Center for Sex and Society*, viewed 26 January 2011, <http://www.hawaii.edu/PCSS/biblio/articles/1961to1999/1997-sex-reassignment.html>

be unaffected by certain material, than some people from a different culture might be. Like the European immunity to small pox, our cultural background may provide some protection against some aspects of corrupting ideas.²²

The point is that regardless of whether most of the controversial material is harmful or not, it speaks to our current culture. Attempting to change the culture by eliminating elements of it is not practically possible. Such attempts breed resentment and mistrust. Additionally, even if it could be conclusively proved that some cultures provide immunity to certain ‘bad’ ideas, moving from that to censorship would be reducing the argument to the lowest common denominator. If the government feels that elements of the current culture are not true to the values Australians should hold, then the correct course of action is to start a conversation on the topic, present arguments for and education material to promote a shift to the new and more appropriate values.

A dominant element of the current cultural and political climate is fear. Fear can make people reluctant to seek the facts and can limit proper risk assessment, so that they tend to advocate harsh penalties for imagined threats. Indeed, fear of crime is often greatly in excess of actual crime levels.²³ Poverty and, in particular, inequality²⁴, are far greater predictors of violence than the vague and often contradictory results of studies attempting to connect violent media with violence. Strict religious upbringings have been found to be a greater predictor of sexual violence than pornography.²⁵ Research suggests that harmful effects from media exposure, if there are any, are relatively low. In comparison, the collateral damage, in terms of human cost, of the government deliberately avoiding full employment because of the inflationary effects this can have on the economy, are very real and very damaging. The question, in terms of society, is which collateral damage is worse? Is the possible effect of certain material worse than the increased unhappiness that might come with restrictions on personal liberty?

3.8 Children

In Australia, we have developed a fetish for childhood innocence that is becoming actively harmful. This has become a very touchy and difficult subject, but it is something that deserves more serious attention than we have been giving it. Faulkner (2011) argues that our rigid understanding of childhood as unworldly, incapable and pure is questionable. It isn’t just that children are perceived to be at risk, but that childhood itself is in crisis. Children are vulnerable, yes, but they are also increasingly being used as proxies for our own vulnerabilities and insecurities as adults in

²²Dan Dennett on dangerous memes, *TED*, viewed 10 February 2011, http://www.ted.com/talks/lang/eng/dan_dennett_on_dangerous_memes.html

²³House Standing Committee on Legal and Constitutional Affairs report: Inquiry into crime in the community: victims, offenders, and fear of crime, *Australian Government*, viewed 13 February 2011, <http://www.aph.gov.au/house/committee/laca/crimeinthecommunity/report/chapter2.pdf>

²⁴Income inequality and homicide rates in Canada and the United States, *Daly-Wilson Lab*, viewed 13 February 2011, <http://psych.mcmaster.ca/dalywilson/iiahr2001.pdf>

²⁵Pornography, Public Acceptance and Sex Related Crime: A Review, *Pacific Center for Sex and Society*, viewed 13 February 2011, <http://www.hawaii.edu/PCSS/biblio/articles/2005to2009/2009-pornography-acceptance-crime.html>

a world that is increasingly out of our control.

This fetish is harmful because of the way it leads us to neglect children who, through circumstances well outside their control, are no longer deemed innocent. Children born without the privilege of caring parents, without freedom from abuse or born into poverty do not have innocence. The definition of innocence we are increasingly using depends on the capacity to be protected. The Biblical creation story is a good metaphor. Eating the forbidden fruit removes innocence, but this definition of innocence requires a protective overload. The child must be denied the knowledge and resources necessary to make decisions for themselves. It puts children on the edge; always in danger of being on the verge of a fall. They can either be perfectly good, or perfectly evil, ignoring the huge range in between.

A recent tragic demonstration of this effect is the debacle over Bill Henson's photographs in 2008. Some people in Australia sought to skew perspective of the debate by insinuating a paedophile gaze. By viewing the photographs in a pornographic light, we must partly experience that way of viewing the child. The negative response seen in some segments of the community was the violent reaction from being forced to perceive children in that light. The secondary effect is the implication that adults can remove innocence from children by desiring them. This makes childhood inherently sexual; it means that innocence doesn't belong to childhood, but to adult fantasy (Faulkner 2011).

One of the points of Henson's work was to capture the discomfort we all experienced with our own bodies as we transition to adulthood during adolescence. This is the age where children no longer want parents so close, and parenting has to be done from afar. For parents this can often feel voyeuristic. At this age, sex and relationships start to become important, but are also topics that many parents are very uncomfortable discussing openly with their children. Children are then deprived of their traditional source of trusted information, and must seek it out elsewhere. If parents aren't prepared to have these serious conversations, then they must, at least, make sure that the sources their children turn to for information are accurate and trustworthy. Ultimately, we all want our children to have safe and fulfilling sex lives (Levine 2003).

This debate also brings up problems with the traditional model of consent. Marr (2008) makes a strong case that Henson affirmed and reaffirmed consent at every step of the way: going so far as to explore possible negative public reaction possibilities well before any pictures were taken. The ensuing expressions of outrage over the photographs were marked, conversely, by disrespect for the girl's decisions, her parent's support, and a complete lack of awareness of, or concern for, how she might feel about those extreme reactions to her image. Indeed, it was only at this point where she was treated as an object. No one consulted children of the girl's age, and the PM was quick to make political capital by declaring the photos 'absolutely revolting'.²⁶ Perhaps a model of consent that is based on positive capacity, rather than negative deficiency, would be better. At the very least, we should attempt to

²⁶On Purity and Shame, *New Matilda*, viewed 13 February 2011, <http://newmatilda.com/2008/05/28/purity-and-shame>

be somewhat consistent with how we treat childhood agency. After all, Australia seems comfortable with treating teenagers as adults if they commit certain crimes. Why should decisions that can have, by far, lesser consequences be beyond their capabilities?

There is an element of tilting at windmills about censoring material for children, especially after children reach the age of reason. Intellectual protectionism ultimately does nothing to resolve the underlying social problems, and is instead a way of avoiding adult anxieties and satisfying symbolic concerns (Heins 2007). It may, indeed, lead to increased social intolerance towards unpopular ideas, sexual guilt and hinder the ability to navigate the media environment. The obvious flaw in the reasoning is that ‘ignorance’ is the same as ‘innocence’. Put this in a background where adults are prepared to collude to maintain widespread falsehoods in respect of children, such as Santa Claus or the Tooth Fairy, and exactly whose world ‘innocence’ belongs to becomes clear; it is the adult fantasy, not a childhood reality.

There are several areas where we are prepared to grant children autonomy and agency depending on their own capacities. We allow and encourage exploration of excellence in sports, academia, music, acting and many other pastimes before a minor has reached the age of majority, all with their own consent. A significant proportion of the youth population will have their first sexual experience well before the age of 18 with a person of similar age. The Crimes Acts of several states and territories explicitly acknowledge that such an engagement should not be treated as a crime. However, it should be noted that this happens a lot less than adults imagine that it does.²⁷ Indeed, the adult fantasy of uncontrolled teenage copulation and subsequent fears may even be partially to blame for the peer pressure adolescents have to be sexually active.

We are often bundling all our own hopes and failings onto children. As innocents, it is assumed they have yet to be contaminated with selfish and perverse desires. *They* can then be the ones to make the sacrifices the rest of us won’t. *They* can be the ones to recycle, eat and consume less, do more exercise, etc. There is an element of this in the austerity measures that are being set up by debt burdened governments throughout the world. The more we fetishise childhood innocence, the more we want to live in the childhood we fantasise. This is corrosive to civil society; it reduces citizens to clients of government (Faulkner 2011).

Under the Classification Act, a submittable publication includes material that is unsuitable for a minor to see or read, where a minor is defined as someone under the age of 18. The obvious question that arises is exactly what kind of material is suitable for a person aged 18 and 1 day that is unsuitable for a person aged 17 and 300 days as opposed to a person aged 5 years? The conflating of everyone under the age of 18 as being equally incapable is common to these debates. What we may find, and there is emerging evidence for it, is that children want to experience material

²⁷Adults Should Absolutely Stop Spreading the “Everybody’s Doing It” Fantasy to Children, *Figleaf’s Real Adult Sex*, viewed 13 February 2011, <http://www.realadultsex.com/archives/2010/11/adults-should-absolutely-stop-spreading-everybodys-doing-it-fantasy-children>

that is made by other children of similar ages. It is relevant to their stage in life. Freedom of expression is an important right for minors as well.

Ultimately, the focus on the easy, but minor, targets of ‘inappropriate’ material allows the government to ignore the greater, but far more difficult, problems that cause youth violence and social disfunction. Studies have found that by the age of 12, there is little difference between how children and adults perceive media (Heins 2007). The real question is whether children also have the rights of freedom of thought and expression. Many censorship arguments are really about socialising children, and not based on any actual evidence of harm. This may be ‘good’ for society, but if that is the motivation, we should say so honestly and directly, and not hide behind children to cover our own insecurities. Perhaps a better approach is not to begin with the assumption that “ideas are harmful to children”, and instead foster broad critical thinking, so they never even consider there could be ideas that are impossible for them to grasp. No one should ever be taught that particular concepts are beyond their capacity or understanding.

3.9 Women

While there is certainly moderate sexual dimorphism in humans, with the average man larger than the average woman, there is no evidence for differences between brain functionality between men and women (Dawkins 2004). Experiments with children have shown that there may be some differences between the way we behave, but it is not clear if this is innate or a result of cultural pressures and social norms (Fine 2010). What is clear from the history of censorship, however, is that women have always been assumed to be less capable than men. Many of the arguments now used to advocate protecting children from certain classes of material used to be used to restrict access for women (or the lower classes). Indeed, the fervour that these arguments now hold may be related to children being the remaining group of people such arguments can be applied to in the political realm. This is historically interesting, because censorship was originally aimed at protecting women and the working class, and not children (McKee, Albury & Lumby 2008).

These days, the majority of material that is deemed to still require censorship is pornography. This, of course, wasn’t always the case, and many books and early art work were argued to be obscene and in need of censoring. The invention of the printing press meant governments, for the first time, had to face the possibility of the public choosing to experience material they chose to experience, rather than material that governments or the prevailing religious establishments thought suitable. Since then, it has become more and more difficult to control what people experience. Where we should be particularly careful is that attempts to censor pornography may inevitably lead to the suppression of women’s voices and that of minorities (Strossen 2000). There is also an element of snobbery and condescension about most censorship arguments. Those advocating censorship do not believe that they are negatively affected by the material they wish to ban, but they do believe that others, particularly what they consider the lower classes, are not able to cope with such material.

What is certainly lacking is pornography directed to the female gaze. This is often true for media in general. That is, not just material that is aimed at a 'straight', female audience, but material actually catering to the things that women like to look at, and their experiences, rather than the secondary effect of seeing themselves as the object of male desire. There is already work being done to correct this, and this is also apparent in that already a third of pornography viewers are women (McKee et al. 2008), and this ratio is growing.

Another large aspect of this debate comes from evolutionary psychiatry, where the idea is that much of human behaviour can be explained by our genes and evolutionary history. At one level, this idea is undeniable, but it is rare for a particular behaviour-gene link to be provable. For instance it is difficult to construct control groups, nor is it possible to define 'natural' human society. It also largely ignores the cultural aspects, that act as an independent evolutionary vehicle. As described in 3.7, social norms are a huge contributor to our current behaviour. Of relevance to this debate, are accepted 'truths' like 'men are more visual than women', 'men are naturally more promiscuous', 'women are naturally attracted to high status men', and 'men are naturally attracted to youth and beauty'. There is little evidence for such statements (Angier 1999), and it is even difficult to see how such statements could be proved or disproved. What is clear is that such claims deny female sexual desire, while also painting male desire as thuggish. Such subtle biases also work to keep the gender wars alive and adversarial.

Women are certainly socialised to not outwardly appear to enjoy sex. This is the foundation of the Madonna/Whore complex. This idea is particularly harmful, and one of the factors behind the adversarial nature of much gender debate. Some men will harass women they see as sexual, but not women they see as chaste. Some women will police other women's sexuality.²⁸ It is this policing that is behind a large amount of censorship calls.²⁹ A large element of this problem can be solved by decent sex education. It is simply a tragedy that large numbers of women, let alone men, do not know where the clitoris is or how it works.

There is certainly a tendency for developing adolescents to be curious about the normally of their sexual equipment. Genitals are the major area of the human body that is constantly hidden in daily life. They are organs that we all have lots of unanswered questions about. As pornography is about the *only* area where people can see other's genitals, it is used to satisfy this curiosity. In this regard, the Classification Scheme, as it is interpreted, has likely caused serious harm to women. Pornographic publications must perform digital labiaplasty on their models in order to receive a Mature rating, as reported in an investigative piece by the ABC's *Hungry Beast*³⁰. Other problems come from using a normal, albeit rare,

²⁸Why Do Women Hate and Fear Sexy Women, *Psychology Today*, viewed 16 February 2011, <http://www.psychologytoday.com/blog/women-who-stray/201010/why-do-women-hate-and-fear-sexy-women>

²⁹Sympathy for the Anti-Porn Feminists, *Clarisse Thorn*, viewed 13 February 2011, <http://clarissethorn.com/blog/2010/08/16/storytime-sympathy-for-the-anti-porn-feminists/>

³⁰Healing it to a Single Crease, *Hungry Beast*, viewed 13 February 2011, <http://hungrybeast.abc.net.au/blog/kdrysdale/healing-it-single-crease>

sexual response, such as female ejaculation, or using small breasts, as factors in deciding whether particular material should be Refused Classification or not.³¹ The effect of the current system may be to increase the rate of unnecessary, and undesired cosmetic surgery among women. Decent sex education would satisfy this curiosity and avoid the situation of women (and men) having unnecessary and unwarranted concerns about their genitalia.

3.10 Art

Art is relatively difficult to define. Artists have a desire to make us think, see the world in a different light or to convey a particular message or insight. It's all about exploring the human experience; the depths of its darkness and the heights of its beauty. Its inherent nature is to be challenging, and it is therefore always going to have its contentious edges. It really comes down to the artist's intentions in producing the work.

What we choose to be offended by is often very revealing. As noted by Thomas Moore³², "We are working up a fever making new laws against touching, and we're more scandalized by a photograph or painting showing a nipple or a penis than by the image of a starving child on a dry, dusty road." Offence is not universal, and we all should have the right to explore what the artist is trying to tell us. That isn't to say we have to agree with what they have to say, but exploring their ideas is to explore ourselves.

Perhaps the biggest blunder during the Henson controversy was the support by many in the art community of the high/popular culture divide (Faulkner 2011). Whether art is good or bad or conjures up unpleasant feelings is all beside the point. The vast majority can understand and appreciate the skill and hard work that go into producing a fantastic piece of art. It's this appreciation that helps the artist's message get across.

Context is very important here as well. There is a vast difference between seeing a print of Botticelli's *The Birth of Venus*, and standing before it and seeing the artist's attention to detail. There is a vast difference between a plaster model of Michelangelo's *Statue of David* and looking up at its whole magnificence. Likewise there is a difference between a compressed jpeg of a photograph printed in a newspaper and seeing that same photograph in its intended gallery setting.

What we must guard against particularly is the chilling effect. This is when censorship isn't explicit, but so much outrage is thrown at some expressions that people start to self censor, even about things that aren't problematic at all³³. Excessively

³¹Weird politics of small boobs and bodily fluids, *Sydney Morning Herald*, viewed 13 February 2011, <http://www.smh.com.au/opinion/society-and-culture/weird-politics-of-small-boobs-and-bodily-fluids-20100129-n278.html>

³²Sex (American Style), *Mother Jones*, viewed 10 February 2011, <http://motherjones.com/politics/1997/09/sex-american-style?page=1>

³³The photo unfit for charity, *The Canberra Times*, viewed 19 February 2011, <http://www.canberratimes.com.au/news/national/national/general/the-photo-unfit-for-charity/2039578.aspx?storypage=0>

broad laws and fear mongering create an environment where freedom of expression can be chipped away at, little by little. It often erases the experiences of the very people it intended to protect. It allows ignorance to reign supreme and prevents informed discourse.

3.11 The Internet

Perhaps the elephant in the room is the Internet. What the Classification Scheme originally set out to do is no longer logistically possible in any meaningful sense. All kinds of material, in many different forms can and have been published on the Internet. If the Government insists on preventing purchase of certain material through the Classification Scheme, it will be downloaded from the Internet. Preventing this is simply not practical, and actively harmful.

There are four general categories of material that are considered for blocking on the Internet. The first is child abuse imagery. It goes without saying that the act of using a child for the purposes of adult sexual pleasure is a heinous, abhorrent crime. Footage, or still images of such acts is thus evidence of a crime. That being said, child pornography, largely because of the universal revulsion it inspires, is used as a cheap political tool. It is used by media corporations as a means of getting a censorship foot in the door. Rarely do they come out and say so, but at least one music industry spokesman has said they love child porn because it is something all politicians understand, and allows them to get governments to make changes that they can then use to directly harm consumers.³⁴

The damage of blocking child pornography flows directly from this. The definition of child pornography becomes so broad that grandmothers are arrested for having pictures of their grandchildren³⁵, and the censorship tools used to block access are used to block other material.³⁶ In addition, countries with poor human rights records use the censorship examples of Western countries to justify further crack downs on their citizens.³⁷ What's particularly distressing about government imposing child pornography filters is that this action is both completely pointless³⁸ and serves merely to project the government as taking action when a substantive response is really what is required.

Indeed, of all the crimes that are committed online, child abuse imagery is the one with the most worldwide support against it, and the one to have the least real action taken. The natural government response to child pornography is to 'block'

³⁴Music industry spokesman loves child porn, *Boing Boing*, viewed 13 February 2011, <http://boingboing.net/2010/04/28/music-industry-spoke.html>

³⁵Grandma Arrested for Child Porn, *Reason Magazine*, viewed 16 February 2011, <http://reason.com/blog/2009/05/04/grandma-arrested-for-child-por>

³⁶Only 1.7% of sites blocked by Scandinavia's "child-porn" filters are actually child porn, *Boing Boing*, viewed 16 February 2011, <http://www.boingboing.net/2010/09/30/only-17-of-sites-blo.html>

³⁷Governments should not censor the internet, *The Age*, viewed 16 February 2011, <http://www.theage.com.au/opinion/society-and-culture/governments-should-not-censor-the-internet-20100512-uxfr.html>

³⁸Pointless action on child pornography, *Boing Boing*, viewed 13 February 2011, <http://www.guardian.co.uk/commentisfree/2010/mar/29/blocking-child-abuse-websites-eu>

it, which leaves it online for people all over the world to continue to access. This is in spite of the fact that hosting companies are relatively quick to act to take down illegal material when they are told about it.³⁹ Indeed, hosting companies are often so keen to act on takedown notices⁴⁰, they rarely seek confirmation that the material they're being asked to remove is actually illegal⁴¹. If banks and financial institutions are able to work together quickly and collaboratively to see that fraudulent sites are offline within hours, there is no reason why governments cannot also see that child pornography is permanently destroyed rather than just 'blocked'.

A second way to tell that child pornography is often callously used as a political tool is the large amount of statistics laundering that evidently goes on. Statistics laundering is a process where false claims, without evidence, are made and then subsequently referred to several times as fact. Each time the claim is referred to, its acceptance as 'truth' is increased. As an example, it is often claimed that the child pornography industry is worth over US\$20 billion. This figure is often attributed to the FBI or Unicef, even though both organisations have said they are not the source of this figure. Investigation of this claim terminates in an unsourced remark that is almost certainly made up.⁴² These claims are made despite law enforcement repeatedly stating that they know real child pornography is very difficult to find, and that someone has to go actively looking for it to find it.

A second category of material considered for blocking is distributed copyrighted material. While the issues of copyright are beyond the scope of this discussion, the draconian measures to crack down on this end up only hurting the honest users. Sites making available illegally distributed copyrighted material spring up like weeds. There are also legitimate uses for distributed file sharing that should not be impeded. Attacking this problem simplistically has set up an arms race, and ever more complex sharing systems that are harder to track and shut down.

The third category of material considered for blocking is material inappropriate for children. This typically means pornography made for and by adults, as well as material that would likely be rated MA15+ or higher. In this category, the problem is there is simply far too much material to do this effectively in any practical way. A blacklist will fail, because it is simply impossible for any government to keep such a list up-to-date and complete. Dynamic methods, where the material is inspected and auto-classified by machine, are problematic because they have large over and under-blocking issues. Over-blocking breeds contempt and distrust, and under-blocking means that the problem claimed to be solved isn't actually solved; active parenting is still required. Additionally, given the complexity of this task, speed issues start to crop up as the processing time required to make such analyses rapidly exceeds the available resources of ISPs. It also suffers from all the problems

³⁹Delete, don't block: It works!, *UnPolitik*, viewed 16 February 2011, <http://www.unpolitik.de/2009/05/28/delete-dont-block-it-works/>

⁴⁰The Impact of Incentives on Notice and Take-down, *Tyler Moore and Richard Clayton*, viewed 13 February 2011, <http://www.cl.cam.ac.uk/~rnc1/takedown.pdf>

⁴¹Google submission hammers section 92A, *New Zealand PC World*, viewed 16 February 2011, <http://pcworld.co.nz/pcworld/pcw.nsf/feature/93FEDCEF6636CF90CC25757A0072B4B7>

⁴²Statistic Laundering: false and fantastic figures, *Libertus*, viewed 16 February 2011, <http://libertus.net/censor/resources/statistics-laundering.html>

of hard, thick lines imposed on inherently subjective material. Of course, these problems largely go away if the filtering is done at the user level as it then becomes a user choice.

The Australian government is proposing to limit this problem by only blocking Refused Classification material. This doesn't solve the extreme under-blocking problem, meaning Australian parents would be given a false sense of security. This is already an obvious problem, as numerous proponents are claiming this would make the Internet 'safe' for children, when X18+ and R18+ material is certainly not covered. It would also be extremely easy to bring such a system to its knees. Simply create a webpage that advocates a particular side of a current political debate on a non-Australian web host. Then upload material known to be Refused Classification, but not considered illegal in the web hosting country, to that same web host, so that it has the same root domain as the political argument. Generate 1 million copies of that material on that web host, then submit each of the unique URLs for blocking. Any link that fails to get blocked is a story. If the entire root domain is blocked, then that's also a story because political material will have been blocked by the Australian government.

The fourth category are much more abstract ideas of cyber-bullying, grooming and other direct interactions. This kind of interaction is impossible to do anything about technologically because it is real time communication. It is easy to create multiple email accounts, and use them to create social media profiles for the purpose of harassing someone. It is only after the harassment has occurred that the profiles and accounts can be shut down and the offender tracked down and appropriately punished. To do otherwise would require 3rd party review of every communication. This is obviously impractical for privacy and logistical reasons.

All these categories overlook the fact that any technological solution is extremely easy for even mildly technically literate users to work around. Even China, with the huge amount of resources it throws at censorship, is unable to prevent people from circumventing filters and organising protests. Even the threat of deadly force is not enough in totalitarian countries.

The point is that Internet filtering is not practical at an ISP level. This is something the Classification Scheme is going to have to come to terms with. If the Classification Scheme continues to ban what the wide majority of the public considers fair material, it will be accessed via the Internet. Even if the government is prepared to implement extremely draconian measures to make this unattractive, people will still find ways around it (and also likely vote against such a government). In such a case, it is better for the Classification Scheme to serve its primary purpose, inform people of the content of material they are proposing to access. It is simply no longer possible for the Classification Scheme to attempt to limit what Australian adults choose to read, hear or see.

4 Science

Now that the philosophical groundwork for classification has been examined, it is time to examine the results of scientific inquiry. For decades and longer, governments and religious establishments have subscribed to the notion that particular kinds of media exposure causes particular effects. Whether this be a general ‘corruption of morals’ or the more recent ‘violent media causes violence’ is largely beside the point. This notion is based on premise that a direct line can be drawn from exposure to certain material and particular social behaviour. This is known as the ‘media effects model’. The fact that even after decades of looking, no strong evidence for this has been presented suggests that there is nothing to find.

The other factor that has changed significantly over the last 50 years is ethics committees. For instance, it is unlikely that Alfred Kinsey would be able to get approval for much of the work he did for his landmark reports. Indeed, even at the time much of his work was done in secret (Roach 2008). Presumptions are the problem. If watching violent media really did cause violence, then it would be unethical to subject people to violent media for the purposes of verification. This does set up something of a Catch-22 situation. Studies to investigate the link are difficult to get approval for, because the link is assumed.

Additionally, especially with taboo topics, such as anything sex related, there is the problem of sampling. Selection bias is particularly a problem as only those comfortable with their sexuality are likely to volunteer for such research. The biases of the researchers can also taint data, as people are less likely to be truthful if they feel they are being negatively judged, or embellish if they feel they can show off. All this together make it hard for the social sciences disciplines to establish facts, and any published claim is going to draw well-motivated and reasonable criticism.

Interpretation is also a problem. For instance, a survey that used attractive young people of both sexes to sexually proposition members of the complimentary sex on university campuses universally found that women never respond positively, while men almost always do (Angier 1999). Does this mean that men have naturally higher sex drives than women? Or does it simply mean that women aren’t keen on taking an obviously aggressive man back to their dorm rooms? And how many of the men’s responses were just bluster, and would they actually be prepared to follow through? Another example is media selection. Do we select the media we expose ourselves to because we are predisposed to do so (ie. media choice is a symptom), or does the media choice we are exposed to dictate our future choices (ie. causal relationship) (Preiss et al. 2007)? Answering such questions is exceedingly difficult.

The reality is that humans are not simple machines. There is far more to us than simple stimulus response. Our cultural heritage, economic and social status, upbringing and daily moods affect how we react on any particular day. Simplistic models of cause and effect are not true to the reality.

4.1 Media Effects Model

Every new media format has been subject to the media effects claim. Novels were once thought to be problematic for the middle and lower classes because *those* people certainly didn't have the wits or education or life experience to understand and properly appreciate them. Graphic novels and comic books went through a similar attack that, as a medium, they still haven't fully recovered from. Rock 'n' Roll, Heavy Metal, Jazz and now Hip Hop have all been thought to be inherently harmful by some. Radio and television didn't escape suspicion. These days video games and pornography are considered the most likely provokers of antisocial behaviour.

After all this time, there is still no clear, causative link conclusively established anywhere of the media effects model. That's likely always to be the case. Of course, the absence of evidence isn't conclusive proof that such a link doesn't exist. Exposure to media certainly does have an influence on our emotions and presents new ideas and new ways of thinking. The point is that, while there is no doubt that media has an *influence*, the notion of direct *effects* is absurd (Gauntlett 2005). This is not a radically new observation. The media effects model has been criticised for over half a century. Context matters. Many studies showing a positive correlation do so by counting up all instances of 'violent acts'. Counting up all instances of 'violent acts' or 'degrading messages' fails to take into account the broader context of the subject matter, or ignores other unclassifiable situations such as real life violence or at least news portrayals.

Many of the methods used in media effects studies are inherited from the natural sciences. The natural sciences have firm answers, such as 'what is the effect of heating water above its boiling point?' Media effect studies do not, as questions like 'What is the effect of all this onscreen violence on viewers?' are radically different. Embedded in the question are a lot of assumptions about people that are rarely true. People aren't passive vessels into which media is poured, rather they are active and can understand meaning and context. In the natural sciences, the objects of study aren't capable of adding to the research. The objects of study in media effects studies are people, and are actively capable of not only giving an account of their experience, but also their own interpretations. This latter issue is rarely addressed in media studies (Gauntlett 2005).

The other obvious conflict is that such claims are always about 'others'. If it were true that there was a direct effect between media exposure and some social outcome, we would expect researchers, constantly exposed to the media they study, to display these negative social outcomes. We would expect police in charge of capturing child pornographers to become child abusers themselves. We would have expected Mary Whitehouse to be the most violent and offensive person on the planet by the end of her life. These things are, of course, not true. The media effects model is always 'othering'; this stuff always affects other people (or children), never me.

Context is hugely important. Antisocial actions are rarely glorified in media for their own sake. They are usually in context, and antisocial actions are punished as part of the story line. This is because this makes for a good narrative. The audience enjoys it when someone presented as acting antisocially gets their comeuppance.

This is unlike real world antisocial behaviour, such as political corruption, or street harassment, where this rarely happens. This is further made obvious by the fact that criminologists do not concern themselves with television output when attempting to explain crime rates. The *amount* of violence or other socially ‘negative’ effects is not as important as the *meanings* and *context*.

The individualistic approach to media effects is part of the problem. The assumption that eliminating particular media because it may have negative impacts on a few individuals, is rather like claiming that the road toll could be reduced to zero by removing one infamously bad driver. This also plays out in the way researchers regard children as having negative capacity, rather than in what they are capable of. For example, studies involving children rarely run parallel studies with adults, because if adults were found to also react poorly in the laboratory environment, then the ‘common sense’ of the results would be called into question (Gauntlett 2005).

Time and budget considerations also means that the testing environment is often heavily artificial. Having a researcher show up in a classroom is not a normal setting, nor is bringing people in to a university. Clips of violence or other anti-social descriptions are stripped of their narrative context, and presented for their impact reaction alone. Is footage of a woman hitting a man violence and therefore bad, or an appropriate act of self defence, or a triumphant act of revenge, or any of a virtually unlimited number of other possible readings? This has all been shown to affect the outcome, as even the presence, gender and appearance of the researcher makes a difference (Gauntlett 2005). In addition to this, many studies jump the gap between correlation and causation without any justification. People with a violent nature may be attracted to violent films (although most studies suggest the opposite). That does not mean, nor prove, that violent films creates such people.

The underlying theory of the media effects model is severely flawed. It is the major problem with much of the line of reasoning that suggests that censorship can have beneficial effects. The underlying question of *why* exposure to particular media should motivate people to reproduce what they’ve experienced has not been adequately addressed. Even if the few positive correlations found were indicative of a media effect, the results are so small as to be almost negligible.

4.2 Moral Panics

Moral panics, in this context, occur when someone decides that particular material is threatening to the social order. The foundation for most moral panics is the presumption of the media effects model (Gauntlett 2005). These panics are almost always based on fear of some subculture or small element of society. The youth subculture is particularly feared because adolescent rebellion and challenging of the current state of the world is what drives a lot of social change. The term ‘moral panic’ is not intended to imply that no problem exists, or that it is delusion or hysteria that solely fuels them. The point is that moral panics take an existing problem of little or no consequence and turn it into an existential one to further a political agenda (Patry 2009).

Often times moral panics are co-opted by special interest groups to further their own politics. This is seen, for example, in the widespread use of child pornography fears by groups interested in draconian regulation of the Internet to eliminate copyright violations. Terrorist fears have been used to increase government power at the expense of citizenry, by, for example, limiting the right of free association. They've also been used to shut down social networking sites, and attempts to close down file sharing networks. Moral panics are effective tools because they appeal to our quick fix desires and make the world seem simple (Patry 2009).

4.3 Language

Language censorship is fortunately not a major feature of the Australian Classification System. Somehow, we've come to accept that 'bad' language can be appropriate, even required, in certain circumstances; *shit happens*⁴³. All language is fluid and evolves. The rapid development and widespread understanding of abbreviated words and emoticons caused by the introduction of mobile phone text messaging is ample evidence of this.

4.4 Music

Music has been the subject of much inquiry as well. As with everything else discussed, there is little conclusive evidence and much to be sceptical about. Music can certainly convey antisocial messages or just be bad, but there is no reason to think that this is a problem as long as the 'right' messages are also being conveyed elsewhere. Or in the words of Frank Zappa, after noting the huge abundance of love songs, "If lyrics make people do things, how come we don't love each other?"

A large part of the concern over music is that as we get older our tastes change, and we start to forget what it was like being young. Like most of popular culture, music is made for and by the relatively young. Music today isn't really any worse or degrading than it was in the past, it just seems that way.⁴⁴

4.5 Advertising

There is no consensus among researchers that advertising does or doesn't have effects on children. Certainly by the age of 8 or 9, children seem to be capable of understanding advertising as distinct from programming, and with the intent to sell. Meta-analysis suggests that there is a slight positive correlation between advertising and children having a favourable attitude towards and selecting particular products, however this effect is vanishingly small. What is noted is that other factors probably have a much larger effect. For example, children from poorer families are less likely to have multiple diversion sources, meaning there is little to diffuse the messages they receive from television alone (Preiss et al. 2007). As with everything else, a strong education seems to remove any observed negative effect. Indeed,

⁴³'Shit happens': Abbott grilled over digger remark, *ABC News*, viewed 19 February 2011, <http://www.abc.net.au/news/stories/2011/02/08/3133488.htm>

⁴⁴Sing-a-long sex: talking dirty on iTunes, *The Punch*, viewed 17 February 2011, <http://www.thepunch.com.au/articles/sing-a-long-sex-talking-dirty-on-itunes/>

children who are media literate become far more critical consumers.

That said, advertising, by its nature, is aggressively used in the public sphere. Unlike almost all other mediums, outdoor public advertising is designed to catch attention, but is not actively sought out. In this regard there may be some merit to be gained by requiring advertising to meet some minimum ‘offence’ standard. However, we should realise that regulating advertising will likely do little to correct underlying social problems, but it does have value as a politically cheap way to demonstrate concern for an issue.

Secondary effects of advertising are even less understood. There probably is something to the notion that an environment that sends nothing but a particular message does see support for that message rise among the public. This is basically the ‘broken window’ theory with regards to crime. The reality possibly is that individual problematic secondary messages are not a problem in and of themselves, so long as there is sufficient good messages in society. Most problematic secondary messages, such as racism or sexism, are largely unintentional and probably don’t need to be specifically outlawed. So long as there continues to be a method for review, and platforms for people to make a case that such messages exist and are problematic.

4.6 Violence

Violence has traditionally been very poorly defined in media effects studies. Hitting an inanimate object, breaking tortured animals free from their cages, or sabotaging a weapons system will all be recorded as antisocial behaviour regardless of the context (Gauntlett 2005). Putting oneself in harm’s way, and fighting back are not necessarily antisocial, as support for our troops in time of war shows. Violence is one of the largest concerns for governments and researchers, resulting in a large number of studies.

As the government’s own literature review of computer games studies made clear⁴⁵, there is very little evidence for violent video games causing antisocial behaviour. Video games are supposed to be the worst of the worst, precisely because of their interactive nature. If there is nothing to be found even here, there is less than nothing found when looking at violent films or publications.

4.7 Pornography

Perhaps the first question to ask here, is ‘what is pornography’? The answer may seem obvious to some, but the reality is that it is very difficult to define. Indeed, the typical definition is Justice Potter Stewart conclusion from the *Jacobellis v. Ohio* (1964) case, ‘I know it when I see it’. This definition suffers from lack of precision and is inherently subjective, yet it is very much the way governments have typically approached the question. The Classification Scheme defines the X18+ category as sexually explicit material. This is a subset of pornography, but broadly covers the

⁴⁵An R18+ Classification for Computer Games: Literature Review, *Attorney-General’s Department*, viewed 13 February 2011, <http://www.ag.gov.au/gamesclassification#review>

majority of material that there is general angst about. Still, perhaps the best definition of ‘pornography’ is this one: “Pornography is communicative material produced with the key intention of causing sexual arousal in the targeted audience, and it is reasonable to expect the material to succeed in causing such arousal.”⁴⁶

As with everything else discussed, studies are not conclusive. There is certainly insufficient evidence to claim causality between pornography and any antisocial behaviour. There may even be a slight correlation between decreased rates of sex crimes and access to pornography.⁴⁷ Violent sexual media does seem to have a small correlation with aggression, but nudity itself seems to have a negative correlation. This result is inconsistent with standard media theories (Preiss et al. 2007). However, one very relevant point that studies do seem to agree with is that pre- or debriefing through educational material about what constitutes a healthy sexual attitude completely eliminates any observed harmful effects. Indeed, the attitudes of most participants is found to be less antisocial than before they took part in the study if they are educated (Preiss et al. 2007).

A common complaint about widespread access to pornography is that it forces parents to have a conversation with their children they may not want to have. Given that neither parents nor government can prevent access to sexually explicit material indefinitely, then yes, this is something that has to be addressed. It is a strange complaint though. We don’t wait for children to come and ask, “I don’t want my teeth to fall out, what do I do about dental hygiene?” Suppose a parent was traumatised by dental surgery as a youth, and they then don’t want to talk about it with their children. It is still important information to teach, so someone else (a spouse or trusted friend) will have to do so on behalf of the parent.⁴⁸ The real question is, do we want our children to have fulfilling sex lives, or should each generation be doomed to work out for themselves what doesn’t work or is harmful?

Sexually explicit material is often treated as a gendered problem. This manifests in attacks on male sexuality.^{49 50} Men are assumed to be boorish, uncontrollable animals. This presumption may be something of a self fulfilling prophecy. The reality, however, is that a large and growing percentage of women also enjoy visual arousal (McKee et al. 2008). This is only to be expected; there really isn’t that much difference between men and women such that there would be exclusive things that only men (or women) enjoy. In many ways, women’s sexual arousal is unfortunately still a taboo subject, which may partially explain the popularity of series

⁴⁶What is Pornography?, *Liberty Addiction*, viewed 13 February 2011, <http://libertyaddiction.blogspot.com/2008/07/what-is-pornography.html>

⁴⁷The Effects of Pornography: an international perspective, *Pacific Center for Sex and Society*, viewed 13 February 2011, <http://www.hawaii.edu/PCSS/biblio/articles/1961to1999/1999-effects-of-pornography.html>

⁴⁸A recorded talk by Dr. Marty Klein, no longer available. Dr. Klein’s website is here: <http://sexualintelligence.wordpress.com/>

⁴⁹The Anti-Male, Anti-Sex Falsehoods That Rule Discussions about Porn and Sexuality, *AlterNet*, viewed 13 February 2011, http://www.alternet.org/story/149625/the_anti-male%2C_anti-sex_falsehoods_that_rule_discussions_about_porn_and_sexuality?page=entire

⁵⁰Why Do We Vilify Male Sexuality? 3 Myths About Men and Sex Debunked, *AlterNet*, viewed 23 February 2011, http://www.alternet.org/sex/149560/why_do_we_vilify_male_sexuality_3_myths_about_men_and_sex_debunked?page=entire

like *Twilight*⁵¹ and other ‘no guilt’ fantasies.

Pornography does make for very poor sex education.⁵² It is entertainment and fantasy, not teaching material. Using it as sex education is like learning to drive by watching *The Fast and the Furious*. Most television and film takes short cuts for the sake of brevity. Indeed, there is concern that shows like *CSI* have changed the level of evidence that juries expect.⁵³ Pornography is hardly the only (or largest⁵⁴) cultural phenomena that sets up unrealistic expectations.⁵⁵ A major reason it is used as sex education is because the level of sex education is extremely poor. If people’s questions about sex and relationships are not able to be asked or answered, they will seek out answers in private and not necessarily be able to tell good quality sources⁵⁶ from bad.

Another major argument against sexually explicit material is that such material is, in and of itself, degrading. It is a curious argument, because it is based on the premise that sex in and of itself is degrading to women, and being sexual is something that ‘good girls’ just don’t do (Pally 1994). It is based on the idea that ‘sex’ is something that women have and men take. It underpins the madonna/whore dichotomy. Consider that there is far less animosity towards highly sexual women in more sex-positive communities than in places where sexuality is completely suppressed. One need only look to medieval countries where a ‘fallen women’ must be executed to preserve family honour.

The sibling argument is that of objectification. This is also based on the good-girl/bad-girl distinction, and makes no distinction between being the object of desire and the object of misogyny (Pally 1994). It is also another form of women-blaming. Too often have men been allowed to excuse sexual assault with claims of ‘her skirt was too short’ or ‘her blouse was too tight’. It fails to acknowledge the continual exchange of power roles within any relationship. During any sexual encounter, one partner will be the object one moment, and the subject the next.

One of the current leading proponents of these two views is Gail Dines. She does have a lot of things to say that are valid criticisms of pornography. There are problems with racism and pluralistic ignorance, and young adults are, anecdotally, having sex that they don’t necessarily want to have. These are real issues that should be addressed. However, she dresses her work up in so much shame and guilt

⁵¹The pornography of non-rejection, *Amanda Marcotte*, viewed 13 February 2011, http://pandagon.net/index.php/site/comments/the_pornography_of_non_rejection/

⁵²Why You Shouldn’t Learn About Sex From Porn, *Charlie Glickman*, viewed 18 February 2011, <http://www.charlieglickman.com/2010/08/why-you-shouldnt-learn-about-sex-from-porn/>

⁵³CSI effect mars DNA effectiveness, *Crispin Hull*, viewed 18 February 2011, <http://www.crispinhull.com.au/2010/05/22/csi-effect-mars-dna-effetiveness/>

⁵⁴Is That a Boiled Frog in Your Pocket? Or Are You Just Happy to See Me?, *The Atlantic Mobile*, viewed 16 February 2011, <http://m.theatlantic.com/culture/archive/2011/02/is-that-a-boiled-frog-in-your-pocket-or-are-you-just-happy-to-see-me/70638/>

⁵⁵Porn or Rom-Coms. Which Damages Relationships More?, *Charlie Glickman*, viewed 18 February 2011, <http://www.charlieglickman.com/2010/07/porn-or-rom-coms-which-damage-relationships-more/>

⁵⁶Scarleteen is a good quality source, viewed 18 February 2011, <http://www.scarleteen.com/>

that it's hard to take her seriously. She clearly doesn't see much room for sexual diversity and the many different ways there are for achieving mutual, consenting pleasure.⁵⁷ It's also worth noting that one of Dines' own former research assistants felt so oppressed by Dines philosophy she left and found happiness as a sex worker.⁵⁸

4.8 Child Pornography

It is even more difficult to get detailed evidence of the media effects of child pornography, for the obvious reason that it is completely unethical to do studies at all. This, and the wider problem of child sexual abuse, are incredibly difficult and emotive topics, and it means we are often operating out of a position of ignorance. We all share the same goal of protecting as many children from abuse as possible. There are occasional glimpses of more constructive approaches to the wider problem, such as a piece by the *ABC's Hungry Beast*⁵⁹. As to whether viewing child abuse imagery causes viewers to become abusers, there is little evidence. It certainly causes distress among law enforcement, but there certainly isn't fear that law enforcement agents will become abusers themselves. The point is that child abuse imagery isn't illegal because viewing it creates new child abusers, but because to create it, or to create demand for it, causes gross, long lasting harm to an individual who is trusting of all authority figures and not yet able to consent.

Many doubt the usefulness of judging images of children by looking at them the way a paedophile would. Context, actual harm and actual risk need to be balanced sensibly (Attwood 2010). For instance, actual harm to children is far more likely to come from within the home than from external predators⁶⁰, yet we have this amplified fear of the paedophile hiding in the bushes. Another problem with the current approach is that it has become very gendered, and we end up treating all men with suspicion. This has a double negative effect. On the one hand, it allows female paedophiles to slip under the radar.⁶¹ On the other, it means that many men are no longer comfortable going to the aid of a child in obvious distress.⁶²

Fortunately, child abuse imagery is difficult to find and there is relatively little of it (McKee et al. 2008). Law enforcement knows that it is extremely unlikely to accidentally stumble across child abuse imagery, and rarely believe this excuse.

⁵⁷If Gail Dines Would Stop Shaming People, Maybe Folks Would Listen, *Charlie Glickman*, viewed 18 February 2011, <http://www.charlieglickman.com/2010/09/if-gail-dines-would-stop-shaming-people-maybe-folks-would-listen/>

⁵⁸PORNLAND: How Gail Dines Co-opted My Sexuality, *Welcome To My Crisis*, viewed 13 February 2011, <http://blog.welcometomycrisis.com/?p=57>

⁵⁹Treating Paedophiles Before They Offend, *Hungry Beast*, viewed 18 February 2011, <http://hungrybeast.abc.net.au/stories/treating-paedophiles-they-offend>

⁶⁰Predator Panic: A Closer Look, *Skeptical Inquirer*, viewed 13 February 2011, http://www.csicop.org/si/show/predator_panic_a_closer_look/

⁶¹Why gendered stereotypes actually help female pedophiles, *Equal Writes*, viewed 13 February 2011, <http://equalwrites.org/2009/11/10/why-gendered-stereotypes-actually-help-female-pedophiles/>

⁶²Miranda Devine asks: Why are all men made to feel like fiends?, *News.com.au*, viewed 18 February 2011, <http://www.news.com.au/opinion/miranda-devine-asks-why-are-all-men-made-to-feel-like-fiends/story-e6frfs99-1225944489870>

What little exists is perpetuated by deeply secret underground groups, operating forums that cannot be found through search engines. Law enforcement hates to divert resources to what is in the context in which it occurs obviously not child abuse material, such as during the Henson case (Marr 2008), when they could be spending those resources on helping real victims. Abusers rely on the fact that most children have been socialised to obey adults unquestionably, even if it makes them uncomfortable. This is another strong argument for age-appropriate sex education.

5 Conclusion

This submission discusses why censorship is not an appropriate response to social issues, at best it is treating the symptoms. Governments typically reach for it because it is easier to sell as political action, but fails to treat the underlying ills in society. It is, however, in Australia's long term interests to directly address latent social ills.

5.1 Specific Points

Having provided the necessary background, it is now possible to look at the specific points of the terms of reference. There is an apparent bias in the terms of reference which is concerning. The Classification Scheme must not be used as a means to push narrow moral values and judgements.

5.1.1 Serial Classifications

The power to classify publications should be abolished, and thus the need for serial classifications. If the publication classifications are to remain, the Mature category should be relaxed so that self-censorship of genitalia does not continue to narrow the natural variety of human genitals.

5.1.2 National Standards

Achieving national standards is a positive goal. There is nothing inherently different about Australians from different states. Thus, material in New South Wales should also be freely available in Western Australia.

That said, the only state where there is an issue with the display of restricted publications and films is in South Australia⁶³, where R rated films require plain packaging. R rated films are almost never encased in R rated images.

As to restricted publications, their display is only of concern if they have cover designs that are sexually explicit (nudity, by itself, should not be considered sexually explicit), and are then displayed to draw attention in a store that caters to a large and diverse audience. There is little evidence to suggest that businesses go out of their way to offend their customers.

5.1.3 Enforcement System

If anything, the enforcement system is too restrictive. Film festivals attempting to screen movies that adults in other parts of the world enjoy, should not be restricted from doing so in Australia. It is certainly not something that law enforcement should be involved in.

⁶³Industry alarm at R-rated cover-up, *The Australian*, viewed 19 February 2011, <http://www.theaustralian.com.au/news/nation/industry-alarm-at-r-rated-cover-up/story-e6frg6nf-1225819431495>

The fee for call-in notices should be borne by those demanding the review, and they should carry the entire cost unless the producer is found to have intentionally misrepresented their work. The Minister should not have call-in powers, except as a private citizen.

5.1.4 Customs

Except in cases of mass importation of a work, any attempt to turn Customs into a Classification Scheme enforcer will fail. The Internet will see to that. Therefore, any non-illegal material that is brought into Australia for personal use should not be subject to any customs search or seizure.

5.1.5 Artistic Merit

Artistic merit absolutely has a place as a defence to criminal chargers. In addition, artistic works should not be subject to classification.

5.1.6 Sexually Explicit Films

It is factually incorrect to suggest that sexually explicit films have negative effects. If sexually explicit material is used in the sexual abuse of children, it is a symptom, not the cause of such abuse. It is improbable in the extreme that removing such material will save even a single victim of abuse. Indeed, much of the concern about sexually explicit films seems to be based on a fear of masturbation. This is clear in the hypocrisy of censorship decisions when sexually explicit ‘art house’ films are granted an R18+ rating.⁶⁴

Comprehensive sex and relationship education is the key. It fosters more fulfilling, healthy sex lives, reduces the number of abortions, and eliminates negative attitudes picked up by using sexually explicit material as sex education.

5.1.7 Torture and Degradation

Films that did not violate any laws during their production should not be banned in Australia. If a film is found to be high impact, such that it doesn’t fit into the R18+ category, then a new high impact category should be created to accommodate it. That said, torture, degradation, explicit sex and other confronting adult themes are valid experiences to explore to better understand humanity. In the appropriate context, most such explorations should be accommodated in the R18+ category.

5.1.8 Outdoor Advertising

While there is an argument to be made to restrict outdoor advertising on the basis that active audience participation is not required, including it in the National Classification Scheme is pointless. What exactly would a Restricted, or even Mature rated billboard mean? Would it even be allowed to be displayed? If not, then why

⁶⁴“9 Songs” And The Hypocrisy Of Censorship, *Ms Naughty Porn For Women Blog*, viewed 27 February 2011, <http://www.msnaughty.com/blog/2009/07/21/9-songs-and-the-hypocrisy-of-censorship/>

bother rating it? What is important is that the guidelines be clear and explicit so there is no doubt among advertisers about what is and isn't allowed.

5.1.9 Music Videos

Music videos are typically shown as part of television broadcasts or through home video sales. Home video sales should already be covered by the National Classification Scheme, television broadcasts are not. There may be some merit to merging television classification into the National Classification Scheme, but particular aspects of television broadcasts should not be separated out for special consideration.

5.1.10 Music Labelling Codes of Practice

If anything, the ARIA/AMRA Labelling Code of Practice is too strict.

5.1.11 Sexualisation & Objectification

The child aspect of this has already been addressed by another committee.⁶⁵ The real problem is that all sexualities are not treated with respect. There isn't one correct way to have sexual agency or a healthy sex life. That culture often presents sexuality narrowly is the real problem with sexualisation.⁶⁶

The underlying premise of this point is flawed. It is based on the assumption that 'raunch culture' is real⁶⁷, and that media, like pornography, inherently sexually objectifies women⁶⁸. These claims have either not been adequately substantiated, or miss the point. Every retail or service employee is 'objectified', because customers neither care nor have the ability to realise each and every one they encounter as a fully dimensioned human being. Objectification does not become a *Major Social Problem* just because it involves sex. It is based on the presumption that there is something 'precious' in the clothed form that is taken away by sex.⁶⁹ This is not a healthy or pragmatic view.

5.1.12 Television and Internet Content

The ACMA should not function in a classification capacity. That role should be the exclusive domain of the Classification Scheme.

⁶⁵Senate Environment, Communications and the Arts Committee report: Sexualisation of children in the contemporary media, *Australian Government*, viewed 13 February 2011, http://www.aph.gov.au/senate/committee/eca_ctte/sexualisation_of_children/report/

⁶⁶Fight the Sexualization of Young Girls the Right Way, *AlterNet*, viewed 23 February 2011, http://www.alternet.org/sex/149385/fight_the_sexualization_of_young_girls_the_right_way?page=entire

⁶⁷Is 'raunch culture' real? Young adults on media and causal sex, *The Sex Myth*, viewed 13 February 2011, <http://thesexmyth.wordpress.com/2010/03/29/young-people-on-raunch-culture-casual-sex-and-the-liberatory-discourse/>

⁶⁸Frequently Addressed Accusation: "Porn objectifies women as sex objects!", *backlash*, viewed 13 February 2011, <http://www.feminisnt.com/2009/frequently-addressed-accusation-porn-objectifies-women-as-sex-objects/>

⁶⁹Dr Clarissa Smith, *backlash*, viewed 13 February 2011, http://www.backlash-uk.org.uk/wv_drsmith.html

More and more content is being produced by ordinary people and then distributed widely. This year, the winning entry of the Tropfest short film festival was made with a budget of \$80 by an individual.⁷⁰ The Classification Scheme cannot possibly hope to keep up and rate all this content. Long running webseries are being made on very small budgets that have widespread popular appeal online. Examples include *Dr Horrible's Sing Along Blog*⁷¹, *The Guild*⁷² and *Chad Vader*⁷³. As the popularity of television continues to give way to the Internet, these kinds of works will only increase in popularity. Their volume means that ACMA or the Classification Board will only be able to address a tiny fraction of them, and be unable to provide consumer advice on them. Attempting to regulate Internet content is a losing proposition.

This also completely misses the contextual point. Exempt films and video games include current affairs programs. Consider the 11th of September attacks in 2001. While it is certainly a fact that people jumped to their death from the towers and footage of people doing this was recorded, the broadcasting of such recording could be and was very emotionally disturbing for some people. Indeed, so disturbing that a number of therapists were concerned at the lack of editorial judgment displayed by a number of news broadcasts. This isn't to say that such footage should be censored: governments and news organisations should never be in the business of white-washing reality, but it goes to the larger point. Reality is frequently challenging and often disturbing and not something we can protect ourselves from. Fiction that touches on these themes can often help us cope with reality.

5.1.13 New Technologies

The Classification Board is going to find itself increasingly powerless to deal with new technology. This is fact. The adult population will not be prepared to submit to extreme draconian measures and nor should it be punished with them. It is better to ask if smart phones and other new technologies are themselves appropriate for children, especially in a classroom setting.

5.1.14 Refused Classification

The Refused Classification category should be abolished. The idea of 'Refused Classification' is relatively unique, with little to commend it. Instead, a new high impact category should be created that can accommodate material that does not fit in the R18+ category but is not illegal.

5.2 Expanded Recommendations

It is necessary to return to the first principle of the Classification Scheme: 'Adults should be able to read, hear and see what they want.' Australian adults are as ca-

⁷⁰\$80 flick claims Tropfest honour, *ABC News*, viewed 23 February 2011, <http://www.abc.net.au/news/stories/2011/02/20/3143753.htm?section=justin>

⁷¹*Dr. Horrible*, viewed 9th January 2010, <http://drhorrible.com/>

⁷²*The Guild*, viewed 9th January 2010, <http://www.watchtheguild.com/>

⁷³*Blame Society Productions*, viewed 9th January 2010, <http://www.blamesociety.net/>

pable as adults elsewhere in the world. They deserve the freedom to access material that adults elsewhere can, if they choose to.

1. Dramatically improve national sex education curriculum;

It is simply infeasible to restrict access to Internet pornography in any meaningful way, for philosophical, as well as logistical and practical issues. Even prior to the advent of the Internet, large numbers of people were getting a sex education from sexually explicit material. With this in mind, it is prudent to ensure that all Australians have access to accurate, detailed sex and relationship education.

All Australians deserve to have safe, fulfilling and enjoyable sex lives (if they want sex lives at all). The best, indeed, the only, way to prevent the use of pornography as the primary educational resource is to ensure the sex education curriculum answers the questions children hold privately as well as those they ask publicly. Media literacy is thus a crucial aspect of such education, as is communicating and negotiating within relationships, setting and respecting boundaries, as well as the traditional mechanics and health and safety messages.

2. Streamline and simplify classification categories;

- a. Abolish the Refused Classification category;
- b. Return sexually explicit material to the original 1995 definitions.

The Refused Classification category is an abhorrent idea, and not relevant to Australia. When publications like *The Peaceful Pill Handbook*, films like *Ken Park* or video games like *Mortal Kombat* are Refused Classification that doesn't prevent the audience for such works from experiencing them. The intended audience was already interested and will simply import, usually via the Internet, the work from overseas. No legally produced material should be illegal to purchase, sell or view within Australia.

Instead, the Government should implement a new category, 'Highly Confronting', to cover legally produced material that would be Refused Classification under the current system. This category should accommodate High Impact material, and be legal to sell and possess within Australia. The additional warning would mean that Australians would be well informed about the confronting nature of the works, but be able to experience them if they believe they have the capacity to understand them.

The Australian Government rightly isn't concerned with what consenting Australian adults do in the privacy of their bedrooms. Thus, any activity that can legally be engaged in by one or more Australian adults, should not become 'banned' if it is filmed. To do so is simply hypocritical.

With this in mind, it is recommended a new streamlined set of categories be implemented across all mediums be implemented:

- G** General release, no restrictions;
- EG** Early Childhood General, Parental involvement may be required for children under 13;
- TG** Teens General, Parental involvement may be required for teenagers under 18;
- A** Adults, suitable for people with adult attitudes over 18;
- HC** Highly Confronting, an alert that some material may be disturbing.

Individual industries / producers would be responsible for self-regulation. It is intended that the current X18+ rating would be merged into the other categories as appropriate based on the impact of particular works.

3. Abolish the current Classification Scheme

- a. Move to industry self-regulation;
- b. Retain the Classification Review Board as an oversight body.

The Classification Scheme is out of touch and out of date. With the advent of the Internet, what the Classification Scheme attempted to do is no longer practically possible. Banned material is easily imported from overseas, often without the possibility for Customs to investigate. Ignoring this will destroy the credibility of the Classification Scheme, as more and more citizens actively choose to experience imported unclassified material and suffer no ill effects.

Accurate consumer advice is still very valuable. Industry, the creators of the majority of works, are best positioned to know the kind of experience audiences will have. They can provide consumer advice, and the Classification Review Board can be retained as an appeals body to handle the minority of cases where industry intentionally disregards their responsibility. This is apparently the way the Classification Board already largely functions.⁷⁴ The law can then properly enforce legislation around the production of illegal material.

- 4. **OR, Abolish mandatory classification** for films and video games (minimum change alternative);
 - a. All material would assume an adult (no minors) rating without review and can be shown or sold to adult audiences;

This is a minimum change proposal. The primary purpose of doing this, is to allow small producers of content to profit from their work without being required to seek classification. In an age when individuals can produce award winning films, requiring classification limits their ability to share their work. An assumed adult rating on all unclassified material would prevent children from being exposed to adult material. An obvious exception to this, is material made by children.

⁷⁴A Wii bit kinky: sexy spanking game rated PG but Mortal Kombat banned, *The Age*, viewed 1 March 2011, <http://www.theage.com.au/digital-life/games/a-wii-bit-kinky-sexy-spanking-game-rated-pg-but-mortal-kombat-banned-20110228-1baqx.html>

5. **Repeal** the *Classification (Publications, Films and Computer Games) Amendment (Terrorist Material) Act 2007*;

This Act was the first, and still only, piece of legislation where the Federal Government attacked the cooperative nature of the National Classification Scheme by ignoring the States and Territories. It sets a dangerous precedent for all future censorship decisions.

6. **Limit ACMA's power** to issue website takedown notices;

The only thing this has accomplished is to force business and individuals to take their hosting requirements off shore. Prohibiting legal, albeit mature, material on Australian hosts does not make the Internet 'safer' in any meaningful way. Thus, the power to issue takedown notices should be restricted to illegal material only.

7. **Create a "whitelist"** for internet content published in Australia. Reintroduce free filter software for households which desire them.

The Internet is simply too vast and too dynamic for blocking the 'bad stuff' to be practical. For young children, however, whitelists can be effective, as they truly make the Internet 'safe'. The best way to manage this would be for website operators in Australia to submit their sites for review for inclusion on the whitelist. Such sites can then be held responsible if they modify their sites to include age-inappropriate material. International websites can be added on a case-by-case basis. An additional advantage is that the whitelist can have several layers for different age ranges.

Such lists can then be made available to filter software venders without the need for security, as only 'good' material will be included. Filtering software including the whitelist should then be made available free or at cost to households which desire them. Additionally, free technical support for the installation and maintenance of the filters should also be provided to educate parents on how to use the filters and turn them off when they wish to use the Internet unrestricted.

Further proposals to blacklist inappropriate material from the Internet should be abandoned. Such attempts will never make the Internet 'safe' for children, and will only serve to undermine public trust in government. Law enforcement should be in charge of dealing with illegal material, not the Classification System.

A Terms Of Reference

On 16 November 2010 the Senate referred the following matter to the Legal and Constitutional Affairs Committee for inquiry and report.⁷⁵

The Australian film and literature classification scheme, with particular reference to:

- (a) the use of serial classifications for publications;
- (b) the desirability of national standards for the display of restricted publications and films;
- (c) the enforcement system, including call-in notices, referrals to state and territory law enforcement agencies and follow-up of such referrals;
- (d) the interaction between the National Classification Scheme and customs regulations;
- (e) the application of the National Classification Scheme to works of art and the role of artistic merit in classification decisions;
- (f) the impact of X18+ films, including their role in the sexual abuse of children;
- (g) the classification of films, including explicit sex or scenes of torture and degradation, sexual violence and nudity as R18+;
- (h) the possibility of including outdoor advertising, such as billboards, in the National Classification Scheme;
- (i) the application of the National Classification Scheme to music videos;
- (j) the effectiveness of the ‘ARIA/AMRA Labelling Code of Practice for Recorded Music Product Containing Potentially Offensive Lyrics and/or Themes’;
- (k) the effectiveness of the National Classification Scheme in preventing the sexualisation of children and the objectification of women in all media, including advertising;
- (l) the interaction between the National Classification Scheme and the role of the Australian Communications and Media Authority in supervising broadcast standards for television and Internet content;
- (m) the effectiveness of the National Classification Scheme in dealing with new technologies and new media, including mobile phone applications, which have the capacity to deliver content to children, young people and adults;
- (n) the Government’s reviews of the Refused Classification (RC) category; and

⁷⁵Australian Government, *Senate: Committees: Legal and Constitutional Affairs Committee: Inquiry into the Australian film and literature classification scheme*, viewed 1 December 2010, http://www.aph.gov.au/Senate/committee/legcon_ctte/classification_board/index.htm

- (o) any other matter, with the exception of the introduction of a R18+ classification for computer games which has been the subject of a current consultation by the Attorney-General's Department.

Comprehensive information about the Australian film and literature classification scheme is available from the government's [Classification](#)⁷⁶ website.

The main legislation relevant to the Committee's inquiry is the [Classification \(Publications, Films and Computer Games\) Act 1995](#)⁷⁷, along with the [National Classification Code](#)⁷⁸, the [Guidelines for the Classification of Publications](#)⁷⁹, and the [Guidelines for the Classification of Films and Computer Games](#)⁸⁰. There are also schemes and codes of practice for broadcasting, music and advertising: see the Classification website's page on [Classifying Television and Music](#)⁸¹.

⁷⁶Australian Government, *Classification Website*, viewed 5 December 2010, <http://www.classification.gov.au/>

⁷⁷Australian Government, *ComLaw Management - Series - Classification (Publications, Films and Computer Games) ACT 1995*, viewed 5 December 2010, <http://www.comlaw.gov.au/comlaw/management.nsf/lookupindexpagesbyid/IP200401401?OpenDocument>

⁷⁸Australian Government, *ComLaw Management - Series - National Classification Code (May 2005)*, viewed 5 December 2010, <http://www.comlaw.gov.au/comlaw/management.nsf/lookupindexpagesbyid/IP200508203?OpenDocument>

⁷⁹Australian Government, *ComLaw Management - Series - Guidelines for the Classification of Publications 2005*, viewed 5 December 2010, <http://www.comlaw.gov.au/comlaw/management.nsf/lookupindexpagesbyid/IP200508204?OpenDocument>

⁸⁰Australian Government, *ComLaw Management - Series - Guidelines for the Classification of Films and Computer Games*, viewed 5 December 2010, <http://www.comlaw.gov.au/comlaw/management.nsf/lookupindexpagesbyid/IP200508205?OpenDocument>

⁸¹Australian Government, *Classifying Television and Music*, viewed 5 December 2010, http://www.classification.gov.au/www/cob/classification.nsf/Page/CommunityandConsumers_ClassifyingTelevisionandMusic_ClassifyingTelevisionandMusic

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