

INTRODUCTION

Violence on the media might promote violent behaviour in a number of ways such as providing poor models, glorifying violent heroes, conveying the message that problems can be solved by violence, conveying the message that using violence to deal with problems does not have negative consequences, contributing to callous attitudes in bystanders, reinforcing negative sex stereotypes and blurring the idea of consent in sexual relations. The media could equally be used to promote better human relations and more realistic problem solving methods.¹

On 22 August 1996, the Senate referred to the Senate Select Committee on Community Standards Relevant to the Supply of Services Utilising Electronic Technologies the following matter for inquiry and report:

The portrayal of violence in the electronic media and related matters arising from submissions to the Committee of Ministers on the Portrayal of Violence in the Media.

The government established the Committee of Ministers on the Portrayal of Violence in the Media on 6 May 1996 in the wake of the tragic events that had taken place at Port Arthur in Tasmania on Sunday 27 April 1996. From the start, the intention was for that Committee to report back to Cabinet within a short time-frame and it did so in June 1996.

In view of the time constraints on the Committee of Ministers and of the number of public submissions received (over 700 submissions and letters) matters raised in the submissions were further referred to the Senate Select Committee on Community Standards for report after consultation with those who had expressed interest in the inquiry. The Senate Committee's report and recommendations constitute a second phase to the inquiry into the portrayal of violence in the electronic media, the first having been carried out by the Committee of Ministers.

1 Submission No 155 (Professor D Bretherton, University of Melbourne)

A list of the recommendations made to Cabinet by the Committee of Ministers in July 1996 follows. Progress to date (as at 7 February 1997) on the implementation of those recommendations is highlighted in italics below:

Research and Public Education

A specific research study should be undertaken to identify groups most at risk from the portrayal of violence, analyse reasons why these groups are at risk and identify possible solutions.

This matter was referred to the Ministers for Health and Family Services. The report on research commissioned by the sub-committee is expected to be considered by the Government shortly.

Regular public and school education campaigns should be continued.

The Federation of Australian Commercial Television Stations (FACTS) initiated an on-air information campaign about the television classification system during 1996 and 1997.

The Minister for Schools, Vocational Education and Training is to promote school education programs.

Choice and Parental Empowerment

An Industry Code of Practice for Video and Interactive Software Retailers should be introduced which requires:

- a) Classification and consumer advice to be attached to the take home video covers of all rental titles.
- b) Retail video stores to install computer systems which respond to parental preferences on membership borrowing cards so that card holders such as children or family members can be refused access to video or computer game titles beyond a specified classification.
- c) Video rental outlets to prominently display educational material relating to classifications.
- d) Rental and retail staff to be made fully aware of the legal obligations imposed by classification laws.

These matters were referred to the Attorney-General. The Australian Visual Software Distributors Association and The Australian Video Retailers Association have commenced discussion on the development of codes of practice. AVRA has circulated a draft code to its Board, industry stakeholders and members of the Association and expects to submit the code to the Attorney-General's Department by the end of May 1997.

Technical blocking devices should be built into all new television sets with implementation details to be decided in consultation with industry.

Technical blocking devices should be made available for existing analogue television sets with implementation details to be decided in consultation with industry.

The Department of Industry, Science and Tourism and the Department of Communications and the Arts have commenced consultation with the broadcasting and electronics industries on the form and timing of implementation.

Legal Processes and Enforcement

Prohibitions should be introduced on the export of all refused classification materials ensuring export regulations are consistent with import regulations.

Subject to consideration of resource implications the Australian Customs Services should increase vigilance in respect of prohibited material at the Customs barrier.

These matters were referred to the Attorney-General and the Minister for Small Business and Consumer Affairs.

The Australian Customs Service, in consultation with the Attorney-General's Department, has issued drafting instructions to the Office of Legislative Drafting in order to implement the necessary legislative changes. A draft has been received and is currently being settled between the relevant agencies.

The Commonwealth Attorney-General should discuss with State Censorship Ministers arrangements to make it an offence to possess films, videos, and video and computer games that have been or would be refused classification because of violent content.

This issue is under consideration by Commonwealth, State and Territory Censorship Ministers. It is understood that this matter will be discussed further at a meeting scheduled for March 1997.

The Commonwealth Attorney-General should propose to State Censorship Ministers that consideration be given to the expansion of the Community Liaison Officer (CLO) scheme into a national scheme covering all jurisdictions. The CLO Scheme provides assistance to State enforcement agencies and industry, particularly at retail level. CLOs should be invested with State powers at least sufficient to permit the confiscation of illegal material.

Victoria, South Australia, the Northern Territory, and the Australian Capital Territory had previously agreed to participate in a trialing of the scheme for one year. At the October meeting of the Standing Committee of Attorneys-General, Tasmania also agreed to join the scheme. NSW, Queensland and Western Australia will reconsider their position at the end of the trial period.

Broadcasting and Classification

The Commonwealth Attorney-General should propose to the State Censorship Ministers that they amend current draft OFLC classification guidelines for films and videos to remove the high level violence material from the 'R' classification resulting in such material being refused classification.

On 11 July 1996, the Attorney-General and State and Territory Censorship Ministers amended classification guidelines for films and videos to remove high level violence material from the R classification. Such material would now be classified as RC (Refused Classification). Implemented by the Office of Film and Literature Classification.

The Commonwealth Attorney-General should propose to the State Censorship Ministers that the Classification Board recall for reclassification those films classified high 'M' prior to 1993 such as Cape

Fear and Silence of the Lambs which are now likely to attract an 'MA' classification.

The continued modification, in accordance with Office of Film and Literature Classification guidelines, of films by free to air broadcasters in recognition of the community expectation that lower levels of violence should be depicted on television than portrayed in cinema films.

These are matters for national and commercial broadcasters to implement through their respective codes of practice. The revised draft Federation of Australian Commercial Television Stations Commercial Television Industry Code of Practice contains a clear reference to the need to modify films in this way.

The broadcast of MA programs carrying a consumer advice V symbol should only be shown between the hours of 9.30pm and 5am.

FACTS has released a revised draft code which proposes a new AV classification with a 9.30pm to 5.00am time zone.

All broadcasters should review complaints mechanisms so as to ensure that they are effective and responsive to community concerns.

These also are matters for national and commercial broadcasters to implement through their respective codes of practice.

Community Representation

The Commonwealth Attorney General should review the composition of the Classification Board and the Classification Review Board to ensure that they are broadly representative of the Australian community as required under the Commonwealth Act. The Attorney General to ensure that the terms of appointment of members of the Board enable the regular rotation of Board membership.

The review of the Classification Board and the Classification Review Board has been completed. The Attorney-General has since announced that he has requested his Department to review the selection process for appointments to the Classification Board.

Monitoring Public Concerns

Matters arising from submissions to the Committee should be referred to the Senate Select Committee on Community Standards Relevant to the Supply of Services Utilising Electronic Technologies or to a Task Force of Government Members (with a reporting date to be determined) in order to ensure that the Government is fully apprised of community expectations and to enable all submitters to have an adequate opportunity to be heard.

The Senate Committee tabled its report on 13 February 1997.

The Senate Committee's inquiry concentrated on the views of the community as revealed in submissions. Following a close reading of the 700 submissions, the Senate Select Committee on Community Standards invited almost 10 per cent of those who had made submissions to the Committee of Ministers to attend a public seminar in Canberra on 29 November 1996. Seminar participants were selected on the basis of whether their submission made a substantial contribution to the debate on the portrayal of violence in the media. However, not all those who were invited were able to attend.

Organisations that had already made oral presentations to the Committee of Ministers were not initially invited to participate in the Senate Committee's seminar since they had already been heard. These included the Australian Broadcasting Authority (ABA) the Federation of Australian Commercial Television Stations (FACTS) the Australian Broadcasting Corporation (ABC) the Special Broadcasting Service (SBS) and the Australian Visual Software Distributors Association (AVSDA). Most expressed interest in the Committee's seminar which was open to the public and chose to send representatives as observers.

The Director of the Office of Film and Literature Classification (OFLC) Mr John Dickie, was the only person who had appeared before the Committee of Ministers who was also invited to act as a facilitator at one of the Senate Committee's seminar sessions. The Committee felt that it was important for seminar participants to have access to an expert on classification issues.

It must be stressed at the outset of this report that submissions to the Committee of Ministers and the Senate Select Committee on Community

Standards were not equally divided on the issue of the portrayal of violence in the electronic media. Some 99 per cent of submissions called for action to reduce the amount of violence portrayed. The remaining one per cent of submissions argued for a no-change approach on the basis that stricter rules for classification and stricter regulation of media broadcasters and distributors would be an infringement of people's right to see and hear what they wish.

Since participants in the Senate Committee's seminar were drawn from individual and groups who had made submissions to the Committee of Ministers (the overwhelming majority of which called for reductions in the levels of violence portrayed) it was not surprising that most participants proved to be critical of the electronic media industry for what they saw as its tolerance of violent material. In this report the Senate Committee addresses in turn, the main issues contained in the majority of submissions and raised at the public seminar held on 29 November 1996.

In order to ensure that a fair hearing had been given to all those concerned, after its public seminar the Committee wrote to the major players in the film, television (both commercial and government-funded) video and computer software distribution industry sending them a copy of the Hansard transcript of the seminar proceedings and inviting comments. Responses were received from the Federation of Australian Commercial Television Stations (FACTS) and the Federation of Australian Narrowcasting and Subscription Services Inc. (FANSS) and the Eros Foundation.

COMMUNITY CONCERN

The strong support expressed in submissions for a reduction in the amount of violence shown must be seen in the broader context of community attitudes generally and of the shocked reaction in the wake of the Port Arthur massacre. Public opinion polls conducted after the mass murders showed that up to **68 per cent** of those surveyed favoured more restrictions on violent movies, videos and video games and **75 per cent** of voters believed violence on television was excessive.²

Public concern was fuelled by a debate in the electronic and print media about the effects of film violence on certain people and by statements by prominent figures in the entertainment industry, such as the actor Dustin Hoffman who told the 1996 Cannes Film Festival: "Do I think screen violence contributes to violence on the streets? Of course the answer is yes". Hoffman was supported by film directors, including Francis Ford Coppola who had made the *Godfather* trilogy and George Miller, the maker of the *Mad Max* series who called the easy availability of violent films and high-powered guns "a lethal mix".³

The strong community feelings revealed by the public opinion polls had not developed overnight: As far back as 1990, the Australian Broadcasting Authority's predecessor, the Australian Broadcasting Tribunal found that 60 per cent of adults surveyed believed that too much violence was shown on television.⁴ The ABA's latest survey of audience concerns (which preceded the Port Arthur events) found that violent portrayals remains a major concern after news and current affairs: 71 per cent of the sample surveyed thought too much violence was shown in movies starting at 8.30 pm on commercial television.⁵

Submissions came from a broad spectrum representative of the Australian community, covering all states and men and women of all ages. A substantial number of submissions (not petitions) came from

2 *The Australian*, 14 May 1996 (Newspoll) and *The Age*, 17 July 1996 (AGB McNair)

3 *The Australian*, 13 May and 17 May 1996

4 Australian Broadcasting Tribunal (ABT) *TV Violence in Australia*, Report to the Minister for Transport and Communications, 1990.

5 Australian Broadcasting Authority, *Your say, A review of audience concerns about Australia's broadcast media*, Sydney, 1996, p.33

groups and were signed by more than one person (for example, there were 74 signatures from the National Council of Women of Tasmania). Members of Parliament, both state and federal put in submissions on behalf of their constituents. Other submissions were written as a result of public meetings (Tamworth City Council held such a meeting).⁶

Educators were particularly strong in voicing their opinions because of a feeling that violent television programs and videos make their task of educating the young more difficult. A particular concern was the unsuitability, as a role model, of the "super hero" who has recourse to violence to achieve his goals. Many teachers felt that young boys in particular (under 8 years) who identified strongly with such characters often behaved in ways that were unacceptable in a group situation. This was a view expressed by teachers from the government-funded system as well as from denominational schools. Their concern was supported by Young Media Australia Director, Barbara Biggins who told the Senate Committee:

Our classification systems presently reflect a proper concern to minimise children's and young people's exposure to extreme forms of violence, but they are not adequately reflecting concerns about the socialising effects of violent heroes on the young.⁷

Other professional groups well represented in submissions were psychologists, some of whom spoke of the damage that they see in children exposed to violent material at a young age (ranging from nightmares to phobias and excessive fear of social contact in a world perceived to be more dangerous than it really is). Social workers also expressed concern that young people referred to them for professional assistance often watched an inordinate amount of violent material.⁸

Their concern was not only that poor role models were being presented to young people who were at a vulnerable stage in their development but that a worrying trend was developing towards portraying the violence from the perpetrator's perspective. This approach does not readily allow the viewer to feel empathy for the victim and it could have long-term negative effects on the social development of young people.⁹

6 Submissions No 102, 397, 96060212

7 Hansard, Friday 29 Nov. 1996, p.41 (Ms Biggins)

8 Submission Nos 27, 170, 173

9 Submission No 27 (Prof Sheehan)

Even if such material is rated R, once available on video, it can be obtained by someone over 18 years of age for the use of much younger people.

Submissions called for the inquiry to address the issue of the sale and distribution of X-rated videos from the Northern Territory (NT) and the Australian Capital Territory (ACT). The Senate Select Committee stresses that the issue of sexually explicit material (which is given an X-rated classification) is technically outside the scope of its inquiry's terms of reference and, accordingly, it will not be considered in this report. The Committee is aware that many of those who raised that matter did so from the viewpoint of the seminar participant who considered the X-rated video industry to be "a violence against women".¹⁰ It understands the concerns of those who hold such views and it is mindful of evidence presented on this point to the Joint Select Committee on Video Material. Professor James Check met with the Joint Committee to discuss his research data which showed that

those who had been exposed to Category II non-violent pornography subsequently reported a higher likelihood to rape, and to force unwanted sexual acts on women, than subjects who had not been so exposed.¹¹

The Office of Film and Literature Classification (OFLC) *Guidelines for the Classification of Films and Videotapes* (approved on 11 July 1996 by the Commonwealth State and Territory Censorship Ministers) state that the X-rated ¹²classification:

is a special and legally restricted category which only contains sexually explicit material. That is material which contains real depictions of actual sexual intercourse and other sexual activity between consenting adults, including mild fetishes.

10 Hansard, Friday 29 Nov. 1996, p. 64 (Mrs Casley-Smith)

11 *Report of the Joint Select Committee on Video Material*, Vol 1, Canberra, AGPS, 1988, para. 13.57 (p.205)

12 NB: This classification is for material only available on video and can be obtained only from the ACT and Northern Territory.

No depiction of sexual violence, sexualised violence or coercion, offensive fetishes, or depictions which purposefully debase or abuse for the enjoyment of viewers is permitted in this classification .¹³

Accordingly, the Committee has kept within its terms of reference and has concentrated its inquiry into how physical violence is portrayed in the electronic media in programs including news, current affairs, documentaries and films and videos rated in the G, PG, M, MA and R categories. It has not inquired into issues of what constitutes coercion and consent and whether an X-rated or a Refused Classification (RC) should apply to a sexually explicit video because these matters are clearly outside this inquiry's terms of reference. A summary of how the OFLC's Guidelines are applied in the allocation of the various categories just listed is at Appendix 1.

13 Office of Film and Literature Classification (OFLC) *Guidelines for the Classification of Films and Videotapes* 1996, p 13.

WHAT CAN GOVERNMENTS DO?

When releasing the terms of reference and membership of the Committee of Ministers, the Minister for Communications and the Arts pointed out that the Coalition parties had indicated during the 1996 federal election campaign that, if elected, they would review television codes of practice in relation to the portrayal of violence.¹⁴ However, the government's decision to set up an immediate inquiry was announced against the backdrop of the shocking events at Port Arthur and it is in this climate that the Senate Committee has conducted its further inquiry. In such a climate, there are many who want to see immediate action and who would prefer to believe that simple solutions can be found in order to stop the recurrence of mindless killings. Confronted with repeated media reports of police finding large numbers of violent videos in the personal belongings of persons accused of mass killings in recent years, some are pointing an accusing finger to the industry responsible for the production, broadcast and distribution of this material.

The majority of the 700 submissions received by the Committee offered suggestions on how to reduce the amount of violence portrayed in the electronic media. A substantial number called for governments to place a total ban on violent films. There were also repeated calls for complaints mechanisms to be more accessible and responsive. Other suggestions included a continuing ban on R-rated programs on pay television and on-the-spot fines for television networks that breach their own codes of practice, that is the Federation of Australian Commercial Television Stations (FACTS) Code of Practice or the ABC and SBS Codes of Practice. Ideas were put forward on how to refine the classification process to make it more in tune with community standards. The Committee will return to the issue of classification later in this report.

In view of the prominence given to the need to "do something" in the majority of submissions and at the Senate Committee's public seminar, a sample of the measures suggested by participants is listed below:

14 Senator the Hon. Richard Alston, Minister for Communications and the Arts, Press Release, 8 May 1996, p. 1

Classification and Consumer Advice:

- That a more elaborate system of classification be devised for under 15 year olds so that more information is given to parents. For example, horror, violence and sex could be signalled and parents given some indication of whether a film contains material that is problematic for an under 8 year old or an 8 to 12 year old.
- That film producers be encouraged to submit to the OFLC (Office of Film & Literature Classification) the reasons for the amount and type of violence portrayed in their films.
- That film producers should be encouraged to make a claim for the level of classification which they believe to be appropriate to their productions. This would enable those involved in classification decisions to engage in dialogue about the potential effect of the violence portrayed.
- That television stations be required to state the reasons behind the classification they give to movies shown in the 8.30 pm time-slot.
- That violent cartoons based on toys from the United States (or elsewhere) be banned in Australia and that the US Federal Communications Commission be informed of the decision.
Alternatively, that the classification level (currently G) of toy-based cartoons originating from the United States be reviewed because of the level of violence depicted in them.
- That during television time allocated for children (before school time in the morning and after school in the afternoon) advertising for television shows broadcast in other time slots should be limited to categories deemed appropriate for children.
- That the type of consumer advice given on video jackets and prior to television screening of films be more detailed in regard to the level and frequency of the violence portrayed. For example, just as a film can be said to be 3 stars ***, a violence rating (V) could be given in the form of (VV) or (VVV)

depending on the frequency and intensity of violent episodes portrayed in the film.

- That selected members of the general public (including parents and teachers) be given the opportunity to provide feedback to those who serve on the Classification Board.¹⁵

Film Production:

- That funding incentives, in the form of a grant or a taxation incentive be given to producers to make films of a non-violent nature.
- That an award system be developed to encourage the production and promotion of non-violent films (films in which conflict is resolved in non-violent ways). The award selection mechanism could involve the National Violence Prevention Awards organisation, the United Nations Association of Australia and the Australian Film Institute (AFI).
- That men and boys in particular be exposed to male role models that are positive and encouraging and that help them see that "a real man does not have to be violent"¹⁶ or to always respond violently in conflict situations.
- That film producers be encouraged to canvass non-violent solutions in their films (portraying alternative solutions to killing others or oneself as a means of resolving personal dilemmas and or conflict).

Television Broadcasters

- That television stations use a blurring image effect (as they are legally required to do for news coverage of certain court

15 NOTE: The Attorney-General announced on 27 December 1996 that State and Territory Censorship Ministers have agreed in principle to such a proposal.

16 Hansard, Friday 29 Nov. 1996, p 66 (Mr Laming)

proceedings) when reporting violent occurrences at sporting events.

- That a *Hotline* be re-introduced for the public to register complaints about television programs to the Australian Broadcasting Authority (along the lines of the hotline service offered by the former Australian Broadcasting Tribunal (ABT).

That "on the spot" fines of up to \$100,000.00 be introduced for breaches by television networks of their own Codes of Practice.

Video Distribution

- That the hiring time for violent videos be reduced to a maximum of 24 hours and that large penalties be imposed on video retailers for any breaches of rules governing the distribution of violent material.
- That a violence levy be imposed on video distributors and retailers so that they have to pay a large sum to distribute violent videos. They would then have to charge higher than normal for renting out those videos. This would act as an economic disincentive to children's hire of such material.
- That an intensive public education campaign be conducted to educate parents and children about the potentially harmful effects of violent videos.
- That there be a legal requirement that labels be placed on violent videos warning that they contain material that are potentially detrimental to the well-being of children and adolescents.

All Categories

- That a community education campaign be conducted on the lines of the anti-smoking and *Clean-Up Australia* campaigns, stressing the possible adverse effects (especially on children) of over exposure to violent images.

RESEARCH FINDINGS

For many years now, research has been conducted on possible links between watching violent material in the electronic media (playing with that material in the case of computer and video games) and subsequent violent behaviour. The majority of submissions to the Committee quoted one or more of the research findings to support the argument put forward and many claimed that the research "proved" that exposure to on-screen violence caused aggressive behaviour, including killings. Alternatively, the few who made submissions against any change in current classification, broadcast and distribution practice argued unanimously that since it was not possible to demonstrate a direct cause and effect link between watching violent action and subsequently engaging in such action, the government should not take steps that might affect access to any type of entertainment or information currently available through any branch of the electronic media.

The ABA, the OFLC and the Australian Institute of Criminology (AIC) submitted research findings to the Committee of Ministers which they took into account in their report and in making their recommendations. The Senate Committee found the regular surveys conducted by the ABA to assess Australian attitudes and expectations of what is shown on television very useful to its work.

While they are useful in indicating what the viewing public expects, attitudinal surveys do not help us find out about the effects of media violence. The Committee is aware of the complexity of the problem faced by researchers in that area since so many factors are involved in influencing human behaviour that it is almost impossible to isolate the impact of any particular factor. There is now such an amount and diversity of research on the effects of violent images accessed through the electronic media that Dr Adam Graycar, the Director of the Australian Institute of Criminology (AIC) told the Committee at its public seminar:

Essentially...you can find something in the literature to back up any point of view you want. They are all rigorous studies; they are all carefully done..¹⁷

17 Hansard, Friday 29 Nov. 1996, p.5, (Dr Graycar)

Dr Graycar based his remarks on a paper written for the AIC by Melanie Brown (and distributed at the Senate Committee's seminar) which reviewed the literature in this area. It highlighted that the causes of aggressive behaviour are extremely complex because so many factors are involved and it is almost impossible to isolate one possible cause from another. Not every person who watches violent acts on screen go on to imitate them and, although the public is concerned about the effects of on-screen violence, there are many factors in society (such as poverty, violence and abuse in the home and cultural disintegration) that impact on violent behaviour. However, the paper pointed out that the research findings include:

- watching violence on screen is related to increased aggression, desensitisation to violence and increased fear of crime...
- the relationship between viewing violent screen images and exhibiting aggressive behaviour appears to be bi-directional. That is aggressive people are more likely to watch violence, and people who watch violence are more likely to be aggressive
- the context in which violence is portrayed plays a critically important role in relation to its effects...
- children are most at risk from these effects, and young adults may also be at risk.¹⁸

The paper also refers to Paik and Comstock's analysis of 217 studies (1994) which concluded that "there is sufficient evidence to suggest an association between watching violence (and erotica) on television and subsequent aggressive behaviour"¹⁹

Dr Graycar's comments at the public seminar reinforced this point:

When we were trying to say what triggers off violence after watching some aspect of violence in the media, we could not determine any causes and effects....But the majority of studies that were reviewed concluded that there are a number of adverse effects from watching violence on television and films: effects such as increased aggression, desensitisation to violence, and increased fear

18 Brown, M. *The Portrayal of Violence in the Media: Impacts & Implications for Policy, Trends and Issues in Crime and Criminal Justice* No 55, Australian Institute of Criminology, Canberra, June 1996.

19 As above.

of crime – particularly among young children and adolescents, who are the most vulnerable.²⁰

Rather than concentrating on a largely inconclusive cause and effect debate, the Senate Committee's view is that action should be taken on the basis of the consensus among researchers that there are possible adverse effects from watching violence and that children and adolescents are particularly vulnerable. It is with a view to protecting the most vulnerable in society that the Committee has made its recommendations in this report.

Most submissions supported such an approach arguing that even if it is only probable that there is an **association** between repeated viewing of violent material and aggressive behaviour, the community cost of events such as the Port Arthur and Hoddle Street massacres is so high that the interest of the community should take precedence over individual liberty in the same way as it does on national highways. Most drivers act responsibly and take care of their vehicles, do not drink-drive or drive at excessive speeds but since there are a few who are willing to break all the rules and put all others at risk, speed and blood alcohol level limits are set at a level which minimise the danger for everybody.

Portraying the Consequences

In one of the most informative submissions to the inquiry, Professor Peter Sheehan, on behalf of the National Committee for Psychology, stressed that the combination of realistic film effects in portraying the actual acts of violence and the failure to follow this up with a realistic portrayal of the consequences of the violence on both victims and perpetrators can have negative consequences on the behaviour of children and other immature individuals. The reality is so distorted that the viewer might learn a repertoire of aggressive responses without ever confronting what the consequences might be:

Very violent films often teach in addition a tacit acceptance of "might is right," that violence is a proper way to resolve problems. And

20 Hansard, Friday 29 Nov. 1996, p.5-6 (Dr Graycar)

where the violent action is rewarded, the violent behaviour is seen to be often successful in gaining what the perpetrator wants.²¹

This thesis was supported by the experience of a worker in a behaviour change program for violent men in Victoria who told the Senate Committee:

One of the things that comes out of education groups, both with young men who have been charged and convicted of assault in the community and with men who have been found guilty of domestic violence, is that a key common denominator is that they do not have to take responsibility. They are not faced with the consequences, ramifications and effects of their violence or abuse, and that allows them to get away with whatever form of violence it is, and they identify that as one of the factors that affects their re-offending and not taking it seriously.²²

There was discussion at the Senate Committee's seminar about the need to tackle the problem of violence in films and other television programs at the production end rather than at the broadcasting and distribution end when classification and local censorship are applied. In addition to offering incentives to script-writers and producers to make non-violent movies and programs, it was felt that an effort should be made to raise their awareness of how young people perceive the violence they watch and what their reactions are.

A responsible approach

There is a need for example, to bring to the attention of professionals involved in writing and producing television shows recent research findings on the importance of the context in which violence is portrayed and on the portrayal of the consequences of violence, both on the perpetrators and on their victims. The Director of the OFLC quoted recent research from the University of California, which looked at this issue: The researchers found that in about 74 per cent of cases portrayed, the perpetrator of violence did not suffer any consequences of his actions. More disturbingly, in only 16 per cent of television shows, was any attempt made to subsequently confront the viewer with the real

21 Submission No 27, p.2 (National Committee for Psychology)

22 Hansard, Friday 29 Nov. 1996, p.11 (Mr Laming)

effects of the violence portrayed (how the victims or even the places were after the violence had been committed).²³ The Senate Committee believes that this type of research should be more readily highlighted among film writers and producers.

Some submissions pointed out that it appears to be easier for film production teams and for script-writers in particular to use violence as a conflict resolution mechanism rather than further the action through character development or other means. *Young Media Australia* told the Senate Committee that it had identified this problem and had already sought funding for a proposal:

to run seminars for writers and storyboarders about developing alternatives to portrayals of violence... looking at how you can make your scenarios just as exciting and interesting without resolving your conflict with violence.²⁴

While this is an excellent idea, it would only resolve part of the problem because most of the material portraying high level violence that is shown on Australian television stations originate from overseas. Nevertheless, the Senate Committee believes that every effort should be made to encourage the making of non-violent programs. Accordingly, the Committee recommends:

That organisations such as Young Media Australia, the Australian Broadcasting Authority and the Australian Film and Television School be given a financial allocation to run seminars for script writers and film and video games producers aimed at highlighting the need for a more balanced and realistic portrayal of the long term effects of violence. (Recommendation 1)

23 Hansard, Friday 29 Nov. 1996, p.11 (Mr Dickie)

24 Hansard, Friday 29 Nov. 1996, p. 62 (Ms Biggins)

FOCUS ON TELEVISION

Concern with the portrayal of violence on television is not new. The National Committee on Violence (NCV) set up in 1988 as a result of a Commonwealth/State Agreement made in 1987²⁵ to investigate all aspects of violence in Australian society, published a pamphlet on the issue of *Violence on Television*. The Chair of the National Committee wrote at the time:

Of all aspects of violence considered by the NCV, the issue most frequently raised in submissions from the general public was that of violence and the media. Research commissioned by the Australian Broadcasting Tribunal also highlights the concern felt by many Australians about the impact of televised violence upon the community.²⁶

In its extensive report, the National Committee on Violence made five recommendations aimed specifically at media organisations. These are reproduced at Appendix 2. It is interesting that submissions to this inquiry show that public demand for more pro-social and non-violent television programs and concern with the glorification of violence, especially in sport, remains as strong today as it was almost a decade ago.

In the interim, the television industry has responded to community concerns by reviewing their codes of practice. In March 1991, FACTS issued a pamphlet, *The Portrayal of Violence on Television, A Code of Industry Practice*, bringing together for the first time the different guidelines that commercial television broadcasters had on the portrayal of violence. The ABC and SBS also reviewed their codes.

Again in the week following the Port Arthur massacre, commercial television stations withdrew advertised movies that contained high level violence from their programs and in June 1996, FACTS launched an extensive on-air advertising campaign explaining the classification symbols used and highlighting the on-screen advice available to parents to assist them in controlling what their children watch. FACTS is also

25 Note: The National Committee on Violence was set up in the wake of continuing community disquiet partly triggered by the mass murder in Queen Street, Melbourne during 1987.

26 Wright, Andree, *Violence on Television*, Pamphlet No.6, National Committee on Violence, 1989

amending its Code of Practice so that programs classified MA (where higher levels of violence may be portrayed) would be shown at 9.30 pm rather than at 9.00 pm. Both the ABC and SBS told the Committee of Ministers that their programming styles did not generally involve excessive portrayal of violence. They argued that they showed MA programs beginning at 9.30 pm and that they operated well within community standards.

FACTS's efforts to amend its Code of Practice reflects the television industry's willingness to meet community expectations in relation to the portrayal of violence on television. Yet, submissions to the Ministerial Committee after the Port Arthur events and opinion polls indicate that public concern about violence on television remains strong. Why does the public find it hard to accept that the television stations are acting in good faith on this issue?

The behaviour of the TV stations may provide part of the clue to the attitude of the community. In relation to television program promotion practice, for example: A movie might contain few episodes of violence but it is often the most violent one that will be highlighted and shown repeatedly in promotion segments giving a distorted impression to those who will not watch the movie but who may see the same violent extract repeated dozens of times while they are watching another program. A key factor here is that while viewers can choose to avoid a violent program if they prefer, they do not have the same control over violent images shown in promotions for other programs.

Program promotion managers might argue that they select the violent image for use in the screen promotion because it is the surest way to catch the attention of potential viewers. In a climate where the community is indicating its concern about the amount of violence on television, it seems to the Committee that program promoters should avoid repeated use of violent sequences in screen promotions and concentrate instead on highlighting other dramatic aspects of their programs.

This focus on violence often extends to promoting the evening news bulletin. Those bulletins will often carry distressing news (sometimes the result of violent acts) from not only the local area but from national and international sources as well. The result is that many viewers of other programs feel that they are being bombarded with violent images

which appear disproportionate to each individual's limited personal experience of violence.

Effectiveness of the Codes of Practice

Another major contributor to the negative public perception of television stations' willingness to deal with violence in programming is the extent to which the stations themselves abide by their own Codes of Practice. There is no doubt that a lot of thought and community consultation have gone into the development of the codes (FACTS, the ABC's and SBS's). They meet the requirements of the *Broadcasting Services Act 1992* and they provide excellent guidelines on how to deal sensibly and sensitively with the issue of violence. However, the bulk of submissions indicate that there is a feeling in the community that self regulation has not worked satisfactorily because television stations do not abide by the rules they have made themselves.

This appeared to be a problem particularly in relation to children's viewing times. One example mentioned was in terms of screening inappropriate program promotion (usually the news or other programs scheduled for the early evening) during children's viewing times in the afternoon and early evening viewing times.²⁷ This is in spite of the FACTS Code of Practice, for example, stating:

In "G" viewing periods and in all "G" programs starting at 3.30 pm on a weekday, or broadcast between 7.30 pm and 8.30 pm on any day, no program promotion may include material (whether visual or auditory) which involves:

the use of guns, other weapons or dangerous objects in a manner clearly intended to inflict harm or to seriously menace;

heavy punches, blows or other physical violence against people or animals;

any form of violence or cruelty to children;

genuinely threatening or frightening situations;

sequences that involve loss of life

27 Hansard, Friday 29 Nov. 1996, p.75

close-up vision of dead bodies

close-up vision of bloodied, maimed or wounded bodies;

nudity or partial nudity

depictions of, or discussions about, sexual activity except of the most innocuous kind

improper language, including mild expletives

approving or condoning references to illegal drug use.²⁸

This Clause (3.6) of the FACTS Code of Practice applies from 3.30pm and includes the 7.30pm to 8.30 pm time slot. The intention is apparently to protect children. It is equally clear from submissions made to the Committee, that parents do not feel that television stations are abiding by their codes of practice in that area. This may be a problem particularly during *News* bulletins and *Current Affairs* shows. The Committee will return to the issue of violence shown in *News* and *Current Affairs* programs later in this report. In its submission, *Young Media Australia* gave the Committee examples of breaches of the FACTS Code of Practice which it had successfully complained about: Breaches included showing screen promotions that included violent material during children's programs and screening violent cartoons with inappropriate classification during general viewing (G-rated) periods.

The Committee notes that the information package released by FACTS to accompany the Review of the Commercial Television Industry Code of Practice in August 1996 revealed that the "unsuitable scheduling of screen promotions" was the most often upheld consumer complaint since the FACTS Code of Practice has been in operation in 1993.

The Committee recommends:

That the Australian Broadcasting Authority undertake, at different times and for limited periods, a review of television stations practice in the area of program promotion between the hours of 3.30pm and 8.30pm, against their written codes to assess the extent of compliance (or otherwise) with their Codes of Practice. (Recommendation 2)

28 Federation of Australian Commercial Television Stations, (FACTS) *Commercial Television Industry Code of Practice and other Self-regulatory Documents.*, August 1993, Clause 3.6 (p.31)

There was widespread agreement among witnesses that stations make it difficult for people to register their disapproval. Committee members themselves have experienced TV stations reluctance to deal with criticism of their programming.

When we write to the television stations, they say, 'Sorry, we want you to ring in at the time it is being shown.' When we ring in at the time it is being shown, they say, 'You're the only one who has complained, and you've already seen it, it's already been out anyway.' That is a comment we have had consistently over the last three or four years.²⁹

The Committee notes FACTS's explanation that the above example may simply reflect a misunderstanding arising from the possibility that the complainant might have complained after the 30 day period during which stations are required to investigate complaints about programs they have broadcast.³⁰

The Senate Select Committee has been concerned for some time that breaches of the codes of practice occur and that when they do, there is reluctance on the part of the television station concerned³¹ to address the issue. Under section 148 of the *Broadcasting Services Act 1992*, the complainant can then turn to the Australian Broadcasting Authority and the Authority is required (under section 149) to investigate the complaint and notify the complainant of the results of its investigation. It is not clear whether the majority of viewers are aware of their rights in this regard. The evidence before the Committee is that many of those who would like to register a complaint to a television station find the process cumbersome and the stations uncooperative.

Accordingly, the Committee recommends:

(a) That a telephone/fax *Hotline* be re-introduced by the Australian Broadcasting Authority for the public to register complaints about

29 Hansard, Friday 29 Nov. 1996, p 28 (Mrs Grant)

30 Letter to Committee Chairman from Mr Tony Branigan, General Manager of FACTS, 28 January 1997

31 Note: In the Committee's experience, the government funded stations have generally been prepared to accept responsibility for breaches of their own code of practice.

television programs. The *Hotline* could work in a similar way to the one operated by the former Australian Broadcasting Tribunal.

(b) that the ABA report on the operation of the *Hotline* in its annual report. (Recommendation 3)

and

That the *Broadcasting Services Act 1992* be amended to allow the Australian Broadcasting Authority to impose penalties, including "on the spot" fines of up to \$100,000.00 on television stations for proven breaches of their own codes of practice.

A decision on whether non-compliance had occurred would be required to be made within a 48-hour period. (Recommendation 4)