

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO

Group: 2

Program: 1.1

Question No. AE15/057

Senator Leyonhjelm asked the following written question from the 24 February and 27 March 2015 hearing:

1. Regarding the argument that the distinction has led to the frequent airbrushing away of prominent features of post-pubescent female genitalia, can the Department outline reasons for and against this argument? Can the Department provide to the Committee any documents in its possession relating to this argument?
2. Regarding the argument that the aforementioned airbrushing has contributed to a misunderstanding of what is normal, which in turn has contributed to an increase in the number of women seeking labiaplasties, can the Department outline reasons for and against this argument? Can the Department provide to the Committee any documents in its possession relating to this argument?

The answer to the honourable senator's question is as follows:

It is not appropriate for the Department to provide reasons for or against particular arguments.

The Classification Board makes decisions applying the criteria set out in the Classification (Publications, Films and Computer Games) Act 1995, the National Classification Code and the Guidelines for the Classification of Publications (the Guidelines).

The Board does not modify or direct that modifications be made to material to enable classification; rather the Board classifies the content that the publisher submits. Decisions to airbrush or alter images in any way is a decision for the publishers of those magazines or publications.

The relevant provisions with respect to Nudity in the Guidelines for Unrestricted publications provide:

Realistic depictions of sexualised nudity should not be high in impact. Realistic depictions may contain discreet genital detail but there should be no genital emphasis. Prominent and/or frequent realistic depictions of sexualised nudity containing genitalia will not be permitted. Realistic depictions in which sexual excitement is apparent are not permitted.

The relevant provisions with respect to Nudity in the Guidelines for Category 1 Restricted publications provide:

Realistic depictions of nudity may contain genital detail and emphasis. Realistic depictions of obvious sexual excitement may be permitted. Realistic depictions may include touching of genitals.

Depending on the depictions in question, certain publications can only be sold in restricted premises or not sold at all (the legislation governing sale of publications (as distinct from the classification of publications) is state based and varies from jurisdiction to jurisdiction).