
CENSORSHIP REVIEW

by Margaret Ryan

*The ALRC reviewed the procedures under which films and publications are classified and censored in Australia. The Commission's final report, *Censorship Procedure*, makes recommendations to simplify the classification process, give it national application and allow for greater community input to censorship issues.*

Reflecting community standards

The previous issue of *Reform* contained an article about the ALRC's discussion paper on censorship procedure. (See *Winter Reform* No 62, p 67—69). Submissions in response to the Commission's discussion paper indicated that many people are not satisfied that the decisions of the Film Censorship Board or the Film and Literature Board of Review reflect community standards. To ensure that members of both Boards are kept 'in touch' and up to date with the attitudes and values of the wider community, the Commission recommends that the Office of Film and Literature Classification, which houses the Boards, conduct a continuing program of community consultation and research. Also, the Boards should, as far as possible, be broadly representative of the Australian community.

Public participation in censorship policy

Several other recommendations increase the opportunity for members of the community to participate in the development and application of censorship policy. These include recommendations that proposed changes to the classification criteria or to the classification legislation should be exposed for public scrutiny and comment for three months and that any person should be able to appeal to the Review Board against a decision of the Classification Board, provided the person is acting

in good faith and is not merely meddling and provided the appeal is not from a merely advisory classification (G, PG or M) to another advisory classification.

A national classification scheme

The centrepiece of a uniform, national scheme for classifying films and publications would be a federal Act establishing the Classification Board and the Classification Review Board and detailing the procedures for classifying films and publications. Classifications under that Act would be determined in accordance with criteria agreed upon by the Commonwealth, the States and the NT and set out in a code. The States and the NT would use the classifications given under the federal Act. Each State and Territory would continue to regulate the sale, hire and exhibition of films and publications.

Such a scheme would eliminate the present duplication of censorship laws around Australia arising from the fact that the classification of films and publications is the responsibility of individual jurisdictions (except the ACT, whose classification policy is determined by the Commonwealth). The report includes a set of offences intended as a model set for all jurisdictions.

Classification policy

The issue of whether there should be an X category and whether X-rated videos should remain available for sale in the Northern Territory and the

Australian Capital Territory, did not fall within the ALRC review. Despite this, many submissions criticised the Territories for permitting the sale of X-rated videos and complained about the fact that they can be obtained easily by mail order even though they are banned from sale in the States. The report makes the comment that this situation will continue unless either the Commonwealth and the NT change their classification policy so that material now classified X will be classified 'Refused Classification' (RC) or the Territories decide to ban the X-rated videos. In the meantime, the report notes that it would be consistent for the States to ban the advertising of X-rated videos. Strict enforcement of such a prohibition would severely hinder, if not eliminate, the mail order industry and thereby give effect to the States' policy of restricting the availability of X-rated videos in the States.

Child pornography

In the light of the likely connection between child pornography and child abuse, the report recommends that the possession and production of child

pornography be prohibited. The Commission does not recommend, however, that the possession in private of films or publications classified 'RC' (and thereby deemed unsuitable for public dissemination) be prohibited unless there is a specific policy reason, such as there is in relation to child pornography.

Computer games

The report recommends that computer software be included in the definition of 'publication'. The Commission acknowledges that because of enforcement difficulties this recommendation would impact mainly on computer games sold over the counter, not on those accessed over the telephone by use of a modem attached to a computer.

Report available

The report *Censorship Procedure* (Report No 55) was tabled in Federal Parliament on 11 September. Copies of the report are available from the ALRC (\$12.40), tel (02) 231-1733. □