

**CI 2220 K Jackson**

## **Submission to the ALRC Review of Classification**

by Karen Jackson

### **Approach to the Inquiry**

**Question 1. In this Inquiry, should the ALRC focus on developing a new framework for classification, or improving key elements of the existing framework?**

I would suggest the inquiry might first give some thought as to whether we need classification at all, and, beyond that, whether we are talking about "classification" or censorship.

Certainly the existing classification system has become unworkable and needs to be scrapped. It effectively prevents adults from seeing and hearing what they wish, despite claiming otherwise. It also doesn't take into account our existing media environments. Indeed, any new system will always be unable to cope with the ever-expanding media environments created by digital content.

I would also point out that we no longer have a need for a government body to provide information about media from on high. The internet allows individuals to do their own research about what content they wish to consume. This costs nothing - as opposed to the millions of taxpayer dollars that our current system uses.

If we must have a new scheme, it would be preferable if the concept of "classification" was adequately defined as being a system that exists to create informed choices, as opposed to a method of state censorship. It should also acknowledge that it's impossible to classify everything or to control access to content and that it's ultimately up to the individual to inform themselves about their media consumption.

I take the stand that any system of classification in Australia should be conducted on a voluntary basis. Creators of content should be encouraged to label their wares according to a standardized system, to assist consumers in making informed choices. Creators should also have the option of not classifying their content, should they wish. The market will decide whether labeling works or not. This is also the only way to adequately cope with the explosion of new media types and formats.

I have expanded on this further in the comments section at the bottom.

### **Why classify and regulate content?**

#### **Question 2. What should be the primary objectives of a national classification scheme?**

The primary objective of any classification scheme would be to provide informed choice to consumers of media. This informed choice will allow adults to decide what media they wish to consume and also to allow parents to make decisions about what kind of media their children are exposed to.

Part of this primary objective would be an ongoing commitment to the concept of freedom of speech and an acknowledgement that adults have the right to decide what they will see, hear, read or play.

It would also provide freedom to the producers of content to not have their work classified if they so wish and for consumers to operate on a "buyer beware" basis.

### **What content should be classified and regulated?**

#### **Question 3. Should the technology or platform used to access content affect whether content should be classified, and, if so, why?**

I think trying to make distinctions between different forms of technology is an exercise in futility, especially given the exponential growth of technology and interconnectivity. It's certainly impossible to try and classify the internet because it is constantly growing and changing and does not rely on old-fashioned narrow methods of publishing. Anyone can create content and upload it. There is no way for a centralised body to try and classify that, especially according to "community standards" that vary wildly according to where you are in the world. Given the increasing ability for modern devices to access the internet (gaming machines, Kindle, iPhones, internet TV,

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internet fridges), it's ridiculous to try and control what content those devices can deliver.

**Question 4. Should some content only be required to be classified if the content has been the subject of a complaint?**

A complaints driven process is fundamentally flawed because it means that the opinion of one disgruntled person can be given far more weight than thousands of happy people who haven't complained. Satisfied people don't complain (they don't need to) and thus you can't accurately judge how many people are satisfied compared to how many people have complained. It's also susceptible to orchestrated campaigns such as we recently saw with the Australian Christian Lobby's complaint about the Rip and Roll ads.

If a complaints process were to be used it would need the complainer to offer actual proof of harm to the wider community. It would need an independent review board to consider whether the complaint had any merit. And it would also be important that the producer of the content did not have to pay to have their work classified. This is the only way to protect the producer from malicious complaints.

**Question 5. Should the potential impact of content affect whether it should be classified? Should content designed for children be classified across all media?**

I think the ALRC needs to give more thought to the whole concept of "potential impact". What does this mean exactly? Are we talking about increased heart rates? A few tears? Arousal? Mild nausea? Nightmares? Copycat behaviour? What kinds of emotional responses do we need to be warned about?

If we are concerned about "potential impact" are we talking about actual *harm* to the viewer? If so, are there any peer-reviewed, unbiased scientific studies to back up the idea that viewing media causes harm? (e.g. [http://eprints.lse.ac.uk/5225/1/Harm\\_and\\_offence\\_in\\_media\\_content\\_-\\_executive\\_summary.pdf](http://eprints.lse.ac.uk/5225/1/Harm_and_offence_in_media_content_-_executive_summary.pdf) which suggest there isn't much evidence).

The idea behind censorship is that there are some things that some adults should not be allowed to see because they aren't morally capable of viewing it. It's motivated by concern about "potential impact" on the masses, a worry

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that *other people* won't be able to cope with certain types of media and it will incite bad behaviour. This is obviously an old-fashioned concept and one that I hope we've moved beyond. We've had decades of adults watching TV, films, books and now the internet with no resulting collapse of civilisation.

Obviously, when it comes to children, we are on a different plane because kids haven't always got the ability to process media and understand its meaning. When it comes to content aimed at children, classifying it according to "potential impact" - at least in terms of whether it will give them nightmares or be inappropriate to their age - seems reasonable. Again, real scientific research should be used as a guide in making decisions here.

But as mentioned above, trying to classify content for children across all media is going to be logistically impossible. It might be noble to try but it would be better if those who create child-friendly content are able to classify it themselves and let the market decide. See also my points below regarding child-friendly content.

**Question 6. Should the size or market position of particular content producers and distributors, or the potential mass market reach of the material, affect whether content should be classified?**

This question only matters if you are forcing content producers to submit their work to a government body and making them pay for the privilege, as happens now. Obviously if this continues then it does need to be a factor. Independent producers of content often can't afford the classification fees required and it adds an extra burden to their work so they shouldn't be forced to do so.

If classification becomes a voluntary process then this wouldn't be an issue.

The idea of whether media will reach only one person or millions seems moot. If you're going to insist on applying classification to media then surely it should be applied to everything, no matter if it is a blockbuster film or a small arthouse piece. Because how do you decide where the dividing line is?

This also seems to rely on the idea that content produced for the mass market is somehow more "dangerous" - perhaps because it may incite the

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plebians. Popularity versus "artistic merit" isn't the best way to make decisions about what's "acceptable" and what isn't.

**Question 7. Should some artworks be required to be classified before exhibition for the purpose of restricting access or providing consumer advice?**

No. I am opposed to any extension of our existing classification scheme and to the concept of our government restricting access to art galleries due to some ill-defined and shifting idea of what is "appropriate". Art galleries already provide warning signs if the content might be offensive. That is more than enough. Self-regulation and voluntary consumer advice is working just fine. As with all media, if you don't want to see something, don't look.

I'll also add, I don't have a lot of time for the artificial distinction of "artistic merit" because it's purely a matter of taste. Paintings and sculpture are not more *worthy* than porn films, for example. Everyone's idea of art is different. Classification should not be an arbiter of taste, art or cultural significance.

**Question 8. Should music and other sound recordings (such as audio books) be classified or regulated in the same way as other content?**

No. Again, I am opposed to any extension of the existing scheme. If there is a push for classification of this type of content it should be voluntary.

**Question 9. Should the potential size and composition of the audience affect whether content should be classified?**

See my response to Question 6.

**Question 10. Should the fact that content is accessed in public or at home affect whether it should be classified?**

If you have to have a government-driven classification scheme then I do think this is an important factor to consider. In public places where there is no control over who can see content or when it appears, an argument for classification can be made. This could apply to billboards, TVs playing in airports or doctor's surgeries, for example.

At the same time, "public" viewing in places like cinemas is somewhat different because there IS some control over who enters the theatre; it's not an open area and the consumer has made a conscious choice to view the content. At present cinemas are unable to screen x-rated films, despite the fact that they can clearly control who enters the premises to see those films. This is an example of where the concept of public/private isn't cut and dried.

This leads to the idea that adults shouldn't watch some kinds of content in the company of other adults. That it's OK to see a violent film with a crowd but not a sexually explicit one. Having attended porn film festivals overseas, I think this is a ridiculous division to make. In essence, the only thing that matters is that children are prevented from accessing inappropriate content. Once again, a voluntary scheme of classification is the best way to do this.

And, of course, if media content is being enjoyed in private by adults without reference to other people it's reasonable to argue that the state has no place in preventing that person from viewing the content (provided it's legal i.e. not child porn).

**Question 11. In addition to the factors considered above, what other factors should influence whether content should be classified?  
How should access to content be controlled?**

Perhaps it's useful to consider whether the content is delivered via a "push" or "pull" medium. In this case, "push" and "pull" describes how much interactivity is involved in seeking out the content. Television is more of a push medium - the viewer is often passive and doesn't have as much control over what appears beyond choosing a channel and a program. The same goes for radio. Billboards are definitely a push medium. Magazines are more of a pull medium as the consumer must seek them out and open them. The internet is also a pull medium: if a person wants a particular type of content, they have to seek it out via search engines.

Differentiating between these two styles of media communication is useful because they can help determine the level at which a media user is in danger of encountering content that they do not wish to see.

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If we consider classification as existing in order to help people avoid content they don't wish to see, then classifying "push" mediums becomes more important.

The question "how should access to content be controlled" assumes that preventing access (i.e. censorship) is on the cards. As I've said previously, in today's media environment it's almost impossible to control people's access to media. Right now the only controls we have are those which currently prevent children from accessing inappropriate material in the public area (movies, magazines). Even then this is an ad-hoc process as it doesn't address the issue of non-adults accessing inappropriate material through other means. Ultimately the best and most effective way for this to occur is through parental supervision and through education.

I'd also like to point out - for the last few years classification of TV - a push medium - has been voluntary and self regulated. There is no reason for this not to occur within other areas of the media.

**Question 12. What are the most effective methods of controlling access to online content, access to which would be restricted under the National Classification Scheme?**

As I've said before, trying to classify the internet is a ridiculous idea. It simply cannot be done given the sheer amount of content already in existence and the new content being created every day.

**Adults should not have their access to the internet controlled at all.** "Adults have the freedom to hear, see and read what they wish..." is the fundamental statement of the National Classification Scheme. The government should remember that.

When it comes to controlling the access of children to online content, the most effective methods are twofold: one is parental supervision, the other is personal filtering software and knowledge of safe search settings. It's time we acknowledged that the internet is for adults and that children need to be supervised when online. They also need to be educated about what to do when confronted with inappropriate content. Parents also need to be educated about filtering software and use it. Add to that decent sex education and social education about how to deal with online bullying and interpreting adult media.

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**Question 13. How can children's access to potentially inappropriate content be better controlled online?**

As above: parental supervision and personal filtering software such as NetNanny.

Also, it would be wonderful if the government looked into creating a child-friendly corner of the internet, like ABC3. The domain could be .kids.au and only sites designed for children would be allowed on there. Rather than restricting the rights of adults, why not do something pro-active that looks after the needs of children.

**Question 14. How can access to restricted offline content, such as sexually explicit magazines, be better controlled?**

This is a loaded question. I believe the current restrictions on sexually explicit magazines (non explicit covers, plastic wrapping) do the job just fine. Indeed, the legal distinctions that occur between sexually explicit magazines and, say, hunting magazines are typical of the disconnect that occurs in the current system, one that has no problem with violence yet heavily censors sexual material.

Penthouse and Playboy have been on the newsagent stands for years. Armageddon hasn't happened. This is a non issue.

**Question 15. When should content be required to display classification markings, warnings or consumer advice?**

Again, I believe classification should be voluntary and it should be up to the producer to decide whether to include these kinds of warnings or advisories. If the market wants that advice, they will use it.

**Who should classify and regulate content?**

**Question 16. What should be the respective roles of government agencies, industry bodies and users in the regulation of content?**

Ideally, any classification scheme should be voluntary. It should exist to help users make informed decisions and also to prevent children from accessing inappropriate content.

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The roles of government and industry would be as in Question 17. Users would be able to make informed choices, do their own research and perhaps provide input on areas that need tweaking (although, as mentioned above, a complaints-based process is very problematic).

**Question 17. Would co-regulatory models under which industry itself is responsible for classifying content, and government works with industry on a suitable code, be more effective and practical than current arrangements?**

Yes! See all my previous comments re voluntary classification.

**Question 18. What content, if any, should industry classify because the likely classification is obvious and straightforward?**

Industry should be able to classify all of its own content, according to set guidelines. Doesn't matter if its obvious or not. Industry should also be able to choose not to classify content and put it under the "Unclassified" category, which would be a case of "buyer beware".

If there is concern about "non straightforward" classification then it would help to be able to liaise with a government or wider industry body. Even then it should be voluntary.

**Classification fees**

**Question 19. In what circumstances should the Government subsidise the classification of content? For example, should the classification of small independent films be subsidised?**

All classification should be voluntary. This removes the needs for fees and subsidies.

**Classification categories and criteria**

**Question 20. Are the existing classification categories understood in the community? Which classification categories, if any, cause confusion?**

The only research I could find regarding whether the public understands categories is this:

[http://www.ag.gov.au/www/cob/rwpattach.nsf/VAP/%288AB0BDE05570AAD0EF9C283AA8F533E3%29~80000CPB+-+Community+Attitudes+Towards+Media+Classification+and+Consumer+Advice+-+Market+Research256558.pdf/\\$file/80000CPB+-+Community+Attitudes+Towards+Media+Classification+and+Consumer+Advice+-+Market+Research256558.pdf](http://www.ag.gov.au/www/cob/rwpattach.nsf/VAP/%288AB0BDE05570AAD0EF9C283AA8F533E3%29~80000CPB+-+Community+Attitudes+Towards+Media+Classification+and+Consumer+Advice+-+Market+Research256558.pdf/$file/80000CPB+-+Community+Attitudes+Towards+Media+Classification+and+Consumer+Advice+-+Market+Research256558.pdf)

Perhaps the ALRC may wish to commission further research that will conclusively answer this question. I don't feel qualified to answer it on behalf of other people. I myself understand the system but then I've made censorship a point of personal study.

It would appear that the main people who use classification categories are parents who are seeking information about what media is suitable for their children.

**Question 21. Is there a need for new classification categories and, if so, what are they? Should any existing classification categories be removed or merged?**

As mentioned above, voluntary classification would introduce the need for an Unclassified category.

It is discriminatory for the X classification to exist at all. This singles out sexually explicit content and ghettoises it. Given that up to 75% of Australians think sexually explicit material should be legal ([http://www.thepornreportbook.com/uploads/files/Albury\\_report\\_summary.pdf](http://www.thepornreportbook.com/uploads/files/Albury_report_summary.pdf)), it seems ridiculous that our classification system should make this unnecessary distinction. Ideally, if the current ratings were to be kept, X-rated films would be merged into the R18+ category - perhaps with an advisory that the film is sexually explicit.

The RC category should not exist as it allows the government to effectively ban certain types of media and prevent adults from making their own choices about content. The fact that the RC category includes information about euthanasia and the depiction of sexual fetishes shows that it has become a tool for political censorship.

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**Question 22. How can classification markings, criteria and guidelines be made more consistent across different types of content in order to recognise greater convergence between media formats?**

Again, make it voluntary. Create a single system similar to the G, PG, M and R ratings of films, add extra information such as currently occurs with regards to "contains violence, nudity, adult themes" etc

**Question 23. Should the classification criteria in the *Classification (Publications, Films and Computer Games) Act 1995 (Cth)*, *National Classification Code*, *Guidelines for the Classification of Publications* and *Guidelines for the Classification of Films and Computer Games* be consolidated?**

Make classification voluntary. Allow computer game manufacturers to apply their own ratings.

**Refused Classification (RC) category**

**Question 24. Access to what content, if any, should be entirely prohibited online?**

Another loaded question that prompts the possibility of an internet filter. Unfortunately this question doesn't acknowledge the reality of the internet. The nature of the web means that you cannot prevent people from accessing content if they are determined to get it. As has been stated repeatedly in the ongoing argument over the proposed internet filter, those who want unsavoury material will use proxy servers and non-web-based services such as peer-to-peer networks to obtain that material.

Society agrees that child pornography is abhorrent and causes harm to children. That's why it's illegal. I support the fact that it's illegal and I don't think it should be available online or anywhere else. But our existing laws already make it illegal to access this content online or anywhere else. Further laws to prohibit it or to implement filters to stop people accessing web sites won't add much to the existing legal framework. Indeed, they may make it harder for law enforcement to uncover and prosecute those who use child pornography.

There is a lot of content online that is offensive. This includes images of death, bestiality and non-consensual sex. I think it is human nature to be

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curious and thus there will always be those who seek such material out. In some countries it is legal to publish such content. Installing a law in Australia to try and prevent access to such content is like King Canute demanding that the tide roll back. It might look impressive but it won't stop anything.

I would also point out that trying to prevent offence is a very problematic exercise. Different people are offended by different things. I don't think it is fair or right to ban material purely because it is offensive to some people. I find much of the Bible to be horribly offensive (it's chock full of rape, violence, genocide and murder), yet I'm sure many would protest if I demanded it be banned.

Still, I understand that civilized societies want to draw a line as to what it is acceptable to depict in media. I believe the barometer should be *harm*. If harm has been caused in the creation of content then that content should be illegal, in order to prevent further harm. I would add, though, that the *perception* of harm does not mean that actual harm occurred (the perception of harm seems to be why consensual BDSM porn is banned, for example).

When it comes to the idea that viewing media - no matter how offensive - actually causes harm to the viewer, I believe we need to trust to science - unbiased, peer reviewed science, not pseudoscience conducted to back up moralistic claims. At this stage, there is little evidence to suggest that viewing media causes any harm to adults.

**Question 25. Does the current scope of the Refused Classification (RC) category reflect the content that should be prohibited online?**

Once again, this question assumes that prohibiting content online is possible and desirable. It appears to promote a pre-existing agenda regarding internet filtering.

The current scope of RC is ridiculously broad and includes content that is legal for adults to own. I refer to this page: <http://libertus.net/censor/isp-blocking/au-govplan-refusedclassif.html>. RC includes depictions of legal sexual activity such as body piercing, application of substances such as candle wax, 'golden showers', bondage and spanking. RC includes information about euthanasia and drug use. RC includes video games deemed unsuitable for children. RC includes books by Muslim authors that

promote a particular view of that religion. It has been suggested that depictions of female ejaculation, a common experience for many women, is Refused Classification due to it being deemed as urination. Depictions of fisting, a common sexual practice among the lesbian community, is also RC.

It is ridiculous that the government should be able to deny adults the right to make choices as to whether they wish to see or read that kind of material, especially when - as is the case of sexual fetishes - people are able to legally perform these acts but not see them. It's also sexist and discriminatory to deem female sexual functions to be "obscene" or to disallow depictions of a sex act common in the lesbian community because it is considered "offensive".

The Refused Classification category is being used to censor material and maintain a certain moral agenda and it should be abolished.

#### **Reform of the cooperative scheme**

**Question 26. Is consistency of state and territory classification laws important, and, if so, how should it be promoted?**

If classification becomes a voluntary process, this issue becomes moot.

If we have to continue with our current broken scheme, it would be great if the states followed the lead of the territories and allowed the sale and production of X-rated content.

**Question 27. If the current Commonwealth, state and territory cooperative scheme for classification should be replaced, what legislative scheme should be introduced?**

A voluntary scheme overseen by government that encourages producers to label their content and consumers to seek out information to inform their own choices.

The states need to amend their laws that prohibit certain types of media and content and accept that voluntary classification is the cheapest, easiest and most useful approach to providing information about media content.

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**Question 28. Should the states refer powers to the Commonwealth to enable the introduction of legislation establishing a new framework for the classification of media content in Australia?**

Yes

**Other issues**

**Question 29. In what other ways might the framework for the classification of media content in Australia be improved?**

Abolish the current system, install a voluntary, regulated one.

**Other comments**

I have answered the questions as best I could but they haven't allowed me to make a lot of the points about censorship that I wished to make, often because they seem be leading questions. Thus, I'm going to use this comment section to make a longer, "secondary" submission.

I am a writer and filmmaker. I work online and have a strong interest in the issues of censorship, sexuality, feminism and pornography. I am also a civil libertarian.

I believe the current system of censorship we have in Australia is outdated, sexist, classist and beholden to religious groups. It ostensibly exists only to provide information to media consumers and to "protect children" but the reality is that it censors material, prevents adults from making their own choices about media and allows minority groups to dictate what they feel should be a national morality.

I would very much like to see the current scheme abolished. In it's place, I would like to see a voluntary, regulated system where content producers provide their own labelling (or none) and the consumer is trusted to make their own informed choices. This is the cheapest, most technologically feasible and most sensible option for classification in Australia.

**Thoughts On Censorship and Sexually Explicit Material**

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Historically, censorship has been about preventing certain groups of people from seeing media due to the fear that it may incite them. This is particularly true of sexually explicit material. *The Porn Report* by McKee et. al. offers an excellent summary: "When we look at the history of censorship and pornography in the Western world, one key theme is apparent: it is most often the history of dominant groups in society trying to protect groups they perceive as vulnerable from being corrupted by exposure to the wrong types of material."

Two hundred years ago censorship was about preventing women and the working classes from seeing explicit books and art deemed too dangerous or "obscene" for their fragile natures. Naturally this didn't prevent upper class men from enjoying their secret collections of erotica and forbidden material.

In 2011 our current system of classification still operates with this mentality. It prevents adults from consuming certain types of media because it deems us to be too fragile to deal with it. A look at the types of content banned under the Refused Classification category reveals exactly what kind of content we must be "protected" from. Information about euthanasia and drug use. Anti-abortion photos. Radical Islamism. And, of course, depictions of certain sexual acts. Fetishes such as spanking and bondage, depictions of female ejaculation and body piercing are all considered offensive and - apparently - will lead the viewer into depravity.

Similarly, those Australians who are calling for increased censorship also take the stance that the general public need to be protected from certain images and descriptions for fear that civilization and "morality" will be corrupted. They use concern for children or women as their excuse but, ultimately, they wish to control what other people can do with their lives.

It's time we grew up and recognised that this way of thinking is outdated, paternal and not backed up by any scientific evidence. Adults are capable of making their own decisions about media, of discerning the difference between fantasy and reality and of seeking out information and then using it appropriately. It's time we started trusting adults and stopped worrying about what *other people* are doing or thinking. And it's time we acknowledged that viewing media does not intrinsically cause harm - the evidence is just not there.

### **Adults and Children**

When it comes to classification and censorship, differentiation needs to be made between the needs of adults and the needs of children. I think part of the problem when it comes to discussing this issue is that "somebody think of the children!" has become a bomb, a way to derail rational discussion and manipulate the argument.

Michelle Spratt's research into the public's use of the Australian classification scheme shows that most people use it as a guide when choosing content for children. Clearly this shows that classification has a useful role in parenting by providing information to assist with choices. This is a good thing and should be encouraged. Any future incarnation of our current classification scheme should primarily be about helping people make these kinds of choices.

Most people agree with the concept of restricting children's access to media because children do not process media in the same way that adults do. They do not necessarily have the cognitive skills, life experience or education that will allow them to fully understand the context of media. Hence, the need for guidance and parental restriction where necessary. Hopefully this is accompanied by communication and education so that children can learn to cope with their media environment in the future.

The problem comes when people advocate infringing on freedom of speech and the rights of adults in order to "protect children". There is a push to make the adult world more "G-rated" so that children won't ever be faced with challenging or inappropriate content. While I can understand the desire to protect children, it should not come at the cost of the rights of adults.

We have increasingly seen calls from conservative and "family" groups for more censorship to "protect kids". This comes in several forms: the proposed internet filter, removing adult magazines from public sale, no hint of sexuality on billboards, bans on sexually explicit DVDs, fines for "offensive language", no R-rating for computer games and so on. Revealingly, the "protecting kids" mantra is often used when the existing classification guidelines already exclude children from accessing certain content. This is an indication that there is a religious moral agenda underlying these calls.

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Any future classification scheme should not place the desire to "protect children" above the rights of adults. Ideally it should exist primarily to provide information so that informed choices can be made. It should not have the ability to prevent adults from making choices about what media can be viewed.

### **Morality and Community**

Further to the above point, it is clear that some lobby groups see the classification system both as a means of maintaining public "morality" and a way of enforcing others to adhere to their particular moral ideas. As mentioned above, censorship has been used as a way of trying to uphold "public decency" in the past and there are some who would like to maintain this.

In 2011 in Australia, there is no single concept of "morality" - if there ever was. We are a multicultural, multi-faith society with a declining interest in religion (almost 19% of Australians marked "no religion" on the 2006 census and only 7.5% of Australians regularly attend church) (see footnotes). We are also very tolerant of diverse lifestyles and belief systems. The idea of "community standards" is extremely problematic because of the diversity of communities in our country. What is offensive or moral to those in the Muslim community is very different to what is offensive or moral in the gay and lesbian community. Young people's idea of what is acceptable is often vastly different to that of their parents or grandparents.

This is why the classification system should not be used as an official arbiter or morality or taste. It should not be using the slippery concept of what is "offensive to reasonable adults" as a yardstick for censorship because there is no way of applying that yardstick across the entire Australian community.

Further, the opinion of the rest of Australia should have no bearing on the individual choices of one person when it comes to media. If they have made an informed choice to consume legal content according to their own morality and ideals then no-one else should have the right to intervene.

### **The Importance of Scientific Evidence**

I consider myself a skeptic and I value the importance of evidence as the best tool in making decisions and forming opinions. When it comes to the

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issue of censorship and any possible harm caused by viewing media, I've yet to see any conclusive evidence that real harm actually occurs. I'll change my mind if presented with unbiased, credible evidence.

I hope that any review of our current classification scheme also takes a skeptical view and rationally considers the all the available scientific evidence before making decisions.

I say this because, in reading the various cases made for censorship, I regularly encounter dubious "evidence" presented as fact, usually cherrypicked to support a pre-existing moral argument.

I've seen this in discussions about the supposed "sexualisation of children" - a term that is often used by those who promote increased censorship. Dr Catherine Lumby and Dr Kath Albury, Dr Petra Boynton and the Onscenity Network (see footnotes) have recently written excellent critical reviews of the concept of "sexualisation" including the fact that the idea relies heavily on cultural concepts of childhood innocence and takes a distinctly conservative, almost anti-sex stance.

Similarly, those advocating increased censorship of sexually explicit material like to throw the term "addiction" around with abandon. Often they'll back up claims of "porn addiction" with bucketloads of pseudoscience and dodgy attempts of neurology and sociology. If you type "porn addiction" into Google you will be inundated with religious sites claiming that porn addiction is real - and then offering their own cures, often at a price. I would recommend the writing of Jessi Fischer and Dr Marti Klein among the many others who are trying to bust the myth of "porn addiction". Repeated viewing of porn does not create permanent changes in the brain. Having an orgasm is not equivalent to smoking crack. There is no such thing as "erototoxins". And the American Psychological Association has no intention of adding "porn addiction" to the latest DSM manual.

I note also that pro-censorship advocates often like to talk about how porn "objectifies" women and take a pseudofeminist stance opposing pornography due to its supposedly harmful attitudes to women. Again, these arguments often make use of cherrypicked or biased research and tend to ignore the extremely diverse nature of porn itself (and gay porn). In this I would refer to the work of Professor Alan McKee et. a. in *The Porn Report*

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and the ongoing academic research into pornography by Clarissa Smith, Feona Attwood and Martin Barker at <http://pornresearch.org/>

In essence, I'm simply asking that the review consider existing scientific research and also take into account the source, methods, funding and agenda of any quoted studies.

### **Voluntary Classification Is The Best Solution**

The ALRC review has come about because it is increasingly apparent that the existing system of censorship and classification has become irrelevant in 2011. Previously Australians had limited access to films, books and other media and the government was able to control what entered the country and what was deemed "suitable" for its citizens.

Now Australians can access media at any time thanks to the internet. Words, images, video, music and games are all digital and available in any number of formats across numerous devices. New content is appearing constantly, much of it user-generated and published at the push of a button. It is logistically and financially impossible to attempt to classify all of it, just as it is impossible to try and restrict access to media on the basis of age or location. As John Gilmore said in 1993, "The internet interprets censorship as damage and routes around it."

The issues paper and questions posed in this review seem to have taken the stance that some form of official government classification and censorship is both necessary, inevitable and enforceable. I disagree with that view.

I believe the best, cheapest and simplest option is to make classification voluntary. This means that producers of media content can opt to label their content according to established ratings, regulated by both industry and government. They would do this as a courtesy to customers to assist in helping consumers to make good choices about what kind of media they consume, in line with their own individual values. This would also help parents to make choices about what content their children consume.

Voluntary classification does away with the need for an official body to make decisions on behalf of the rest of us, thereby removing what is essentially a board of moral arbiters from the process. It also saves money as there is no need to pay fees for classification.

Voluntary classification helps out independent and small producers of content because it means they do not need to pay fees to the classification board in order to gain distribution in this country.

It means that producers of online content can opt to label sites if they so wish - a process that already occurs on adult sites with ICRA and RTA (restricted to adults) tags.

Voluntary classification offers the opportunity to remove the state-level criminal restrictions placed on the sellers and producers of adult content. This would allow growth of our own adult industry, one that has the potential to create many jobs and also offer our own particular vision of erotic content - one that is actually more positive and inclusive than what is produced overseas. Properly regulated, there is an opportunity to create a more vibrant and healthy adult industry.

Voluntary classification also encourages consumers to engage with the content they consume and not rely on an external government body to make decisions for them (or assume that the government is protecting their children for them).

Voluntary classification also means that those producers who do not wish to take part in the classification process can do so by labelling themselves as "unclassified". This means that the buyer needs to do their own research on the content - something they can easily achieve for free thanks to the internet. Or they can simply opt not to consume the content.

Voluntary classification is essentially a market-driven process. If consumers really want their media to be labelled, they will choose the media that is classified. It also puts the choice back into their hands. It puts trust in the consumer that they understand the media they are consuming.

Voluntary classification obviously does not mean that Australia should allow harmful content such as child pornography. It does, however, remove the moral judgement surrounding the classification of depictions of consensual sex or simulated violence.

Self regulation needs to be monitored, of course. A complaints process is problematic due to the problems mentioned above. It would be helpful to

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have some small government body to ensure that content producers stick to the guidelines.

I would also argue that more scrutiny be given to the self-classification of products designed for children as this is the main reason people want classification in the first place.

On top of this, the Australian government should be encouraging better parenting and comprehensive media and sex education for children. Parents need to be educated about the best way to prevent their child from accessing inappropriate content (home filters, supervision). And kids need to learn about how to process films, images, computer games and other media so that they have a better understanding of what it all means. Talking openly about sex, pornography, violence, bullying and other difficult issues equips children to better deal with any content they may encounter. It would be great if the government took the money it is wasting on an internet filter and instead spent it on creative positive sex and social education programs in schools. Smart, pro-active, self-aware kids have nothing to fear from media.

### **In Conclusion**

Australia does not need government censorship of the internet, or films, or books, or art galleries. Adults should be able to read, hear and see what they want. The Australian government should trust its citizens to make their own choices about media, particularly as there is little proof that consuming media causes harm to the viewer. The government does not have the authority to legislate morality or taste.

Classification should be a voluntary process that aims to provide information to consumers about media so they can make an informed choice. Primarily, classification exists to assist parents to make choices about what media their children consume.

Voluntary classification is the easiest, cheapest and best solution to labelling content in an ever-expanding media environment that is not centrally controlled.

**Links and references:**

I have not used formal footnotes in this submission due to the concern that the online form wouldn't allow it. Instead I've listed my references below, in the order that I discuss them.

Community Attitudes Towards Media Classification and Consumer Advice  
by Michelle Spratt, 2004

[http://www.ag.gov.au/www/cob/rwpattach.nsf/VAP/%288AB0BDE05570AAD0EF9C283AA8F533E3%29~80000CPB+-+Community+Attitudes+Towards+Media+Classification+and+Consumer+Advice+-+Market+Research256558.pdf/\\$file/80000CPB+-+Community+Attitudes+Towards+Media+Classification+and+Consumer+Advice+-+Market+Research256558.pdf](http://www.ag.gov.au/www/cob/rwpattach.nsf/VAP/%288AB0BDE05570AAD0EF9C283AA8F533E3%29~80000CPB+-+Community+Attitudes+Towards+Media+Classification+and+Consumer+Advice+-+Market+Research256558.pdf/$file/80000CPB+-+Community+Attitudes+Towards+Media+Classification+and+Consumer+Advice+-+Market+Research256558.pdf)

Info on declining religion in Australia:

[http://en.wikipedia.org/wiki/Religion\\_in\\_Australia](http://en.wikipedia.org/wiki/Religion_in_Australia)

Catharine Lumby and Kath Albury. 'Too much? Too young? The sexualisation of children debate in Australia'. *Media International Australia* No 135, May (2010). Special issue on 'Children, Young People, Sexuality and the Media', edited by Kath Albury and Catharine Lumby.

Onscenity: <http://www.onscenity.org/sexualization/>

Dr. Petra Boynton: <http://www.drpetra.co.uk/blog/unpacking-the-bailey-review-on-commercialisation-and-sexualisation-of-childhood/>

Jessi Fischer: <http://sexademic.wordpress.com/2011/05/08/explaining-porn-watching-with-science/#more-1130>

Dr Marty Klein: <http://www.sexed.org/archive/article08.html>

Kath Albury's report on Australian attitudes to porn:

[http://www.thepornreportbook.com/uploads/files/Albury\\_report\\_summary.pdf](http://www.thepornreportbook.com/uploads/files/Albury_report_summary.pdf)

Porn Research Project: <http://pornresearch.org/>

Harm and Offence in Media Content:

[http://eprints.lse.ac.uk/5225/1/Harm\\_and\\_offence\\_in\\_media\\_content\\_-\\_executive\\_summary.pdf](http://eprints.lse.ac.uk/5225/1/Harm_and_offence_in_media_content_-_executive_summary.pdf)

Libertus list of Refused Classification content: <http://libertus.net/censor/isp-blocking/au-govplan-refusedclassif.html>.

### **Books of Interest**

*The Porn Report* by Professor Alan McKee, Dr. Katherine Albury and Dr. Catharine Lumby, 2007.

[http://books.google.com/books?id=\\_i5gWIPV7a8C&printsec=frontcover&dq=Albury+Cleo&source=bl&ots=on3zD1cyOC&sig=Izoe5ZqhNfcnT1dUBBzyTxlH44s&hl=en&ei=aJ7OTPamDYXGlQeG5-isBw&sa=X&oi=book\\_result&ct=result&resnum=7&ved=0CCgQ6AEwBg#v=onepage&q&f=false](http://books.google.com/books?id=_i5gWIPV7a8C&printsec=frontcover&dq=Albury+Cleo&source=bl&ots=on3zD1cyOC&sig=Izoe5ZqhNfcnT1dUBBzyTxlH44s&hl=en&ei=aJ7OTPamDYXGlQeG5-isBw&sa=X&oi=book_result&ct=result&resnum=7&ved=0CCgQ6AEwBg#v=onepage&q&f=false)

*Snatched: Sex and Censorship in Australia* by Helen Vnuk, 2003

*Not In Front Of The Children:*

[http://books.google.com/books/about/Not\\_in\\_Front\\_of\\_the\\_Children.html?id=I1Y1NQAACAAJ](http://books.google.com/books/about/Not_in_Front_of_the_Children.html?id=I1Y1NQAACAAJ)

*Harmful To Minors:* [http://books.google.com/books?id=1hu8c\\_wDwvoC](http://books.google.com/books?id=1hu8c_wDwvoC)