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This document has been prepared in response to the *Australian Law Reform Commission's (ALRC) National Classification Scheme Review Issues Paper (the Paper)*, issued in May 2011.

Object: the Australian Centre for Craft and Design (Object) is a not-for-profit organisation engaged in exhibitions, education programs, publications and content creation centred around design disciplines including graphics, architecture, objects and processes, active in Australia for almost fifty years. In line with our published 2015 Vision, *Object* is moving towards having one third of our activity taking place within the digital sphere, whether online, within exhibitions or on third-party devices external to *Object's* direct influence. A classification review altering the current manner of the classification of publications and productions created specifically for arts audience, though available more widely, therefore could have a significant impact on our ability to produce and distribute information central to, supplementary to and complementary to our various physical and broadly-housed digital collateral.

Conversations about classification are always contentious, especially when the conversation appears to have originated with a single controversial exhibition whose works were ultimately rated at the moderate end of the classification spectrum, suggesting that the furor was somewhat unwarranted. However, it is accepted that a review of the current forms and processes of classification may be necessary in light of the ever-increasing availability of many different types of content, of various degrees of quality, through multiple formats and pathways pervading most areas of community life. To this end, *Object* will only address those aspects of the Paper that relate to or currently affect or could foreseeably affect *Object's* activities within the existing format of the organisation.

The Classification System

The benefits of some degree of classification, however achieved, is indisputable, in as far as it serves to advise a consenting adult as to what the content they are about to consume contains in order that they may make an informed decision as to its suitability, not only for themselves, but also for any minors under their direct supervision. The practicalities of government-led classification across all facets of media creation in the current digital environment, however, promises to be practically impossible.

Object takes the view that, in the vast majority of cases, classification of art works and content exhibited in galleries or in gallery-related circumstances (such as online audio-visual galleries, digital publications or increasingly in app-based circumstances) has not been necessary in the past. In a small arts community that is constantly resource-challenged, arts organisations cannot afford to

alienate audiences, inspiring them to either avoid material that would be controversial or properly alert audiences to the sensitive nature of what they are exhibiting. We hold the view that this has proven perfectly satisfactory, particularly when the artworks have been pushing the boundaries of community sensitivity. The case of Bill Henson is an example where, after community feedback, the controversial nature was well-known, despite subsequent investigations finding no need for classification within the current framework.

Should it be determined that some classification of artistic material in a physical space is generally desired, *Object* would support the option of an industry-regulated system with an independent commission responsible for any complaints, where the application of that commission did not place any burden on the resources of the arts organisation in question. Within this commission system, the argument of literary, artistic or educational merit does need to remain, without neglecting other legal frameworks that might otherwise exclude this defense, such as child abuse or other criminal legislation. It is preferable that only those exhibitions that are deemed at the more extreme end of the classification spectrum, for example those only suitable for people of fifteen or eighteen years and over, be expected to advertise this, with it again a matter for the industry-classification model to determine whether this should be restrictive or simply advised.

Within this commission structure the ‘community standards’ angle would need some degree of concrete definition, as it is quite a subjective concept whose intangible nature proves problematic. Again, notwithstanding criminal legislation housed elsewhere, it is preferable that the literary, artistic or educational argument be broadly applied, with the caveat of appropriate exclusion or warning signage or similar to allow a reasonable adult to make their own decision as to whether they may or may not be offended by the content displayed. A failure to appropriately allow the pushing of boundaries, the allowance of free expression and artistic examination of controversial or confrontational issues becomes problematic, meaning artists and organisations presenting these artists would be less inclined to address these matters. Where there is no evidence of criminal activity within the creation or presentation of broadly defined artworks, it is recommended that the industry regulation prevail as the primary method of classification.

The Application of Classification

The current method of classification for the likes of motion picture releases functions reasonably well within its current parameters, notwithstanding the constant difficulties of the application of what is ‘offensive’, an ultimately subjective endeavour. However, the expansion of the current classification model beyond those media already subject is very problematic in a number of ways, over and above any notions of the presumed rights and abilities of an adult to effectively censor their own consumption given appropriate advice.

Firstly, the cost would prove prohibitive for the majority of artists and arts organisations within Australia. Without even beginning to take into account the fact that many artworks in fact comprise of numerous motion picture works to form one piece, this price would serve to inhibit the ability of most moving picture visual artists working within a gallery setting with short-form video to legally show their work, therefore reducing any motivation to create it in the first place, dulling the artistic practice within Australia. Should the classification onus fall on the exhibiting or distributing organisation, the same impediments would apply, with most arts organisations under-resourced as it is.

In addition, the classification of content created for distribution on the internet is impractical, due to the vast quantities created every day and the international reach of the internet, meaning that something that might be classified due to its origin in Australia could be created and distributed without classification from an overseas location.

This diversity of the internet not only makes classification impractical, as noted, but also provides ample opportunity for circumvention of the classification requirement, meaning that any formal, government-led classification system would quickly become tokenistic and ultimately irrelevant. A content producer here could easily get around this classification system by ‘producing’ the content through an internationally-based company and hosting it on a foreign server, for example.

Should exhibition-based content be subject to classification and internet-based content not be, it would allow the unfortunate situation where arts organisations and artists would exhibit exclusively on the internet, or where the installation would in fact involve an internet-connected device in gallery screening the specific works. Alternately, audiences could be encouraged to view this content online and away from the gallery, or even be facilitated to view it on personal portable media devices such as smartphones or web-enabled tablets within the exhibition setting.

In Conclusion

To this end, the position that *Object* would ultimately support is no change to the manner of classification as it relates to exhibited materials, whether they be physical or digital in nature. Furthermore, due to the seeming impossibility of classifying the entire internet, that as an option seems incredibly impractical, and with a scope for any complaints mechanism to be overwhelmed with incorrect filtering, labeling or firewalling.

Prior to preparing this submission, *Object* had opportunity to review the *Arts Law Centre of Australia* submission to this review, and we would note that, as relates to the sections of the *ALRC* Paper relevant to *Object’s* activities, the *Arts Law Centre of Australia* submission aligns to the position of *Object*. We would hope that any review of the classification system within Australia as applies to artworks and arts organisations or other exhibiting organisations would take into account these arguments against reform affecting the current climate of exhibition and presentation.

Object: Australian Centre for Craft and Design
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