

Submission on the National Classification Scheme Review: Discussion paper 77 (September 2011)

To:

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5. The Proposed Classification Scheme:

Proposal 5-1:

A new National Classification Scheme relating to the classification of media content ought to be enacted. However to avoid the duplication of work and to limit the cost burden, the new scheme should build on rather than recreate the current classification scheme.

Proposal 5-2:

The new National Classification Scheme should be based on a new Classification of Media Content Act 'the Act'. The provisions set out in this proposal are largely satisfactory; however I note the following;

Part (d) of this proposal recommends access restrictions on adult content. This ought to extend to content which is classified MA15+ as is the case in the current Classification Scheme. For obvious reasons, material which is classified MA15+ is not suitable for children under the age of 15, thus it should continue that content classified MA15+ be restricted to persons over the age of 15 or for persons under that age to be accompanied by an adult.

6. What Content Should be Classified?

Proposal 6-1:

As is proposed, the Act should provide that feature length films and television programs produced on a commercial basis *must* be classified before they are sold, hired, screened or distributed in Australia.

I note some exceptions to this, as is set out in Proposal 6-3.

Proposal 6-2:

Given the rapid expansion and significant prominence of computer games in society, it is inconsistent and impractical with proposal 6-1 to suggest that only computer games produced on a commercial basis which are likely to be classified MA15+ or over, must be classified.

The interactive nature of computer games in comparison to film means that the effect of playing a violent or sexually explicit game is far greater and poses a greater risk than passively viewing a film.

For example; recent research supports the findings that exposure to violent computer games has immediate and lasting effects on aggressive behaviour and aggressive cognition.¹ Further, it has been found that the effect of video game violence is a larger risk factor for later aggression than abusive parents, poverty, and antisocial parents.²

Thus, it is logical to infer that given proposal 6-1 for mandatory classification of feature films produced on a commercial basis, as a minimum requirement it should be mandatory for computer games produced on a commercial basis to be classified.

Recommendation:

That all computer games produced on a commercial basis *must* be classified before they are sold, hired, screened or distributed in Australia.

Proposal 6-3:

This proposal recommends the Act provide a definition of 'exempt content' that captures all media that is exempt from laws relating to what must be classified (proposal 6-1 & 6-2). This outlines that traditional exemptions such as news and current affair programs as well as films or computer games shown at film festivals, art galleries and other cultural institutions are exempt.

It is reasonable and practical that news and current affair programs are not classified. However in relation to films or computer games shown at film festivals, art galleries and other cultural

¹ Anderson, C.A. et al. (2008) "[Longitudinal Effects of Violent Video Games Aggression in Japan and the United States](#)", *Pediatrics*, 122, e1067-e1072; Moller, I., & Krahe, B. (2009), "Exposure to violent video games and aggression in German adolescents: A longitudinal analysis", *Aggressive Behavior*, 35, 75-89; Wallenius, M., & Punamäki, R. (2008), "Digital game violence and direct aggression in adolescence: A longitudinal study of the roles of sex, age, and parent-child communication", *Journal of Applied Developmental Psychology*, 29, 286-294

² Bartlett, C.P., & Anderson, C.A. (2009). "[Violent Video Games and Public Policy](#)", in Tobias Bevc & Holger Zapf (Eds.) (pp. 227-240), *Wie wir spielen, was wir werden: Computerspiele in unserer Gesellschaft*. Konstanz: UVK Verlagsgesellschaft

institutions; it is recommended that such material which is likely to be classified MA15+ ought to be classified and restricted accordingly.

Proposal 6-4:

It is not recommended that X18+ content become legal in all or any of the states or territories of Australia. Due to the pornographic nature of X-rated movies, there are concerns regarding the adverse effects of such material on individuals within society.

Research teams have performed over 500 studies upon the effects of pornography and have found the following six major effects of such material:

1. Even soft porn is harmful to everyone.
2. All pornography desensitizes the viewer.
3. Pornography is addictive.
4. Pornography degrades marriages.
5. Pornography increases crime in dangerous offenders.
6. Pornography encourages and facilitates other crimes.

One particular study has shown, that after brief exposure to pornography, two-thirds of normal male college students would be more willing to force a woman into sexual acts if they could be assured of not being caught or punished. One-third of the students expressed an increased desire to actually commit rape.³[6]

At least 26 studies have shown definitively that emotionally disturbed individuals and those with a tendency towards violent acts may be significantly desensitized for *several weeks* after exposure to three hours of violent and/or pornographic films.[4]⁴

More than 65 studies have shown that dangerous offenders (child molesters, killers, rapists, incest fathers) are not only more likely to commit their crimes if they employ pornography, they are likely to precede their violent acts with the extended use of deviant materials.[4]⁵

A survey of over 400 young prison offenders found that those who had been exposed to a large amount of pornography were much more likely to engage in violent and sexually deviant behaviour than those prisoners who had not been exposed to pornography. [3] ⁶

³ P. Zimbardo. "Sexual Murderers." *Psychology Today*, November 1977, pages 69 to 76 and 148.

⁴ The Hill-Link Minority Report of the Presidential Commission on Obscenity and Pornography. This report may be ordered from Morality in Media, 475 Riverside Drive, New York, New York 10115.

⁵ The Hill-Link Minority Report of the Presidential Commission on Obscenity and Pornography. This report may be ordered from Morality in Media, 475 Riverside Drive, New York, New York 10115.

If X18+ were to become legal in all states and territories of Australia; then all media content likely to be classified X18+ must be classified before being sold, hired, screened or distributed in Australia, furthermore it must be restricted to adults only. Note that no content should be exempt from this. In addition this content must be classified by the classification board and not authorized industry classifiers.

If it is to remain that X18+ content is legal in some states and territories and not others, then it is recommended that the new Act should provide that where X18+ material remains illegal, then such illegality should extend to the sale, hire, display, distributions as well as the possession of such material.

Proposal 6-5:

It is recommended in support of this proposal that all content that may be RC must be classified. Furthermore this ought to be done by the classification board. Only after classification, and if content is classified as lower than RC, should it be made available for sale, hire, screening or distribution.

Proposal 6-6:

Part (a) & (c) of this proposal are satisfactory. However referring to part (b); the Regulator should be able to issue a notice under the new Act requiring the person to stop distributing the content prior to applying for the classification of media content that is likely to be RC. To do otherwise (as is proposed) is contradictory to Proposal 6-5 which provides that all content that may be RC must be classified.

This will be particularly important in preventing the distribution and exposure of RC content. I note here that in 6.77 of the Discussion Paper it is stated;

'Ideally, content providers should assess content before they publish it, but of course many provide such a large quantity of content that this is clearly impractical. These content providers should have mechanisms that allow users to flag content that may be R 18+, X 18+ or RC.'

This indicates that from time to time, material which should be RC will be distributed as a result of negligence; thus it is important that in the interim period of applying for a classification that the Regulator have power to prevent further distribution of material which is likely to be classified RC.

⁶ David A. Scott. "Pornography Its Effects on the Family, Community, and Culture." Published by the Child and Family Protection Institute and Contact America. Order from Family Policy Insights, 721 Second Street NE, Washington, DC 20002.

7. Who Should Classify Content?

Question 7-1:

For the reasons set out in Proposal 6-4 of this submission it is recommended that content that is X18+ remain or return to being illegal.

If however such content is to become legal then given the severity of the content, it must be classified by the Classification board.

Question 7-2:

For the purposes of consistency and effective monitoring, the classification training should only be provided by the regulator, not become a part of the Australian Qualifications Framework.

8. Markings, Advertising, Display and Restricting Access:

Proposal 8-1:

All media content that is likely to be classified R18+ should be restricted to adults.

Proposal 8-2:

For the reasons provided in Proposal 6-4 of this submission X18+ material should be illegal in all states and territories in Australia.

If X18+ were to be legal then all content likely to be classified X18+ should also be restricted to adults.

Proposal 8-3:

Material that is classified MA15+ is classified that way because it is not suitable for children under the age of 15. Research shows that exposure to sexualised imagery is linked to children's experience of increased anxiety, depression, low self-esteem, body image problems, eating disorders, self-harm, and sexually transmitted infections.

In an inquiry into the sexualisation of children in the contemporary media environment, which was based on over 160 submissions, the Senate Standing Committee on Environment, Communication and the Arts found that 'The inappropriate sexualisation of children in Australia is of increasing concern.'

Thus; material which is classified MA15+ should be restricted to persons over the age of 15 or persons accompanied by an adult.

Question 8-1:

Australian content providers, in particular broadcast television, should be subject to time-zone restrictions that prohibit the screening of certain media content at particular times of the day. To suggest otherwise is inconsistent with part three of the 'Guiding principles for reform' of this Discussion Paper where it states; 'Children should be protected from material likely to harm or disturb them.'

9. Classification Categories and Criteria:

Proposal 9-5:

I support the proposal that a comprehensive review should be undertaken every 5 years. I recommend that this should be conducted with a heavy emphasis on consultation with the relevant Children Commissioners in addition to community service organisations working in the areas of child and family health and welfare, mental health issues, sexual assault, women's and men's health.

Furthermore I recommend that in the review process close attention be given to the complaints received that indicate weaknesses in the Classification Scheme.