

This month *ABA Update* talks to **John Dickie**, Director of the Office of Film and Literature Classification (OFLC). Mr Dickie is also an Associate Member of the ABA for the purpose of its investigation into the content of on-line services.

Classification or censorship?



Can you outline in general terms the role of the OFLC and how the passage of the Classification Act by Federal Parliament last year has changed that role?

It's been a long process and it's been a truly co-operative process between the Federal Government and the State and Territory Governments, to try and get some consistency and to streamline the previous legislation. I think what it's done is to at last recognise what the function of this organisation is: a classification agency, rather than a censorship agency. That's not to say that we don't knock material back from time to time (about one per cent of film and about three per cent of videos), but it recognises that classification is the great bulk of our work. The new legislation has streamlined our approaches, given us some new classification codes. Instead of looking at nine pieces of legislation, we've just got the one code to look at. Not only does that make life simpler for us, but it makes it a lot simpler for the States when we come to make classification decisions which they have to enforce. So I think those are changes for the better. The dispensing of the title of Chief Censor and the Censorship Board is a positive step. I think that it will help the public better understand what our role is.



You've also been going through a review of the classification guidelines for film and video. What has been the response to the draft revisions that you propose?

We've had a good response. There have been something like 130 replies. They've all been looked at by Professor (Peter) Sheahan who was appointed as the independent person to analyse the submissions we got in from the community and from different organisations. He made suggestions to change the guidelines. They've been incorporated and gone back to him. They've been before State and Territory officials and they're now in a stage where they're ready for presentation to the Minister on 28 March.

Do the bodies which develop the codes for television take note of your film and video guidelines?

Yes, but I don't know whether they have to. Normally they have in the past, and once our guidelines are approved, the television stations normally use that as a basis for coming up with their codes of conduct, and I think their codes of conduct are coming up this year. So I think they will probably take our guidelines into account.

So they're not bound by your guidelines?

No. They have their own codes of conduct, and their own sanctions, and on some occasions they're stricter than we are, and on some occasions they're not. But I think these guidelines will provide a basis for not only that, but most of the other industry codes around.

You do classify films for pay TV at the moment, because the pay TV operators haven't got a code in place yet.

Yes. A lot of films that were made before the 'R' classification came in, are being sent to us for classification by pay TV companies, so we're looking round at our records, looking at our notes, helping them with things like consumer issues.



Q & A

So when they have a code, your role may cease in that area?

It will depend very much on the companies. I think what they find helpful is that we've already done the classification work for a start, and it's just a matter of getting that up and running.

In terms of on-line services, what's your view of the voluntary classification model, where Australian content providers are encouraged to classify or 'tag' material in accordance with certain classification standards?

I think that's a good way to go. The closest model that I can think of is the Telephone Information Services Standards Council (TISSC) model, and that seems to have worked pretty well. I think that if the service providers can get together, come up with a code, because they're the ones who are in the field the whole time, I think that that is the best way to go. It'll be a matter for them, but I think the best way to go would be to base it on our guidelines. That would lead to a more consistent approach right the way through. That's what has happened to some extent with TISSC and then the independent complaints mechanism refers back to us. It'll depend on what the (ABA's) inquiry turns up, whether or not that's a view the inquiry takes, but it's a reasonable way to go.

The ABA's on-line services issues paper says that training programs for on-line content providers may be appropriate. You do training programs for people in the computer games sector. How has that worked? Has that been a success?

Yes, that's been very successful. It's helped our classifiers here, and I think it's also raised the awareness in the industry itself about the classification issues, and it's helped streamline the process. We still make the final decisions, but they look at the program themselves, they sort of become aware of any problematic material, and by and large that's worked reasonably well.

One of the major issues that seems to always come up when talking about the regulation of on-line services is that so much of the material is located offshore, outside Australia's jurisdiction. Can you see a solution to that issue?

I think it's an old problem under a new guise, in a sense. I think it probably reflects what is more slowly dawning on all of us, that some decades ago, we were saying things like, 'State

boundaries don't mean too much, and we have to be thinking nationally'. We are now at the stage with communications that national boundaries aren't meaning much either. They still do in terms of physical stuff, like bringing in videos, publications, things like that. But with satellites, cables, the whole lot, it's a whole new regime, at least in terms of technology. It's not necessarily a new regime conceptually, but I think that the best way to go, is the way that the Governments in Australia have been going for some time now, and that is to try to educate the community generally about the kind of material that they want to watch.

Our experience has been that if people at least know what the strongest elements are in the material, then they're not offended by it, because they've taken appropriate steps. I mean, if people don't want to watch violence, and they've got an MA classification with medium level violence, they know that they're going to be in for a bit of blood and guts, and they can give it a miss. And by and large, people take that consumer advice accordingly.

There is always concern about children getting access to the stronger material. That's not a new problem either. That's been around since ever I can remember. People would get hold of playing cards, or books, or something like that and it usually always was that if adults knew about it, they'd have heart attacks and things like that, and that still goes on. An adult still takes responsibility to make sure, or to try to make sure that material that children watch is not beyond their capacity to deal with. I think that that is the way we ought to be going with material that comes through satellites, via the net, all that sort of stuff. We ought to be working towards allowing the community to make those decisions about what the community will watch, while on the fringes providing a general sort of level of protection, so that the unwanted material doesn't come in. But the great bulk of stuff adults, anyway, ought to be able to make up their own minds about.

Do you believe that on-line service providers should have the responsibility of monitoring sites under their control?

Yes. I suppose with the qualification that they shouldn't have absolute responsibility in my view. If you have a service provider who is diligent in looking at the services that are available, I think that is the way to go, really. One of the concepts that State, Territory and Federal Ministers were talking about was



'reasonable steps'. If somebody has a product which is being put there, and which is attracting a lot of attention, I would have thought there was some obligation on the service provider to at least know what the substance of that product is and to make sure it complies with whatever code is around.

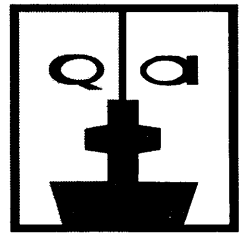
I think unless there is some kind of obligation on service providers legislators would not find that very acceptable. I don't think it should be so onerous that it would be

the off-line world? For example, pay TV seems to be more regulated than film and video - 'R' classified material is currently not allowed on pay, but is on film and video.

There may be similar moves to impose higher levels of regulation on the on-line world than, for example, on film and video.

I think that in principle, there is a lot to be said for technological neutrality and the 'R' rated material on pay TV is maybe something that is a very politically charged issue. I would have

'There is always concern about children getting access to the stronger material. That's been around since ever I can remember. People would get hold of playing cards, or books, or something like that and it usually always was that if adults knew about it, they'd have heart attacks ... and that still goes on.'



impossible to administer, or makes life an absolute misery for them, but I think there is a lot to be said for the 'reasonable steps' argument. As long as service providers take reasonable steps to ensure that the material they're offering for public consumption complies with the code, I think that that is more or less in line with what the public would want.

If a code of practice for the on-line industry does come into being, would you see the sanctions part of the code being administered by the States and Territories, in a similar way to the film and video sanctions?

Yes, I think that's the way it's looking, because I think the inquiry will be looking at this also, but I think that the point of view of the State and Territory ministers is that this is just another part of the regulation of offensive material, which they already do for videos, they already do for films, they already do for computer games, and they already do for magazines. I think the main sanction will be the industry body itself. That's how it works with TISSC. I think that's been a successful exercise, and I think we're only talking about areas where people or service providers don't comply with the industry body's direction.

Do you feel that the on-line world should be subject to the same degree of regulation as

thought that, providing you could have an effective mechanism to prevent children from watching something, in much the same way there is a restriction on R-rated videos, I think that that's something that would be desirable. I know a lot of people feel strongly about that. A lot of people think that children have access to R-rated videos at home. To some extent, you're relying on parents to make sure that that doesn't happen. I think that would be the same as R-rated material on pay TV, you would be relying a great deal on parents. What we've tried to do is reinforce the role of parents to help them make decisions about things like that, so if there is R-rated material around that they don't want their children under the age of 18 to see, they can use the consumer advice to bolster their own position. But I think there is a lot to be said for the argument that the technology should be neutral, that you should look at the content rather than the particular brands of technology.

On a personal note, how did your previous activities as a journalist and press secretary prepare you for the job you have now?

I think what helped a lot was working in the Parliament, seeing the parliamentary response to the complaints about material and the sensitivity of both censorship and classification as an issue. I can remember Don Chipp's bill going through [the 1971 bill introduced the R18+ classification], and the list of people who



wanted to speak on it was enormous. Any censorship legislation that goes through the parliament, the people, members, senators, spend a lot of time. I think that's because it impinges right across ... I mean everyone goes to the films, everyone watches videos, a lot of people play computer games. I think that helped a little bit to imbue me with some sort of sensitivity to the issue.

I think my time at the Human Rights Commission was helpful in a couple of ways. I think that it reinforced the view that I think most journalists have, that the right for people to read certain gear ought to be respected as much as possible. But also, I was there when the sex discrimination legislation went through. I think the sex discrimination legislation has played a major role in increasing the awareness of women in the community. A lot of the stuff that women put up with before, they don't have to now. Since the sex discrimination legislation has been in, I think there has been a gradual change in attitudes in the community towards sexual violence. I think that this has been some sort of spin-off from some of the sexual

harassment provisions of the sexual discrimination legislation. Women saying, 'I don't cop this any more and I don't have to have this forced upon me. If I don't want to see it in the screen, then I don't want to be suddenly faced with it.' So I think that was a very useful time with the Human Rights Commission, from a general rights point of view, from sex discrimination, race discrimination, all of those, it was a very valuable time. But I mean, nothing quite prepares you for this.

I suppose the other thing is that I am only one of a board of 12 and that is I suppose the most comforting aspect of this job. No single person makes a decision. For any important decisions, normally we'd have a board of nine or a full board of 12. That helps, because I think one of the great dangers we all face is that we say, 'Look, if I sat down there with a set of guidelines, I can make the decision, I can tell you whether it was an M, I can tell you whether it was a PG, I could tell you whether it was R'. When you actually do it, it's much, much harder. ☹

Programs granted C or P classification

Programs granted C or P classification between 15 January 1996 and 5 February 1996. Producers interested in submitting programs for classification should contact Liz Gilchrist on (02) 334 7840.

<i>Title</i>	<i>Origin</i>	<i>Clas. renewal</i>	<i>New/ date</i>	<i>Decision</i>	<i>Applicant</i>
HERCULES	Australia	CAD	new	23.1.1996	Burbank Animation Studios Pty Ltd
LIFT OFF	Australia	CAD	new	30.1.1996	Australian Children's Television Foundation
LIFT OFF	Australia	P	new	30.1.1996	Australian Children's Television Foundation

CAD - C Australian drama P - preschool program ☹