



CONFERENCE REPORT: Sydney 11 March 1995

# Pornography or Erotica?

**The advent of new technology and the possibility of 'R' rated material being delivered straight to the home has reawakened the issue of who defines and controls pornography.**

A recent conference on pornography and freedom of expression provided a forum for debate on such questions as: What is pornography? Should legislation determine what we see? Is the provision of pornography a necessary component of freedom of expression or does it limit it?

The conference: 'Redefining the Pornography Debate: Freedom of Expression in the 90s' at the University of New South Wales on 11 March, was presented by the New South Wales Council for Civil Liberties and the UNSW School of Political Science.

Pornography's definition was hotly debated throughout the conference. One person's pornography is another person's erotica as sculptor Cath Phillips discovered when she was jailed for obscenity over a sculpture she did for the Mildura Sculpture Triennial.

We all draw the line somewhere, but for the sake of legislation, the line is drawn for us by someone else. At present, classification of film and video is the job of the Censorship Board of the Office of Film & Literature Classification (OFLC). The Office's brief is not to define pornography, but to classify material using guidelines which reflect 'current community attitudes'.

The vexed question of allowing R rated material on pay TV has been through a major consultative process over the past two years with still no resolution. As a result of changes to the Broadcasting Services Act 1992, the decision was left to a report on 'community standards of taste and decency' prepared by the Australian Broadcasting Authority (ABA) for approval by both Houses of Parliament. Although the ABA recommended that R-rated material should be available on pay TV, the Senate Select Committee on Community Standards rejected this view in a report released in February.

The main philosophy of both government and the OFLC is that adults should be able to read and see what they wish in private or in public, although they should not be exposed to unsolicited material offensive to them. Children should be adequately protected from material which might disturb or harm them. There are a few qualifications to this display of freedom - children under 16 may not be depicted in a manner to cause offence to a 'reasonable adult' person; bestiality is out; considerable violence or cruelty or sexual violence against non-consenting persons is also banned - in X rated material at least. In material with an R classification, sexual violence is allowed if it is thought to be an integral part of the narrative.

So, at present, the OFLC determines what may be classified, then it is up to the public to read what the classifications are and choose material which does not offend them on that basis. Over the past two years, television broadcasters have sought to unify the classification process so that classifications used for film and video, and the addition of more information to show why they have achieved these classifications (warnings such as low level coarse language) would seem to make it impossible for the public to inadvertently see something which may offend.

In June 1994 the Attorney-General, Michael Lavarch, introduced into Parliament the Classification (Publications, Films and Computer Games) Bill 1994. This new law will not significantly alter existing legislation or the criteria for classifying material. It is mainly concerned with standardising legislation - enforcement will remain the province of the States and Territories.

One new principle, however, is the need for classifiers to consider community concerns about depictions which condone or incite violence, particularly sexual violence, and the portrayal of persons in a demeaning manner.

It was these community concerns which prompted the Senate Select Committee on Community Standards to recommend that Parliament reject the findings of the ABA's report, *R Classified Programs on Pay TV* even though it found overwhelming support for R rated material to be shown on pay TV. The Senate Committee claimed the ABA did not show its survey group enough examples of the more extreme material available under R classification.

The Committee was also concerned with the unification of classification. Should material which is classified for video and pay TV be classified under the same guidelines as films shown in cinemas where, arguably, there is a greater degree of control over who actually gets to see it?

Under the Broadcasting Services Act 1992, subscription television broadcasting licensees must ensure that access to R rated material is restricted by the use of disabling devices. The ABA suggested security cards or personal identification numbers to stop children gaining access. But who stops children watching R rated videos left lying around the house?

The Senate Select Committee recommended that the OFLC undertake 'a comprehensive overhaul of the R classification...to ensure its appropriateness for viewing in the home environment'. Will this result in a change in the guidelines for classifying R rated videos?

Still the question remains. Should 'reasonable' adults be able to see what they are willing to pay for in the privacy of their own homes or should the government determine it for them? Like the Senate Select Committee, most speakers at the conference had problems with some of the content of R rated material yet there was no consensus on restricting access by law. As leading feminist Eva Cox stated in her summing up, 'I don't want it left up to [the Festival of Light] to determine what I see or read'. □

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