



Film censors sharpen scissors

A select group of federal politicians is pressing for the more stringent censorship of films. But does it represent the community?

In an address to an audience of the Sydney Film Festival on 16 June, film critic and former Festival Director David Stratton warned that the censors were sharpening their scissors. A new regime was being introduced, he said, which would affect the rights of filmgoers to see what they wished, and films previously passed for certification would also be liable to be recalled and censored or banned.

Stratton was not using artistic licence. The Chief Censor, John Dickie, recently stated that the approach taken by film censors has 'tightened up considerably' and is now the most restrictive in the English speaking world.

Mainstream films such as *Dead Man* and *The Rock* have recently been subject to censorship hurdles not encountered in their release in other countries. Film festival organisers, who since 1983 have been exempted from subjecting their programs to the classification process, have also felt the winds of change with the banning, in February 1995, of *Tras El Cristal* from the Queer Screen Festival. Despite this, the Minister for Communications and the Arts, Senator Alston, has expressed concern over what he perceives to be the laxity of existing censorship guidelines, as well as the excessively liberal interpretation given them by present members of the Classification Board and the Classification Review Board (see table).

Lack of consultation

Alston's views are supported by two influential committees: the Ministerial

Committee on the Portrayal of Violence (the Ministerial Committee) and the Senate Select Committee on Community Standards Relevant to the Supply of Services Utilising Electronic Technologies (the Senate Select Committee). These parties claim widespread community support for such changes. However, their approach to determining community concerns, and to consultation generally, casts doubt as to whether their collective stance reflects anything more than a predetermined agenda.

The Ministerial Committee, established in May 1996 to investigate, amongst other things, the issue of violence in the electronic media, was given six weeks to consider the issue and report to Cabinet. It allowed the public two weeks to make written submissions, then gave itself four weeks to consider the 630 submissions it received. By contrast, the 1989 Australian Broadcasting Tribunal Inquiry into Television Violence (the ABT Inquiry) was conducted over a period of 17 months. It did not limit its public consultation process to written submissions, but commissioned qualitative and quantitative research and held public conferences in all States.

The Senate Select Committee, a bi-partisan group established in 1991, successfully opposed the screening of R rated films on pay television. In doing so, it dismissed the recommendations of an extensive 1994 ABA report into the issue, which found 82% public support for the right of adult subscribers to view such material.

Senator Alston has also demonstrated a capacity to act unilaterally.

He issued a press release announcing that the classification guidelines were to be rewritten, while the Standing Committee of Attorneys General (who under the national scheme must reach collective agreement on such matters) were still deliberating over the issue.

Because these parties' consultative record is so poor, it is necessary to revert to earlier studies to ascertain the true nature of community concerns about violence and film censorship.

The nature of community concern

A number of well-researched studies conducted over the past seven years have revealed that the public is concerned about the issue of violence in the electronic media. The overwhelming focus of this concern, however, is directed towards television, not cinema, and towards real, rather than fantasy violence. What concerned people about violence was less its capacity to promote aggressive behaviour, but its traumatic effect on audiences, particularly on children. Cinema, on the other hand, usually concerns fictional violence, its audience makes a conscientious choice to attend screenings, and the classification system is more effective and better enforced.

The ABT Inquiry, though addressing television rather than cinematic violence, is nevertheless relevant to film censorship because the inclusion of films in television programming presents the public with the opportunity to articulate its relative concern over the various forms de-



The regulatory scheme

All films imported into Australia are subject to the Customs (Prohibited Imports) Regulations, which cover films and publications and prohibit the importation of depictions of child pornography, acts of considerable violence or cruelty or other offensive acts, or publications or films that promote or incite to crime, violence or drug abuse.

Next, all films to be screened for public exhibition must be classified according to the new national scheme of regulation, which came into full effect on 1 January 1996. The scheme comprises:

- the federal Classifications (Publications, Films and Computer

Games) Act 1995 (the Act), which establishes the Classification Board (the Board) and the Classification Review Board (the Review Board) and details the procedures for classifying films and publications;

- The National Classification Code, agreed to by the Commonwealth, States and the Northern Territory, containing the criteria for classification;
- State and Territory laws adopting the classifications made under the federal Act and creating an enforcement regime; and
- guidelines for the interpretation of criteria contained in the code,

agreed upon by the Standing Committee of Attorneys General and reviewed periodically.

The Classification Board is a statutory body within the Attorney General's Department, which includes the Office of Film and Literature Classification (OFLC). The Act provides for particular states to adopt their own review mechanisms to override any federally determined classification without affecting the core of the uniform scheme. Western Australia and South Australia have adopted their own review mechanisms.

pictions of violence may take. The ABT Inquiry found a correlation between degree of realism and level of concern:

'In public conferences held by the Tribunal during the course of its inquiries, the most common area of concern mentioned by participants was the violent footage contained in news and current affairs programs. In particular, concern was expressed about its effect on children, its promotion of the world as a mean and violent place, its often gratuitous nature and its exemption from the classification time zone system.' (vol1;p.97).

Much of this concern relates, therefore, to matters inapplicable to film and cinema. Moreover, in the case of these programs, the primary objection was not the fact that violence was presented, but that it was exempt from compliance with a scheme designed to restrict its exposure.

This echoes other studies, including the 1992 joint OFLC and ABA report, *Exploring Attitudes Towards Film, TV and Video Classifications*,

which revealed general satisfaction with the classification system, particularly in regard to film classification - the only notable concern being the enforcement of the R rating at cinemas by ticket sellers. Most of those dissatisfied with the operation of the system sought greater clarification of material, rather than more restrictive classifications.

Underlying these findings is the consistent principle that concern about controversial material appearing in the media did not translate into a desire to prevent others from viewing it, but to provide sufficient information to allow audiences to make informed, individual choices.

Better censorship?

Nevertheless, the reformists are committed to changing the present approach taken by the Classification Board. The revision of the guidelines is relatively inconsequential - Dickie has stated that the revised version will, in any case, only reflect existing practice - what is important is the

interpretation given to them. To this end, Senator Alston advocates an altered composition of the Board and Review Board to provide for 'better community representation'. He also seeks their terms of appointment limited to eighteen months to counteract any 'desensitisation' to the impact of violence and pornography experienced in carrying out their duties.

In 1991, the Australian Law Reform Commission report *Censorship Procedure* (Report No 55) weighed this 'desensitisation' contention against the desirability of attracting members from interstate and the benefits of achieving consistency in the interpretation of the classification criteria and guidelines. It recommended a maximum period of appointment of five years, with a total maximum period of service of six years. Given that each new Board member needs approximately four months training, an eighteen months term may appear ill-considered. But this observation relies on the assumption that the process of classifying a film involves more than a subjective response to it, a



view Senator Alston clearly does not share.

For the Senator's call for the inclusion of more representative Board members indicates three misapprehensions. First, that 'community concerns' are discernible by the subjective apprehensions of a community representative. Second, that bringing to bear relevant educational experience or otherwise adopting an intellectual approach to classification is an impediment, not an aid, to discerning community standards. Third, that the need to take account of community concerns is the sole principle used to classify films. In fact, the guidelines require the Board to consider the literary, artistic or educational merits of a film, and the Act contains the guiding principle that 'adults should be able to read, hear and see what they want'.

Politics and art

The desire to censor violent and other controversial images derives primarily from a recognition of only the potentially detrimental effects of violent images. Regardless of whether a link exists between screen violence and violence in society, filmic violence can be of positive benefit to a community. It may help audiences understand the nature of violence, stimulate an abhorrence of violence and draw analogies between explicit acts of violence and other aspects of conduct and society. Clearly, these are themes requiring psychological maturity, and a strength of the classification system is its capacity to protect children at crucial ages from material they may be incapable of dealing with. But these issues are irrelevant to adult audiences.

On the level of simple entertainment, violent images may be neither beneficial nor harmful to audiences. Also, its availability contributes to a

sense of a free society, even though - as the public may soon discover - freedom is felt more in its absence than its presence.

By diminishing the value of these benefits, while at the same time treating potential detriments as definite social harms, arguments opposing increased censorship can easily be characterised as esoteric and somewhat selfish ideals, to be weighed against the inherently harmful nature of the image.

In this environment, civil rights come to be treated as a finite resource to be apportioned between competing groups, so that freedoms that accrue to one group necessarily displace the rights of others. This has the effect of transposing the censorship debate to a level where the different concepts of 'rights' and 'interests' are used interchangeably and the crude equations of utilitarianism - itself a political theory masquerading as a rights theory - are deployed to resolve the situation.

Controversial material is thereby treated as repugnant to community standards per se, even though it may contain other readings. Such readings are important, for cinema is a primary site of art, offering insights into humanity and serving to challenge society's self-image. Violence and sex - as elements of the human psyche, as facets of human society, as societal taboos - can be vital ingredients in this process, and the placing of insensitive restrictions on their use restricts art's possibilities. Of course, distinguishing between what is and is not art, and then determining the permissible limits of art, is an onerous duty. But those who chose to rule on these matters must approach the task with an underlying respect for their subject matter, and an awareness that society's tolerance of challenges to its mores can be a sign of its vitality rather than its decay. □

Alasdair Grant

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