



ARIA Code: rappers unplugged?

The record industry has fallen prey to the federal government's widening censorship regime

With little fanfare, the Australian Record Industry Association (ARIA) has introduced a 'voluntary' Code of Practice for the regulation of potentially offensive sound recordings. The Code requires record companies and distributors to apply warning labels to certain CDs and cassettes, and to ban recordings containing lyrics advocating 'extreme violence or crime'.

The Code's preamble makes it clear that it has been developed to address the concern of some adults regarding the listening habits of children. This has resulted in the unusual situation whereby relevant recordings will be not recommended for non-adults on the basis that they may cause offence to 'some sections of the adult community'. The preamble makes no mention of their possible effect on children.

The scheme

The scheme envisages four categories of recordings, those:

- requiring no labels;
- requiring a label warning of explicit language;
- requiring a label warning of explicit language and not recommending it for persons under the age of eighteen; and
- that must not be released.

In determining which of the categories a particular CD or tape fall into, a range of factors are to be examined. If an album contains 'explicit language...in the lyrics or spoken dialogue', it must at least be labelled. If these lyrics fall within the sterner subset of 'more impactful and/or assaultive lyrics', but nevertheless have artistic merit, the higher level

label must be affixed. More offensive lyrics, which 'explicitly and gratuitously deal with and promote, incite or instruct in matters of hard drug abuse, criminal violence, sexual violence...' and a number of other factors must not be sold. Record companies are responsible for affixing the labels. Responsibility for classifying and labelling devolves to the retailer where a recording is obtained other than from a retailer.

The scheme is to be administered by ARIA, who will use the resources of MIPI (the Music Industry Piracy Investigations unit) and a newly-constituted 'Labelling Sub-committee' to advise on appropriate classifications, deal with consumer complaints and discipline recalcitrant ARIA members. ARIA may expel and/or report to the police members who fail unreasonably to cooperate with the scheme.

Labels

Because the labels are advisory only, labelled recordings may be purchased by minors, and the only possible effect of the labelling system will be to increase sales of those recordings appropriately identified. The Code will have two consequences. The first will be the small number of recordings withdrawn or not offered for sale. The second will be the self-censorship of those artists and record companies who wish to ensure that their recordings are not refused distribution. The net effect will, in practice, be minor, mainly affecting imported US West Coast (and, more recently, East Coast) 'gangsta rap' recordings – a group specifically targeted by the Code. Gangsta rap has many opponents, from stereotypical

portrayal of women, advocacy of violence against the police.

It is difficult to predict what other forms of music the Code will brand or ban. It is futile to attempt to define the meaning of 'explicit', 'gratuitous' and 'artistic merit', as these terms have no useful definitions independent of the attitudes of those applying them. Reliance on a dictionary is of no help (which albums do *not* contain 'explicit' lyrics – instrumentals?). As with recent moves toward increased censorship in other media such as television, film and computer games, however, the focus is squarely on depictions of physical violence. The greatest area of concern emanating from the United States, that of youth suicide, is not mentioned in the Code, although the Senate Select Committee on Community Standards has recommended for its inclusion.

Issues of non-violent criminal behaviour (other than 'hard drug abuse', to the extent this relates to illegal drug use) and sexism (as much a feature of gangsta rap as violence) are not addressed by the Code. As suicide is not a criminal offence, a shotgun suicide would, under the present Code, be permissible, although a drug-induced suicide would not be. The Code *does* ban recordings dealing with 'sexual violence', but this is oblique to its focus, owing its appearance in the Code only by virtue of being one of an number of criteria – which also includes bestiality, incest and child abuse – referred to in the Classification Act, which governs the classification of films, videos and computer games. None of these criteria are pertinent to current concerns about music lyrics – except insofar as ex-



treme sexism could be considered a form of violence against women, but have been imported from the Act, along with certain interpretative guidelines, in order to bolster the appearance of consistency between the Code and the general censorship regime.

Underlying principles

This consistency is illusory. The Code's 'Underlying Principles', drafted by ARIA, asserts that:

- adults in a democratic society should be free to listen to what they wish;
- creative artists should be free to express themselves without fear of intervention;
- audiences should be supplied with enough information so that they can choose to avoid exposure to material which may offend them; and
- record companies operate under a commercial imperative to release sound recordings.

These are not, however, the principles on which the Code is drafted, being patently inconsistent with the Code's creation of a category of banned recordings. Rather, these principles measure the extent of the ground lost by ARIA in its negotiations with the federal government. The real principles on which the Code is based are the Office of Film and Literature's standard Guidelines, which are reproduced directly from the Classification (Publications, Films and Computer Games) Act 1995 (the Act) into the Code.

The next likely step is that the Code will be replaced by the Act, amended to cover sound recordings. Thanks to ARIA's 'bridgework', this will appear a natural progression. This development would most likely occur following the ARIA's publication after October 1997 of its Annual Report of the Code's operation. The Report must contain details of complaints by consumers and their out-

comes. Such complaints are music to censors' ears, particularly those of Senators Harradine, Tierney and colleagues on the Senate Select Committee on Community Standards. Barring the unlikely event of ARIA taking corrective action in relation to all subjects of complaints made to it, ARIA will this year deliver into the government's lap all the justification it needs.

It may appear surprising that the powerful record industry has not put up a stronger fight than this. After all, the Australian censors have achieved what their United States colleagues, led by Tipper Gore and others, took several years to accom-

plish, in the face of widespread public debate and committed and well-organised opponents. The petulance of ARIA's insertion of its 'Underlying Principles' into a document which then tramples over them indicates the industry's unwillingness to accept the new regime. But it is its principles of free expression, or merely the fact of imposed regulation, that the industry objects to? With the Simpson Report into collecting societies and the perennial issue of parallel importation firmly on the government's agenda, ARIA has bigger issues to worry about – ones which could *really* affect their revenues. □

Senate Committee reports on violence

The Senate Select Committee on Community Standards tabled its report, *The Portrayal of Violence in the Electronic Media*, in the Senate on 13 February. The Report summarises its methodology as follows:

'Rather than concentrating on a largely inconclusive cause and effect debate, the Senate Committee's view is that action should be taken on the basis of the consensus among researchers that there are possible adverse effects from watching violence and that children and adolescents are particularly vulnerable. It is with a view to protecting the most vulnerable in society that the Committee has made its recommendations' (p. 18).

These recommendations fall into four main groups:

- greater detail in the classification/labelling of material, more stringent guidelines, wider application of the regime and greater public opportunity to complain about material;

- in television, restrictions on violent children's programming and the screening of disturbing footage during early evening news and current affairs bulletins, changes and greater adherence to the time zone classification system, penalties for 'proven breaches' of the FACTS Code of Practice; and
- public education campaigns and school curricula courses providing critical perspectives on the media, encouraging increased use of non-violent themes in film and computer game production and educating about non-violent conflict; and
- a greater administrative and classification role for the ABA, particularly in regard to children's television programming

Copies of the Report are available directly from the Senate Select Committee on Community Standards Relevant to the Supply of Services Utilising Electronic Technologies, tel (06) 277 3646. □