

A touch of classification

Draft guidelines with respect to publications are the next step in the implementation of the 1995 Classification Act. If passed, they will result in changes to the way in which publications are perceived as well as packaged

In April 1998, the Office of Film and Literature Classification (OFLC) issued an exposure draft for review of new Classification Guidelines for publications. Submissions were advertised to close on May 29, 1998. The guidelines are the next step in the implementation of the *Classification (Publications, Films and Computer Games) Act 1995 ("the Act")*, passed in January 1996, which incorporates the National Classification Code ("the Code"). (The entire Code is available on the OFLC website at www.oflc.gov.au).

If passed, the draft guidelines will radically alter the way books and magazines are published and sold. For the first time, we will see publications with "M" stickers on their covers where they are classified by the OFLC as "recommended for mature readers" (more than 15 years old). Publications depicting sexual acts, drugs, nudity or violence, depending upon their level and/or frequency and discreetness, will be either placed in a transparent wrapper, an opaque wrapper in an adults-only shop, or banned.

Publishers, in pursuance of the Act, Code and guidelines, will be required to work closely with the OFLC in ensuring the classification of any publications containing "depictions or descriptions of sexual matters, drugs, nudity or violence that are likely to cause offence to a reasonable adult..." (see s.5 of the Act).

Parents, schools and libraries will become the guardians of a set of values imposed by the guidelines and the OFLC's classification decisions.

Prior to the Act it was not compulsory to submit publications for classification. Now, any publication deemed by section 5 of the Act as a "submittable publication" will be classified by the board under the guidelines as one of the following:

- Unrestricted/Unrestricted-M; publications recommended for mature audiences 15 years and over. These will be labelled with an unrestricted "M" label and consumer advice that reads "recommended for mature readers only". The guidelines state, *inter alia*, that depictions and written references of violence, sex and drugs in this category should be "discreet".
- Category 1 - Restricted; publications not available to persons under 18 years. These are to be displayed in a sealed, presumably transparent, wrapper though if their covers are not "suitable for public display" they will be sealed in an opaque wrapper. In this category "depictions of sexual activity and of nudity in a sexual context will not include participants who are or appear to be under 18 years". Under the Code, publications are refused classification "that describe or depict persons in a way that is likely to cause offence to a reasonable adult, a person who is, or who looks like, a child under 16". The draft guidelines therefore create a new sub-category of classification not contained in the Act or the Code, to distinguish levels particu-

larly of "sexual context" involving or apparently involving persons of the higher age of 18 years.

- Category 2 - Restricted; publications not available to persons under 18 years that may not be publicly displayed other than in premises restricted to adults. In this category, "depictions of sexual activity and of nudity in a sexual context will not include participants who are or who are apparently under 18 years". And "depictions and descriptions of drug use may be permitted but drug use should not be promoted or encouraged". The determining criteria between Category 1 and 2 is set out in the summary of permissible versus impermissible "contents". For example, in Category 1 "detailed descriptions of sexual activity between consenting adults may be permitted but should not include themes with a very high degree of intensity" whereas under Category 2, "detailed descriptions of sexual activity involving consenting adults may be permitted".

- Refused Classification (RC): a publication will be refused classification (i.e. banned) if it contains "exploitative depictions or descriptions" of among other things "sexual activity accompanied by fetishes or practices which are revolting or abhorrent".

In its introduction to the draft guidelines, the OFLC advises that "depictions of sexual activity and of nudity in a sexual context which in the board's view includes participants who are or are apparently under 18 years of age will be classified RC (Refused Classification)". Unless this is a typographical error the OFLC is seeking to increase the age from the

... continued on next page ➤

Classification

...continued from previous page

16 years referred to in the Code.

Under section 11 of the Act, literary or artistic merit is one of four criteria which the OFLC takes into consideration in determining whether something is classifiable, i.e. it is not a defence to being refused classification, making the board of the OFLC the arbiter of literary and artistic merit.

To facilitate the exercise of this criteria the OFLC is preparing a draft list of permissible and impermissible

fetishes. (The Hansard transcript of the ensuing parliamentary debates would presumably be available from the adult section of the Government Printers Bookshop in an opaque wrapper.)

The draft guidelines have an extensive glossary of terms that will be used to determine whether a book will be refused classification. But in seeking to prescribe in such detail the permissible and forbidden contents and covers of publications, and

in stigmatising the dissemination of publications by means of wrappers and stickers, the draft guidelines, if implemented may be in substantial disregard of the legislative obligations under the Act and Code, emphasising only what cannot be seen without due deference to the obligation that "adults should be able to read, hear and see what they want."

Raena Lea-Shannon is a solicitor at Michael Frankel & Co and a member of the Watch on Censorship group

From The Archives

Suburban newspapers

Communications Update's survey shows that four major metropolitan daily publishers - News Corp, Fairfax and United/Media Bond through Community Newspapers - have secured control over 85% of audited suburban newspaper titles and 82% of circulation.

Suburban newspapers are "rivers of gold" for their publishers thanks to the advertising dollar.

Morgan Research surveys show that suburbans have advantages that the more prestigious dailies cannot match.

They reach a wider readership, have a slower disposal rate, most are free, and they are usually delivered directly to the home.

Even people who say they are non-newspaper readers turn out to be avid supporters.

Sydney

Murdoch's Cumberland Newspapers group (based in Parramatta) dominates Sydney claiming a weekly readership of more than two million people.

Warwick Fairfax Jr has managed to hold on to the six Suburban Community Newspaper titles and a 50% share in two innerwest *Torch* mastheads.

One Fairfax executive says that ini-

tially Warwick planned to sell all his suburbans until his advisers discovered their cash flow!

John Bremer Fairfax, former deputy chairman of John Fairfax Ltd, picked up the family share in the third suburban group - Eastern Suburbs Newspapers.

ESN publishes the Western Suburbs Courier, Southern Courier, Bondi Courier and Wentworth Courier in the eastern suburbs.

Brisbane

Murdoch also secured a stranglehold over Brisbane when he acquired the remaining 50% of Quest Community Newspapers from Northern Star last year

Quest faced competition from the Brisbane Express Newspaper group until Rural Press Ltd closed down all but two of the 10 titles in late 1987.

The closure was initiated by John Bremer Fairfax when he took over the family's 48% share in Rural Press.

Melbourne

Murdoch's takeover of the Herald & Weekly Times group delivered a lucrative suburban group of titles.

He has now amalgamated the Leader and Standard papers and the newly acquired Broadglen mastheads under the banner of News Ltd Suburbans.

Warwick Fairfax's Syme Community Newspapers still has a 17% market

share which includes one joint publication with News Ltd.

The third major Melbourne suburban publisher (the Times Group) includes three audited *Southern Cross* titles owned by Peter Isaacson.

Isaacson and CPI Publications jointly own two *Times* mastheads while CPI is sole owner of the company that publishes the *Melbourne Times*.

Adelaide

Murdoch's Herald & Weekly Times takeover delivered the Messenger Press which has a monopoly over suburban publishing in Adelaide.

Messenger has moved from its Port Adelaide base to News Ltd headquarters and its old colour printing press has been relocated at Griffin - another outpost of the Murdoch empire.

Perth

Alan Bond is poised to top up his Perth daily newspaper profits with lucrative suburban dollars when his Bell group bid succeeds.

Perth's major suburban publisher is Community Newspapers Ltd which is 49.9% owned by Bell and 50.1% by United Media.

Perth also has three small independent owners publishing a total of seven different mastheads.

Communications Update, Issue 36 July 1988