

**WHO'S AFRAID OF HANNIBAL LECTER?
The Big Cs: Censorship and Classification**

**The Chauvel Cinema, Oxford Street, Paddington
Monday 14th May 2001
7 – 9 p.m.**

Denny Lawrence: Attorney-General, distinguished panellists, ladies and gentlemen: Welcome to this forum on censorship. I just want to say a few quick thankyou's and give one apology before we kick off. The apology's from Deb Verhoeven, the CEO of the AFI who has kindly taken my place in LA at the launch of *Laughter* over there, so that I've come and taken her place here in one part, but for the other part we have to thank Margaret Pomeranz for stepping in very much at the last minute to chair this panel. I should also say while I'm on that subject that a great deal of the organisation and inspiration came from Margaret and so, a special thanks to her.

This is a joint initiative of the Watch on Censorship, the Film Critics' Circle and the AFI and thankyou to all of the members of those groups who helped to pull this together.

A thankyou to Alex Meskovic for the use of the cinema tonight and a thankyou to Fox for foregoing a session of *The Limey* so we could do this.

We certainly hope at the AFI that we'll be doing a lot more of these kinds of sessions in AFI events and I'm very pleased that we've been able to pull this one together. I can't see Lynden Barber in the audience, but I hope he's here and I know that he'll be- if he is, he'll be fairly outspoken, if he doesn't do the Barber walk.

This is something that was initiated in some part by a lot of discussion around the Hannibal Lecter movie so if you're puzzled by the title it harks back to that, but obviously covers much broader and deeper issues. I won't say anything about that, I'll leave that up to Margaret.

But I would thank you again for coming and ask you to be very active in your participation – Margaret might lay some of the ground rules for that and she will also introduce the panel. So, my thanks to the panel, finally, and to the Attorney-General for being here and my thanks to you, and would you please welcome tonight's Chair, Margaret Pomeranz.

Margaret Pomeranz: Thanks for coming. I'd just like to say that tonight's evolved out of the feeling that things are changing in Australia, that we're not quite as free as we were some years ago to, as adults, hear, see and read what we want. Is this an accurate picture? Is it the way we want things to go in this country? How critical is protecting our children in this debate? How much say should specific interest groups have in classification decisions? How important is film as art, art as art, in the decision process? Should we be more careful about representations of violence than of sex? Do films influence violent behaviour?

These are just some of the questions that swirl around the contentious issue of how much we should let our neighbour experience on the screen, in our art galleries, in literature, in porn shops.

Each of the panellists tonight will briefly present a view on classification that they feel is relevant to here, now. And then we'll be opening the discussion to the audience. I'd like to call on the Attorney-General, the Federal Attorney-General, Daryl Williams, to speak first.

Daryl Williams: Well, thankyou, Denny Lawrence, Margaret Pomeranz, Julie Rigg, Peter Duncan, David Marr, Members of the Institute, ladies and gentlemen: It's a pleasure to be here, I have often looked for opportunities to speak on the subject of not censorship but classification. They rarely arise and we have to sometimes manufacture them. On this occasion, it's been manufactured independently of my office and my department and the Office of Film and Literature Classification, so I'm very pleased about that. Could I just also acknowledge the presence of the Director of the Office of Film and Literature Classification, Mr Des Clark.

Now, we're here to talk about the big Cs, so-called: Censorship and Classification. As the title of the forum recognises, censorship is not classification. Censorship is about telling people what they can and can't watch, read or listen to. Censorship is about taking away the right of the individual to make his or her own decisions, and it's about denying people the basic right to read, hear and see what they choose.

The Howard Government strongly believes in the rights of the individual. We believe that our society and our economy function their best when people are free to make their own decisions. And we believe that individuals are best placed to make decisions about their own lives. Censorship is alien to Liberal philosophies and traditions and that is why the Howard Government pursues classification policies, not censorship policies.

Now, classification policy's based on three principal principles: first, that adults should be able to read, hear and see what they want; secondly, that minors should be protected from material likely to harm or disturb them; and finally, that everyone should be protected from exposure to unsolicited material that they find offensive. Having said this, I realise that if people are to make informed decisions about what they watch, read and listen to, it is important to have a classification system and this system must reflect community standards and provide for consistent decision-making.

The *Classification (Publications, Films and Computer Games) Act 1995* put in place for the first time a substantial national classification scheme. The effect of the scheme is to help people make their own informed choices. I believe that the classification scheme is doing an excellent job of meeting the community's needs for information and guidance. But the scheme's continuing success depends on its ability to be consistent in its classification of material and its ability to consistently mirror prevailing community standards. To achieve this, the classification system needs to do a number of things: its decision-making bodies must reflect the composition of the broader community; its classification criteria must be responsive to changing community attitudes; and the criteria must be subject to open and forthright review.

Under the Classification Act, membership of the Classification Board must be representative of the Australian community. As a result, the Board is well-balanced in terms of gender, family and background. Members are also drawn from a mix of rural, regional and urban locations. In fact, as a sideline, one of the most recently appointed senior classifiers came from Fitzroy Crossing in the Kimberleys.

Margaret Pomeranz: Is there a cinema there?

Daryl Williams: I'm not sure - but he's doing an excellent job.

There is also a Classification Review Board. Like the Classification Board, the Review Board is an independent authority with a part-time membership that is also intended to be representative of the community. The Review Board provides a mechanism for re-making classification decisions. Like the Classification Board, the Review Board also makes decisions by applying the Code and the guidelines.

The positions on the Classification Board are advertised nationally and appointments are made by the Commonwealth Government after consultation with all States and Territories. Members of both Boards are selected according to an objective and thorough selection process. When making classification decisions, both Boards must reflect contemporary community standards in accordance with the Act, the National Classification Code and the relevant guidelines. Without going into a detailed analysis, it's fair to say that the classification scheme is designed to provide the Australian community with the information they need to make informed decisions.

To be effective, classification schemes must change with the times and they must remain relevant to changes in the entertainment media and in community attitudes. This means that governments must be willing to review the effectiveness of the schemes and be prepared to make changes where necessary. The maintenance of relevant and appropriate classification guidelines is a significant responsibility shared by all Commonwealth, State and Territory Censorship Ministers. You can see I've used the other c-word there and, regrettably perhaps, the Censorship Ministers' Council still goes by that name, but its functions, I assure you, are entirely involved with classification and nobody is involved with censorship in the deliberations of the Council.

Now, since the inception of the Scheme in 1996, there have been separate guidelines for films, for computer games and for publications. While the guidelines are primarily for the use of the Classification Board, they're also publicly available to assist the community and industry to understand classification decisions. However, there have been significant changes in entertainment media in recent years. Films and computer games are combined in new forms of digital recordings including DVDs. It's now becoming difficult for the Boards to apply the separate guidelines for the classification of films and computer games.

Last year, State, Territory and Commonwealth Attorneys-General asked the Office of Film and Literature Classification to conduct a combined review of the classification guidelines for computer games and films. The combined review of the guidelines for films and computer games together will allow comprehensive consideration both of changes in community standards and of the impact of new technologies on the

classification system. I expect that a discussion paper will be released shortly for a comprehensive process of public and industry consultation. The Classification Board applies the guidelines, which include sex and violence as classifiable elements. As I've said, the guidelines are constructed to take into account community attitudes and standards. The guidelines review will provide an opportunity to consider whether the standards need to be amended to reflect current community attitudes.

It's not only the guidelines which are subject to periodic review: the Classification Act itself has also been streamlined. Earlier this year, the Commonwealth's *Classification (Publications, Films and Computer Games) Amendment Act 2001* received royal assent. The amendments will come into effect in March 2002, the gap being to allow the States and Territories to enact complementary legislation.

The Amendment Act takes into account some of the changes that have occurred in the media in the last five years. It also takes into account lessons learnt in the operation of the Classification Act. While many of the amendments are technical or procedural, some of the more significant include expanding the range of films that are exempt from classification to include certain current affairs, hobbyist, sporting, family, live performance, musical presentation and religious films. The exemptions will only apply to material that is suitable for children at the G or PG level. Additionally, the Classification Board will have the power to determine whether or not a film is exempt from classification where there is doubt about its legal status. The amendments will enable the Director of the OFLC to waive in whole or in part the classification fees or charges for a short film from a new or emerging filmmaker. This exemption will apply where the material will have a limited distribution and is of special interest.

The Amendment Act also includes a provision clarifying the ability of the community to seek a review, which is effectively a reconsideration of a classification decision. Those entitled to seek a review of a decision under the Act are the original applicant, the distributor or publisher, the Minister and a person aggrieved by the decision.

For example, most recently, I sought to review the decision of the Classification Board to classify *Hannibal* MA in accordance with these provisions and, in accordance with the Act, I applied for the review at the request of the Honourable Judy Spence, the then Queensland Censorship Minister. There was also a concern in the community and the media about the classification and in the event, the Review Board classified *Hannibal* R.

Such a process is the exception rather than the rule, but it allows for reconsideration of decisions when appropriate and is part of the effective operation of the Scheme as a whole.

Hannibal is not the only example of this review process in action. For example, the film *Romance* was initially classified 'Refused Classification', but reclassified as R by the Review Board. The film *Passion*, whose director Peter Duncan is with us tonight, was classified R and this classification was upheld by the Review Board. And most recently, the film *The Mexican* was initially classified MA but reclassified M.

Such decisions in contentious cases are often regarded as being too conservative by libertarian sections of the community and too liberal by conservative sections of the community. Community views are often sharply divided when it comes to some material. At the end of the day, we need to have an independent and transparent decision-making process. The provisions of the Act ensure that in contentious cases there is an effective and efficient mechanism for review.

The recent amendment to the definition of 'person aggrieved' will clarify who will be regarded as a person aggrieved for the purpose of seeking review of classification decisions of legally restricted material. For film, those classifications are MA, R, X and RC (Refused Classification). The courts, when considering similar legislation, have regarded a 'person aggrieved' as a person with a greater interest in the decision than an ordinary member of the public. The amendments come into effect early next year. A 'person aggrieved', under the amendments, will be either a person who has engaged in a series of activities relating to, or research into, the contentious aspects of the theme or subject matter of the classified item, or it may be an organisation or association whose objects or purposes include, and whose activities relate to, the contentious aspects of the theme or subject matter. The applicants for review must be able to demonstrate an involvement in the area prior to the restricted decision. The Amendment is drafted so that any person or organisation who meets the requirements of the new provision will be able to seek a review of the decision. The Government believes the Amendment will, in relation to decisions where there is some community concern, introduce a greater degree of flexibility into the review process.

Civil liberties groups, just like other community groups, will therefore be able to apply to the Classification Review Board for standing to apply for review of a classification decision, providing they can establish they have the required interest or involvement. In accordance with the Act, it is the decision of the Classification Review Board as to whether an application for standing for review will be granted. Decisions of the Review Board relating to the granting of standing are subject to judicial review by the courts.

The amendments also provide that under the new provision the Review Board may decline to deal with an application for review if it is satisfied that the application is frivolous, vexatious or not made in good faith. The amendments will improve the effectiveness of the scheme by striking a balance between providing the community with an opportunity to seek review of classification decisions while ensuring that the process is not abused.

Classification is a delicate balancing act. Governments need to take into account the entire spectrum of views that exist in the community and we need to find a meaningful middle ground which reflects those views without placing greater emphasis [on] or giving greater credence to one perspective over another. The review system recognises that there is not a single point of view within the Australian community and that classification decisions will never satisfy everyone. But I suggest to you that the National Classification Scheme provides an ordered and balanced framework for making classification decisions and it has succeeded in providing people with the information and the guidance they need to make their own decisions.

Margaret Pomeranz: Thankyou very much for that. And it's very nice to know that the Howard Government is determined to maintain our rights to see, hear and read what we want and I actually think it was really interesting having a detailed interpretation of the new Act. I thought it was insightful.

Next to speak is Julie Rigg, who is film critic and commentator from Radio National's Arts Today programme. She's also Vice-President of the Film Critics' Circle of Australia. Julie.

Julie Rigg: Thankyou. And I'm delighted to hear from the Attorney-General something I wasn't aware of, that makers of short films are going to get some relief in the classification process through the amendments to the legislation that have just been passed.

First, a bit of a history lesson. In 1912, the NSW Government banned films representing outlaws, bushrangers. This ban stood for 30 years. The result was that (sorry, there's a lot of feedback on this mike), the result was that a number of generations of Australians grew up knowing more about American outlaws than we did about our own history. There's no evidence that it— their fear was that it would increase lawlessness. There's no evidence that the ban decreased lawlessness but I think you can argue that it did cultural harm and there is a kind of precedent, occasionally, for waves of what I would call well-meaning bureaucratic interference in our rights as adults to see, read and hear what we wish in Australia and I also believe that we are in one of those periods of officiousness.

Before I talk specifically about classification and what I and other film critics see as a series of moves down the past five years to restrict that right in Australia, I want to put it in a more general context, a political climate that's been growing here, in which governments increasingly seek to value dissent and constrain criticism by all kinds of bureaucratic means.

By example is the attitude taken by the current Commonwealth Government to community organisations re. funds. It's now common practice for the Government to require non-government organisations to sign contracts including detailed [unintelligible] performance reviews requiring them to notify departmental offices in advance, preferably in writing, at least 24 hours before they make any statement, written, or an oral comment, on any matter of Government policy.

When you put that [unintelligible] they are also required to provide research data before they publish and it's not [unintelligible] and there have been instances where non-government organisations have been verbally threatened with their funding and indeed the Commonwealth Government is in the process of collapsing the community organizations in funds and to [unintelligible] peak councils whom it sees as there to provide *it* with relevant information, the idea of an open society, of a democracy of community organisations as advocacy groups seems to be fading past, fast, and this practice is not simply happening at the Government level, it's happening at the level of the State Government as well. I don't have time to give examples now, but I can.

I'll tell you this story, to suggest that the open society has many enemies and they are very threatening. As a citizen this concerns me; as a parent, this concerns me also.

I want my children and grandchildren – should my children ever get around to this – to grow up in an open and enquiring society. The harm that I fear most for children growing up is the harm that comes from a closed mind, limited access to ideas and information, and a fear of speaking up.

All the more extraordinary to discover that some groups of concerned citizens, or even parents' groups, are to get privileged access to the Film and Literature Board of Review under the recent amendment to the classification legislation the Attorney-General has just referred to. And, as he's explained, these are the groups whose activities relate to the contentious aspects of a film's theme or subject matter. So, presumably, anti-smoking groups can appeal against films which fail to show smokers as misguided, sinister, or wastrels of the taxpayer's purse. Proponents of a hard line on drugs may appeal against the classification of a film which they may feel does not take a sufficiently hard line. Anti-gay groups can appeal against films which celebrate gay sex. Anti-paedophile groups can campaign against films such as *Lolita*, and so forth.

Nowhere does the legislation give the chance to groups who see a harm to democracy from an inhibition of discussion of ideas, a similar access. Unless, as the Attorney-General says, such groups as The Australian Film Critics' Circle can suddenly demonstrate that we also have intense research activity or a history of lobbying around one of the issues raised in a film.

We are in a time when, as many critics have observed, violence with its many tropes is seen as acceptable entertainment but depictions of sexuality are liable to attract the attention of a number of community groups. But depictions of sexuality and sexual mores and ethics are at least as much the grist of enquiring filmmakers as the conflicts which lead to violence.

Catherine Breillat's new film *À Ma Sœur!*, for example (she's the filmmaker who made *Romance*), takes us inside the psyche of two young teenage sisters, one attractive, the other pretty and flirtatious, both under the age of consent. There's an extended sequence in which one watches an older man seduce the other – it's an extremely discomfiting sequence to watch. And this is a psychologically very astute film. Will it attract the same kind of campaign, the same kind of onslaught around *Romance*? Patrice Chéreau's *Intimacy*, which won Kerry Fox Best Actress at Venice, similarly explores the current edges of sexuality and taboo.

The current guidelines suggest that we should only see simulated sex under an R classification. I think there's an interesting question here about performance and acting. Actors may choose to perform a violent act and, I would imagine, a sexual act, and we may choose or choose not to watch. These debates actually won't go away, I believe. This is one of the interesting edges that the cultural changes in our society have taken us to.

I think the difficulty that most censors- most classifiers are having at the moment is around films where sexuality and violence intersect. It was there in one of the core scenes objected to in *Romance*. If you look at the kinds of classifications and the inconsistencies we've seen in recent years, it stands out again.

Why, for example, should a fine film such as *Boys Don't Cry*, an examination of a young woman who passed herself as a man and was the subject of, and then in turn perpetrated a violent attack, be given an R classification, denying it access to an audience at whom it was in part aimed? Surely, I think, the aim of safeguards in the legislation and the regulation guidelines is not to ban representation of violence or sexual violence, but not to have incidents held up as exemplary.

So I hope that the current review gives us a chance to revisit the guidelines in a way which is less confusing to public and critics alike. Time and time again, research on Australian attitudes to what we can see and hear suggests that the majority of us are not troubled by sex on screen, but we are concerned about violence.

I would also hope we can revisit the MA and MA(15+) system in a way which is less confusing to critics and public alike. My own personal suggestion is that MA(15+) be renamed MAG, Mature Adult Guardian, to make it clear what it stands for, that for films- such films, under-fifteens won't be admitted without one or the other.

And finally, I want you to think about the obvious impact that a tightening of regulation has under the current system. What happens is that distributors go away and cut before they submit and, time and time again, we're seeing films which are less than [the] complete work that the makers intended. We've seen this in a number of recent, quite popular films and they were not contentious ones. We are simply being sold short in that respect.

There's a lot more that I wish to raise, but I've used up my time. I look forward to a vigorous Question & Answer session. Thankyou.

Margaret Pomeranz: Thanks, Julie. The next person to speak on the panel is Bev Baker, who's President of the Federation of Parents and Citizens' Associations of NSW.

Bev Baker: Thankyou very much.

Raising kids is a tough job, but I guess someone has to do it, otherwise we don't have much of a future. As we know more and more about children and their growth and development, it is incumbent on all of us to make sure that we create an environment that is healthy, that is safe, that is challenging, that inspires the wonder that children have as part of their natural armoury.

We are very concerned about classification. Because as parents in a busy world, we ask for help. We don't necessarily have the time to sit with our children and watch the things that they watch – in an ideal world we would – but we rely on others to guide us as to what material is okay for our kids to watch alone and unattended; what material really requires an adult to sit with them and explore the complex and contentious issues; what material really ought not be available to them unless it is with - totally in the privacy of your own home, with the family environment around them. And what material is for adults, unfettered, unquestioned, uncensored and unchallenged, as adults come to wrestle with, grip, understand and explore, and decide the meaning of things.

We're not into censorship. Censorship does not work. Censorship denies information. We don't want to deny information to anybody. We certainly don't want to interfere with what is probably one of the most powerful art forms, and that is film. We certainly know the power of literature and have been horrified at some of the decisions that have been made around literature over our history, where people had been denied information rather than being allowed the information where they could have seen it for themselves and realised that it really wasn't what they wanted to know about. I remember the *Little Red Book* being banned for umpty-doo squillion years and when finally I read it, I thought 'Ein?'. It may well have been the fact that I was old enough to go 'Ein?', but considering it was banned when I was about 18, I think I might actually have had a handle on it, considering I thought, 'Yes, this is what we want'. When you discover it's 'Ein?', it's a bit of a rude shock.

The sorts of things that concern parents are the fact that a lot of the games that— video games, are actually xenophobic. Now, unlike a politician, I actually do know what that means and that is, a fear of strangers, and a fear of difference. And when you look at some of the messages in those games, they are very much about fear and antagonism towards people who are different. The reality is, bad guys are never different, they always look just like you, they always look just like me, they always talk the same as we do, they don't have weird things growing out their heads, or funny accents – make it too easy, they wouldn't be bad guys then, everybody would know. But our children are taught that if people are different, then you probably should shoot them down. If they speak differently you should sort of be very wary of what they have to say because they're probably trying to con you.

These are not healthy messages in a multicultural society in which everyone must have a place. Yet contained in some of the most violent video games is, seriously, *that* depiction of xenophobia.

Now, children who actually access those games are fed a diet of fear of people who are different, are encouraged to attack and use the games to position themselves in a dominant form. Even if the character is a cartoon character, the enemy is always a very ugly, bad cartoon character – they're never cute and furry, the cartoon characters, they're always ugly if they're on the bad side; they always look and behave differently. Now, in developing years for children, this is not a healthy message and it is why we would really like to see these games critically analysed and determine whether or not those sorts of messages are good for kids.

When it comes to film, it is again the same thing. We need to be very carefully looking at what it is the film is suggesting to young people. Now, films that have a deep and underlying meaning, that can actually be explored and offer people an opportunity to think things through, to check and question, aren't really a problem. But things that just depict gratuitous sex or violence and show it is as a way of reaching solutions and forming a dominant power force, are really things that parents are quite concerned about. Because, if we are raising the next generation of tolerant, aware, patient, understanding and accepting people, it's not real good to give kids at a very young age a view that power is right, that might is right and that you can beat up on anybody you don't like and who's different to you. And that it doesn't really matter, because if you're a good person, you can outrun the dodging bullets and escape anyway.

Now, I think there are some things that we need to do as a society. We do not want to go back to the time when I was growing up, where I was told that if it wasn't suitable for a 12 year-old, no one could watch it. I have to tell you, I got pretty sick of *The Sound of Music* after a while... But we do need to offer parents in a very busy world some genuine support and some help. We do need, as a society, to recognise that play is the work of children and it is the games that they play that make them into the adults that they will become. We also need to marry together the thing in children that likes them to be frightened with us, with the thing in children that needs them to make sense of their world. And so, being afraid and being left afraid rather than having a solution, probably are not the best ways for kids to be entertained. Solutions must always be there, but not solutions that require the destruction of somebody or something else.

So, as I said, it is a difficult job raising kids. As I said, we do not want censorship; we want support, we want help and we want guidance and we want that guidance to be realistic, we want it to be real. We want it to actually support us in the really difficult job of raising kids because in an era of shame and blame, as parents are held accountable for absolutely everything that their children do, no longer do we have a view that the parent holds the child and the village raises it. That is an infant that we must return to. It is not the parents' fault if the parents don't have the tools that they need, the information that they need, the support that they need, to raise our children. And we certainly don't want to have it at the cost of the dynamic, engaged, adult society that we are raising our children to take part in.

Thankyou.

Margaret Pomeranz: Thanks very much to Bev Baker.

Now, Peter Duncan, who is the writer/director of *Children of the Revolution* - I said *A Touch of Evil* today and he wishes he was – but it was *A Little Bit of Soul*, and *Passion*, for which he received an R rating that he wasn't all that happy with. So I'd like him to come and talk to us now.

Peter Duncan: Thanks, Margaret.

On the 5th of August 1974, Mark Forstater, a producer from Python Monty Pictures, wrote the following letter in respect of *Monty Python and the Holy Grail*:

'Dear Mike,

The Censors' representative, Tony Copell, came along to Friday's screening at Twickenham and he gave us his opinion of the film's probable certificate. He thinks the film will be AA [which is 14 and over] but it would be possible, given some dialogue cuts, to make the film an A rating, which would increase the audience [A being five and above].

For an A we would have to, quote, "lose as many shits as possible, take Jesus Christ out if possible, lose "I fart in your general direction", lose the oral sex, lose "Oh, fuck off", lose "we make castanets out of your testicles".'

He writes further:

'I would like to get back to the Censor and agree to lose the shits, take the odd Jesus Christ out and lose "Oh, fuck off", but to retain "fart in your general direction", "castanets of your testicles" and oral sex, and ask him for an A rating on this basis.

Please let me know as soon as possible your attitude to this.

Yours sincerely.'

I first read that letter 20 years ago. It amused me then and it still amuses me. You'd think it was something the Python team themselves had created, not something their producer had written in all seriousness. The thought of a group of people sitting 'round a conference table, heatedly negotiating these points, is quite bizarre. I mean, how many shits do you have to lose to keep castanets out of your testicles? Exactly how many Jesus Christs is fart in your general direction worth? Or is it a combination thereof? Maybe you can have oral sex for four shits, a Jesus Christ and a fuck-off.

I know it sounds very, very silly, but this type of negotiation is still going on today and will continue going on while we feel a need to classify films. Which I might add, is something I totally endorse in principle and by 'in principle', I mean except when it comes to my own films.

My last experience with the censors was not an entirely joyous one. My film about a sado-masochist got an R rating - surprise, surprise. At first, like everyone else involved in *Passion*, I was disappointed, because this classification limited our market and therefore limited the film's box office potential. But then my disappointment turned to confusion when I saw some of the other pictures that were classified at the same time.

The Wesley Snipes film *Blade*, for instance, rated MA. It's pretty much the bloodfest you'd expect from such an actor and such a title. The opening sequence features a secret dance venue in a Manhattan meat-packing factory and in the fourth minute, the fire sprinklers start spraying blood all over the dancers - so they're all totally soaked in the stuff. Then they turn into vampires and Wesley Snipes comes in and starts stabbing them and blowing them up. So, it's all fun. And I thought to myself as I was watching it, 'hang on a minute, the opening sequence of *Passion* features Percy Grainger, Australian musical legend, one of the greatest pianists in the history of the world, prodigious composer and intellectual, trying to transcribe bird calls into musical notes, in 1908'. Which film got the R rating again?

Now, I know I'm being a little unfair and selective in my comparison. *Passion* contains sexual violence as is defined in the Act. It contains 2 _ minutes of consensual bondage and whipping between Percy and Karen, about 30 seconds' worth of Percy piercing the odd nipple, and assorted dirty stills.

Some of this is confronting, I absolutely agree. There is much of- there is much talk of Percy's psychology, his 'passions and fancies' as his mother calls them, but none of this is graphic, they all talk around it. There's nothing gratuitous, or exploitative, there's no profanity, no full-frontal nudity; it's done in good faith, it's about trying to reach some sort of insight into a great and complex individual. Meanwhile, in the

cinema next door, in *Blade*, the body count's hitting the thousands and shares in Max Factor are going through the roof.

I'm not saying that *Blade* should have been R-rated – on the contrary. I'm just saying that there's a shocking double standard that applies in classification when it comes to sex, as opposed to violence. It is inconsistent. Jack Nicholson once put it more bluntly: "Kiss a tit, you've got an R; cut it off and it's an MA."

The irony of this is huge as far as I'm concerned. We now have a society which has been desensitised and can cope with pretty much anything in the way of violence on our screens, yet at the same time we fear violence, we don't want it in our lives. Meanwhile, we all want to see sex. We all want to understand it, and be good at it. Hell, we want to understand ourselves! Yet this understanding is, in many ways, being blocked by old thinking. What does it say about us as a society when a 17 year-old music student can watch *Blade* until his heart's content but he can't even go to see *Passion* with a parent or guardian – not even his music teacher. What sort of messages are we sending to this young man? What are we protecting him from? Does anyone really think these 16 or 17 or 15 year-olds don't know about S&M?

I saw an ad for a new film called *Tomcats* the other day. It's one of those tacky, wacky, pictures: the last guy in the gang to get married gets all the cash from the mutual fund they all set up when they were boys – whatever. Just in the ad, there are two scenes with a dominatrix – guys strapped down to a wheel, whips, that sort of thing. It's rated MA. But that's alright, apparently, because it's meant to be funny, it's not real, it's cartoon sex. Like *Blade* is cartoon violence.

So, I ask you, where does the truth fit into all this? Do we really live in a society where the truth is the one thing we forbid our young people to see? How on earth do we expect to help future generations negotiate the complexities of being alive when we withhold information from them and offer in its stead the cartoon version? I believe, in *Passion*, we were offering a truthful, intelligent analysis of a life, and that film was rated R.

You know, David Lean's magnificent 1946 version of *Great Expectations* was also rated AA in Britain. According to the *Evening Standard* at the time, quote, 'One reason *Great Expectations* had to be classed as an AA film was that it happened to have a bed in it.' And they wonder why there are so many weirdo Tory MPs. Imagine growing up with that level of sexual repression.

We need to encourage intelligent not gratuitous, sensitive not exploitative dialogue with our young people and to have the classification of our films reflect the sensitivity and intelligence of that dialogue. I'm not saying open the floodgates, I'm not saying let kids of all ages see everything – not at all. I'm just saying that we need a system of classification that values the truth as much as it promotes the cartoon.

John Bird, Percy Grainger's biographer, tells us that in 1956 Percy deposited a small parcel with a Melbourne bank. Instructions were left that it was to be opened ten years after his death. It contained an essay and a large collection of photographs giving full details of his sex life. His single hope had been that after ten years had elapsed, the world would be sufficiently broadminded to accept such things without

guilt or shame, and that a rational enquiry could be made into all aspects of deviant sexual behaviour. In the same year that the parcel was eventually opened with all due ceremony at the Grainger Museum, a bookshop owner in Sydney was arrested by the NSW Police for displaying a poster of Michelangelo's *David* in his window. That year was 1971.

I'd like to leave you with a few of Percy's words: "Destroy nothing, forget nothing, remember all, say all, trust life, trust mankind. As long as the picture of truth is placed in the right form, it will offend none."

Thanks.

Margaret Pomeranz: Thanks, Peter. And finally, we're going to hear from David Marr, author and journalist.

David Marr: Thanks, Margaret.

I might also say that [in] Percy Grainger's will, as I understand it, that his bones were to be picked clean of flesh and were to hang outside his museum as wind chimes – one part of the will that was not honoured by Melbourne University, for reasons which I still fail to understand...

It is a grim pleasure, for somebody in my position as a journalist and a commentator and a general kind of loudmouth on issues such as this, to be able to say in the presence of the Attorney-General that there is nothing terrible I will say about you, sir, that I would not say about your opposite number, Robert McLellan, because, indeed, everything that has happened in the story of censorship in this country in the last decade has been the joint work of both the Labor Party and the Coalition. They – and I'm sorry, I don't mean that as a joke. They support one another in all of this. The Labor Party for instance recently passed the amendments, which I'll speak to in a moment, to the Classification Act, giving all sorts of weirdo groups standing to, to challenge censor – classifications of films. Apart from some peculiar and wonderful and amusing Cabinet decisions of the Howard Government, everything that has gone through Parliament has gone through Parliament with the co-operation of the Labor Party in the time of the Howard Government. Nobody should expect that a change of government later this year will radically change the situation that film, television, the Internet and video games and books and magazines face in this country – it simply will not. The Coalition and the Labor Party are both after the same block of votes and that is, those people who believe that these kinds of censoring actions somehow hold society together. People who fear – decent, good Australian people, who for many reasons fear that society is going to the dogs and who look to Government to make the clarity of actions to show that society's still holding on there, together. That's the essential politics of what we're talking about.

To say, sir, that the Howard Government is not a censoring but a classifying government is simply, I'm afraid, untrue. Shall we go down the list? And it is a list which now places Australia in a unique position in the world. We are drifting back to where we were in the 1960s, a kind of Ireland of the South Pacific except that Ireland isn't like it anymore.

Take television. Australian television is uniquely censored. On free-to-air television you will never see an ordinary R-rated film uncut, at any time of the night or day. Unlike Britain and Europe, we do not believe that there is a certain time of night where it is parents' responsibility to see that their children are in bed. Bev Baker represents a point of view, which is that it is a Government responsibility to assist parenting. I simply do not see that that has any bearing in censorship, except to provide very, very good, clear classifying guidelines for children's film. Television rules in this country are run on the notion that even at 3 a.m., some sleepless child can be wandering around the house and might turn on the television and see an ordinary R-rated film, therefore they can never be shown in Australia. We are a weird country.

In 1999, in order to get Senator Brian Harradine's support for the further sale of Telstra, the Howard Government further closed those rules down for free-to-air television and particularly closed the classification of sex on television down. The chances of seeing— I mean, trash you can still see every now and again, but real sex - nup. Australian television, while not as mad as American television, is completely barmy for anybody who comes from a European tradition to this country. Cable television, Australian cable television, apart from Saudi Arabia and one or two other countries in the world, is the only cable television which does not have as a staple diet available to all subscribers, ordinary R-rated films. In this country you have to subscribe specially, to a special channel, in order to get R-rated films – that is another Australian uniqueness.

Video games, Australian video games – we do not allow any R-rated video games in this country. That is not classification, sir, that is censorship. And especially, no erotic video games. Bev Baker quite rightly emphasises the terrifying banality and tedium of violent video games – well, that's all you're allowed in this country.

Film – we banned *Salo*. That, sir, is not a classification decision, that is a censorship decision. And the banning of *Salo* caused a revolution inside the censoring community in this country, which included the stripping from the Review Board of what used to be a nucleus of people who loved film— that was what they were on the Review Board for: they were there because they loved film. The Review Board at that time was run by Evan Williams— was headed by Evan Williams. It is now run by a woman of considerable standing in this community and, I mean no slur by this, but Barbara Biggins' expertise is in child psychology. So, the example of *Salo* hangs over the entire film industry all the time. We are still a country capable of banning a tired old classic and we are one of the few countries in the world, of course, that does ban *Salo*.

Pornography – we at least allow the sale of pornography, if reluctantly, through the ACT. But Monty Python? Think of the Monty Python situation and when the Attorney-General is long retired and when I am long retired, I look forward to having a couple of sherries with him and go over the Cabinet discussions in which it was decided that dripping of hot wax would no longer be allowed, for instance, in Australian porn. I would like to see, sort of, you know, the National Party saying: "Oh, you know hot wax... What about barbed wire? Oh, no, we won't go into the barbed wire, let's just stick to hot wax."

I've done my long speech in the past about what has now been banned from porn but I usually like to do it wearing rubber gloves, and so, I won't go into the details now.

Books in this country are still, from time to time, but extremely rarely, censored and banned – *E is for Ecstasy*, for instance. Now, that is not a decision in the time of the present Government but in the past Government. It's a hilarious notion that a book about the pleasures of Ecstasy, and the dangers of Ecstasy, was actually completely banned. Of course, it's available on the Internet – which brings me to the Internet.

Australia is in a unique position of censoring the Internet, not classifying it (although there is a classification element to the rules), but actually attempting to shut sections of the Internet down. Now this is of course technologically impossible and what it's actually about is making those reassuring gestures to that section of the community which wants to see the Government taking action, even if the action produces no discernible effect except to send Australian porn out to Bangladesh, it is now being done. There is a great deal of collateral damage, which I won't go into now, from attempts to clean up the Internet, but once again, that's censorship.

Take that list together and Australia is now [in] a really peculiar position. We are becoming unique again, we're becoming special, we're becoming worth looking at from a world point of view. We're a decent, liberal, prosperous society where every single opinion poll will provide an overwhelming consensus for allowing adults to see, read, etc. what they wish. And yet, a series of governments [have been] moving steadily into more and more restrictions.

The reason for this, essentially – I'm sorry, I won't go back into the reasons, but one of the ways of looking at what has been happening in the last six or seven years, it pre-dates the Howard Government, but it's been continuing through the Howard Government, is that there has been a persistent and strong campaign against the OFLC, against the Office of Film and Literature Classification. I myself have been and remain a critic of the Office of Film and Literature Classification, but I think, fundamentally, what it's about is good, and valuable, and a protection of real liberty in this community. However, there are many who do not think so and, in particular, they challenge, wherever they can, the notion that the OFLC represents community opinion, because they have a sense that *they* represent community opinion. So, an absolutely devout, closed, Christian community, say, on the Mornington Peninsula, or in Northern Tasmania (which is perhaps a more dangerous territory), believes that they represent true community opinion and they cannot understand why the OFLC should, up in Sydney – godless Sydney! – should be making the decisions it's making. It would be better probably, politically, for the OFLC if *it* moved to Fitzroy Crossing rather than having people from Fitzroy Crossing coming to it. But there is a constant sense that if only we could only get beyond outside and through these desensitised, sophisticated city folk who run the OFLC, we'd get to a real Australian opinion, a real community feeling. And that is why, for instance, in 1999, in a truly hilarious decision of the Cabinet, the Cabinet actually rejected a whole list of people who had been carefully and scrupulously chosen by the OFLC to fill vacancies amongst classifiers – they rejected the whole list, in order to get a better mix, a more rural kind of mix. Now, many of the people on that list have subsequently been appointed. It was not a judgement against the individuals, but against the list not being 'bush-y' enough.

The thing they find, however – and all the surveys show and experiments with community assessment panels also show – is that out there, Australians think exactly the same as we think in here. No matter where you go, this is a country absolutely dedicated to the notion of protecting real children from real harm; of allowing adults to make their own decisions about what they see and what they read; of having a system which warns people about what will be coming up but otherwise, freedom. That's not what they're getting at the moment, that is simply not what they're getting.

Slowly (and these things usually work slowly), slowly we're moving here and there, not without, I know, very decent opposition from within the Howard Government and lazy attempts at opposition from within the Labor Party, but that's how we move.

One last thing, because I know I'm banging up against the end of the time – banging on, apart from anything.

The latest legislation has given standing to a wider range of groups to contest the decisions of the OFLC. The way in which these are drafted lead me to believe that organizations such as the one I represent, Watch on Censorship, will have no standing to contest decisions, but that anti-paedophile, anti-smoking, *cause* groups, people who are pursuing particular causes, will have standing to do it.

Now, I suppose if Watch on Censorship set up an anti-paedophile division, a pro-smoking division and a few other divisions, we might come within the ruling. But the fact of the matter is, that this is designed to allow, once again, another access for the notion of the real community feeling in Australia.

What worries me is that there is a possibility – and I know this is far-fetched, but I have to tell you, everything in the history of censorship is far-fetched: this country, for three decades from about the 1880s, banned all French novels on rules that were devised to stop dirty postcards. You use what you can, in the history of censorship. And the giving of standing to extra groups of course will give standing to the police. The police will have standing to say, 'we fear community violence, we fear crime, we fear this, we fear that'. And one of the things that the OFLC and the legislation that was setting it up was designed to do, apart from trying to stop the more ratbag politicians (which, of course, never in Canberra, but more in outlying states and never in NSW, of course, which is a haven of the rational), to get politicians out of the direct business of censorship, but more urgently, it was to get police out. And I fear, sir, that your legislation is going to give the Police standing once again, to come back in and say, 'you let that film in and there's going to be more bank robberies'. *Dog Day Afternoon* doesn't stand a chance, I think.

I've overstayed my welcome. Thankyou very much.

Margaret Pomeranz: Well, I thank all the panellists. I think it's been a very interesting range of opinion.

I'm very tempted to ask Daryl Williams for his response to some of David's comments now - I don't know if you'd be prepared to do that. About his fears – do you want to sit there, because you can sit there and that microphone will work.

Daryl Williams: Well, I think I've heard much of what David said tonight in different forms on previous occasions, not necessarily from him. And I have to say, that from my perspective, sitting not as a censor, not as a classifier, but as someone sitting in the position of administering the system, he represents one point of view. Now, he was critical of people at the other end of the spectrum. Each has some legitimacy.

Let me give you an example of a situation we were confronted with just recently. An Internet site specifically set up and designed to attract children and to inform about a particular subject had a website and by changing two letters, a Web site portraying hardcore pornography came up instead and that Web site was specifically set up in order to attract, in order to catch people who are going to that children's site. It's something that governments get complained about if they don't do anything. You can say, well, waste of time, it's a waste of time trying to censor or classify the Internet, but that sort of an issue is one that we've got to deal with, we've got to learn how to deal with it so that children are not confronted with offensive material.

Now, we have a system which I believe is designed and succeeds in striking a balance and I explained the system. If there's a minute or two, I could explain another method by which we check what the OFLC does.

In late 1996 we set up what we called community assessment panels. We got a consultant to select 20 people randomly from the community and to undertake an assessment of, in each case, three films that had been classified by the Classification Board but had not been publicly released. We did panels first in Sydney, then in Brisbane, then in Wagga Wagga, in '96 and '97. Then we did three more panels in '99 and 2000, in Perth, Adelaide and Bendigo. As a result of those panels, 18 films were classified. In the first nine, six were classified by the community members in exactly the same way as the OFLC, two were given a lower classification and one was given a higher classification. In the second nine, seven films were given identical classifications by the community members as the OFLC had given, one was given a higher classification and one was given – well, there was a problem there because there was an equal number of members of the board, members of the panels, for two different classifications.

Now, that gave the message to the, I'm not going to refer to them as censorship ministers, the Classification Ministers, that the work that the OFLC was doing was compatible with general community standards. It was not representing one point of view at the libertarian end and it was not representing one point of view at the conservative end. Basically, it was doing what the general community wanted.

Margaret Pomeranz: I think that members of the audience are most probably anxious to ask questions. There's a microphone going 'round.

So, would anybody like to address a question to any member of the panel?

Audience Member (Question #1): Yes, I'd like to ask the Attorney-General. You say it's a classification issue and not a censorship debate, but when you refuse classification, it's censorship.

Daryl Williams: Well, the judgement being made there, obviously, will result in the, under State legislation, the film or publication or computer game not being available in the community. So, in that sense I can accept that it represents censorship. But what it is doing is representing a judgement that, by community standards, this is something that the community doesn't want in the community.

Audience Member (Question #2) [Andrew Harvey]: Andrew Harvey's my name and I just wanted to make reference to what Daryl Williams was speaking about earlier with regard to the detailed process for recruitment, and that David Marr referred to as well. In 1999, I applied to the Board as a classifier and I went through what was a very detailed and rigorous process, over 18 months and I attended three interviews. And a few months after that I was contacted by the Attorney-General's Department and I was informed that I had headed the field of all the classifiers and there had been 500 applications. And I was asked for my permission to be put forward as a senior classifier, even though I hadn't applied for it, because of the way I demonstrated my skills, and I said 'yes'. And then a few months later there was an article in the *Herald*, written by David Marr, about the shortlist being dumped due to Brian Harradine's vote being wooed for the GST, because he stood up in Parliament and said it wasn't a list of ordinary Australians. And I then received calls at my workplace about being a classifier but fell short, from newspapers and radio stations.

So, the entire process, actually, for me, went against all principles of equal employment opportunity which ordinarily, the Federal Government is at pains to ensure is followed through and it actually led me to be very concerned about the OFLC and the conservatism that's taken place and the way that the Board was then possibly stacked by not following the recruitment process, which was very rigorous and was done in great detail. And I think everyone here should be very concerned about that process and the way that took place. And, just for the record, I think I would have made an excellent senior classifier.

Margaret Pomeranz: Would you like to comment? [to the A-G]

Daryl Williams: Well, you're raising an issue that is, a subject that I think all ministers find extremely difficult, that is, getting appointments through Cabinet. No matter what the process, the Cabinet's scrutiny of nominations by ministers or departmental committees or whatever is extremely thorough. I can't comment in particular on that particular process. I can remember some of what went on, I can't remember at all that, but I think, as David Marr pointed out, that a number of people who were on the original list from the Department did in fact get appointed.

Governments take appointments very seriously and individual points of view, bearing in mind there are something like 15 cabinet ministers and another – more than that, 17, and 13 outside, all have an involvement, to some extent, in what goes on in individual appointments.

I can't comment on the merits or demerits of your particular case, I don't recall your name. I'm sure you would have made an excellent senior classifier or classifier, I'm sure a whole lot of other people would have, too. But one of the things we have to ensure is that we are striking a balance. The legislation requires that the

Classification Board be representative of the community. Now, making that judgement is very difficult. But what it does mean, and some of you may not like to hear this, it doesn't mean you fill the Board with film critics and filmmakers and film distributors or publishers and the like. You do like for people who have the capacity to read the Act, read the Classification Code, read the guidelines and apply them. They're not intended to decide off their own bat what people should see, hear or listen to. Their job is to apply the guidelines that have been set through a fairly rigorous consultation process with the public. It's not an easy job, not everybody can do it, no matter who - no matter what their training, and the process is designed to ensure that not only do we get people who can do that, industry would demand that, but we get people whom we can say to the community, really do represent the community.

Margaret Pomeranz: I think David wants to make a comment on that.

David Marr: Could I ask you what suburb you live in? [to Andrew Harvey]

Andrew Harvey: Erskineville.

David Marr: That's— was probably not a good look, Fitzroy Crossing would have been much, much better, for you. But I hope that you take some consolation from the fact that even though you were not to be, say, head of the armed forces or an ambassador for this country, your appointment was considered by this nation's Cabinet. And that's where we are with censorship in this country, it is a Cabinet issue.

Margaret Pomeranz: And I think Julie wants to make a comment, too.

Julie Rigg: I wanted to make a comment, and ask a question.

The comment relates to notions of community and the idea that, you know, classification shouldn't be the work of film lovers, film critics and so on. Point taken, but I believe that, as Australia has matured, we actually have evolved a greater diversity of communities. I think it's very difficult to use 'community' across a very broad spectrum and so that the representation should also not disenfranchise people who are film lovers, people who live in Erskineville, people who might go to the odd art-house cinema, that is the feeling that film critics, for example, have at the moment, that we are suspect, that film lovers are suspect. We're not an industry, we're not part of the industry intrinsically involved in classification by submitting things, but I think that film lovers have also a right to be heard in these consultations.

My question is a particular one: can you explain the political process that produced the amendment that's about aggrieved party status, that's concerning us all? At whose behest was this introduced? Was it bureaucratically inspired, or did particular lobby groups press you about this? Did it come from certain benches of the Senate? Where did it come from?

Daryl Williams: What the Amendment was designed to do was to widen the capacity of those with a special interest to request a review, without allowing the system to be abused by allowing anybody who has a— one view, extreme view, a view at one extreme or the other, to step in every time. There's some discouragement to

people actually wanting to seek reviews because they have to pay the classification fee and that does prevent, to some extent, vexatious applications for review.

Julie Rigg: But why not open it up further? I mean, why— my point, and it's a very serious one, is that there are many parents, many citizens, who believe that they want to safeguard their children from the harm that comes from a too-rigorously censored society, so why not open that classification process to groups such as the Australian Film Institute, the Critics' Circle, Watch on Censorship, to name three of the parties sponsoring it tonight. Why not open it to what you would call extreme or libertarian groups, to people who value freedom of expression, speech, etc.?

Daryl Williams: I wouldn't describe those organisations that you've mentioned as extreme, although they-

Julie Rigg: We are outlawed under the way the legislation's framed at the moment.

Daryl Williams: Well, I don't think you are if you are part of an organisation that has an interest in the subject or theme of the film, game or publication.

Julie Rigg: But I can't be just interested in a film, for a film?

Daryl Williams: That doesn't put you in different category to any other member of the community.

Margaret Pomeranz: I actually had a question.

We used to sort of pride ourselves that we could see *Salo* and Queenslanders couldn't and I know that you're very much for a national system, but I was wondering about the actual logistics of this Review Board and if there are more appeals for review of classification, just the logistics of getting these people from all over Australia, you know, into one spot. Why would you not support, you know, the Queenslanders having their own review board and if they want *Salo* banned, that's fine for them. Why isn't there, why don't you encourage some sort of differentiation between the States and the different sensibilities and sophistications between the various States in Australia?

Daryl Williams: Well, we don't have to encourage it, it's already there.

Margaret Pomeranz: Well, why don't you pander to it?

Daryl Williams: Well, let me say that I think industry would demand that there be a national system because most of the distributors of films, videos, games and publications operate nationally. And we had the, we have at the Commonwealth level no power to enact legislation relating to classification that could override anything a State does. So, in order to have a Commonwealth role at all, we effectively have to have a co-operative national scheme. It's the State laws that provide for the classifications that are done by the federal body, the OFLC, to have any effect. It's the State legislation that says sale or hire of an X-rated video is unlawful in the State, or in the case of the Territories, is lawful in that State – in that Territory.

Now, I don't think we want to promote the sort of break-up of the system. The States already have the power to change a classification, in fact in South Australia they have legislation that enables them to change a classification done by the Classification Board, through a process in that State. Western Australia has something separate. I'm not sure about all the other States. But it doesn't make much sense to have a system that's just going to be differentiated across artificial boundaries, like those between Albury and Wodonga – it just doesn't make sense.

Margaret Pomeranz: Well, it's a lot cheaper to go to Sydney from Queensland than it is to go to London or Paris to see a movie that we want to see, that was... Anyway, I'm chairing, so, next question, I'm sorry.

Audience Member (Question #3) [?French man]: I just want to question really the Government's attitude, it's a question of censorship or classification and I can hear there's such a thing as standard, which is the standard of the community standard, I think that's the expression that was used, right? Is that a yardstick which you can refer to, is that something like the one metre length in Paris, that's the length measurement. I can't see this community standard which is so often 'mooted [as] being some real thing. Especially, for example, I'm looking at my own home and I've got a boy, I have a 13 year-old who goes to a very well-known public school run by some church and the question is, how does he get hold of all this wonderful pornographic material and the absolute maximum sexual knowledge which I have to copy in some reference book if I want to participate in what he's asking. How does he do that? How come that the Government can not control this?

Daryl Williams: Well, I don't know. I think I'd need a bit more detail to answer that last bit of the question.

Let me say that community standards are not easily identified but the attempt that is being made by all of the Governments – Commonwealth, State and Territory – through the Classification Ministers' Council, is set out in the Act, the Code and the guidelines. Now, what that does is advise the classifiers on what standard they're to apply in respect of things like sex and violence and a whole lot of other things, in whatever it is that they're assessing. Now, we seek to do that through having a review and public consultation process in the settling of those guidelines and we seek to do it by having the classifiers as representative of the community as we can make it. And I accept Julie Rigg's point, that we aren't simply one single community – Sydney's not the same as my hometown of Perth in many respects and Sydney is not the same as the Bush. Most people in the Bush don't like it being referred to as 'the Bush', they come from a whole range of different areas. Now, we don't have the capacity to have a system that will apply one standard for Sydney and another standard for Perth or another for Wagga or another for Bendigo. But in fact, what we've found through our community assessment panels is that people generally seek to achieve the same standards.

If anybody thinks the guidelines that are being applied are inappropriate in respect of films and computer names, they now have the opportunity to make submissions to the OFLC in the forthcoming review. In fact, a couple of the speeches tonight sounded very much to me like submissions, some of the material and the points made would be quite useful.

David Marr: They could be re-worked.

Margaret Pomeranz: Julian.

Audience Member (Question #4) [Julian Wood]: Thankyou. I just want to say that I used to be a censor, both in England and Australia and I'm reasonably familiar with the kind of Realpolitik that underlies censorship and its various directions and I think that your position, as outlined, in relation to the idea of getting people from various parts of the country to sit on the Censorship Board, such that they work under the rubric that they're applying guidelines and the guidelines are rather far back and you really can't get to them, you've just got to apply them in some bureaucratic sense. That's inherently contradictory in the sense that if that was the case, then any six people would be just as good as any others, if they were thoroughly mediated through these guidelines and didn't bring what is effectively assumed to be a kind of sensibility to the job. There must be something about these people from various parts of the country, that you value over and above their ability to apply the guidelines – otherwise what are they bringing to the job? And I put it to you that, in fact, actually there is a sense in which the people outside the, certain parts of the country might be seen as being less hampered by a sophisticated or tricky kind of view of censorship and in some senses there is a Realpolitik about kind of using people from various backgrounds or various locales, despite the fact that you're making an appeal to a totally neutral process.

So, I wanted to get that one out in the open, first of all, and secondly, I wanted just to reinforce Julie's question – I think it's really important for this particular occasion. If the whole thing is all so smooth and going so well, then why are we changing it, or why are you attempting to change it? Why is the Government attempting [to change it]? If it's not broken, why are we fixing it?

Daryl Williams: Well, I think there was some encouragement in the first part of what you had to say, to what the Government is doing.

As far as the second part is concerned, the Government is not seeking to change anything. The view that's taken by the Ministers is that it's important that the guidelines reflect community standards at the time they're being applied. We last reviewed the film guidelines in 1996, we reviewed the publication guidelines in about '98-'99 and it was the turn of the computer games guidelines to be reviewed now. But developments since then have shown that you can't just deal with computer games separately from films and videos because the technologies are converging and it's very difficult to say what form of technology you should be applying that particular guideline to.

So, it's really an opportunity for ongoing public consultation on what the public wants and in offering the public consultation the OFLC will, with the approval of the Ministers, be suggesting that there are- is a need for some changes, at least in relation to the separation that has previously existed between films on the one hand and computer games on the other.

Bev Baker: I guess I've got a little bit of concern, as this is developing, I think my angst is rising slightly.

The need to look after kids and to protect kids in the developing years is one thing. The need to protect adults is something completely different. Now, I know about community standards. They were the things that kept black kids out of white schools till 1972 in this country. It's not something that we should be proud of, but a vote by a majority said that Koori kids couldn't be admitted to public schools in this State. I guess the decisions on this Board is by majority decision, which means it could be carried by a vote of one, meaning that the Board is in fact split fifty-fifty. And in terms of what adults might view, the range of views may be there, but it comes down to a simple majority.

Now, simple majorities are interesting things, they're called mob rule in other places. It really needs something far more complex and far less blunt than a stupid— as a majority decision on community standards for what adults in this society can view.

Now, a community standard and a discussion around what, as a community, we feel is acceptable for children and the under-aged, when our children are 18 and so everything under that is at law to protect children, they have no rights at law unto themselves, so that that is our job. But when it goes over 18 and we start looking at what adults ought to be doing and what adults ought to be seeing and what they wish to, surely the censorship exists with themselves when they decide, yes, I will see it, no, I won't; yes, I will read it, oops, [hit the microphone accidentally], yes, I will read it, no, I won't, yes, I'll hit the microphone, no, I won't. The sorts of things that you do as an adult, these are the things that we're saying to our children, that you make discerned and informed, educated decisions. You don't make decisions in a vacuum where you don't have the knowledge. And I think that was part of what I was saying about having the book, like Mao's *Little Red Book* banned and not being able to read anything on Che Guevara. A whole generation actually took on views that, when they actually got hold of the material, they wanted to moderate and change, but because we were denied access to the material, we had a stylised view of what that thing was, and a mythological view of what it was.

So that I think that, really, in terms of looking at what adults may view and adults may see and adults may read, then we really do need a far more complex arrangement in which the classification sets out what is in the video, what the materials are in the game, what the subject matter is, and allows adults to make decisions for themselves as to whether or not it's particularly what they want to see, what they want to view, what they want to hear, what they want to read, rather than having somebody telling me that it might do me some harm, as an adult, if I explore the sociology, the psychology.

If I say to my child who is studying, I think this is an important thing for you to actually have a look at because it helps me educate you and the views that I think are important – I mean, that's a whole different ballgame and allowing it to be left to a majority decision in a, which is removal from, not distributing the material, is quite frightening in an egalitarian and free society. I've got to say, I'm a bit worried.

Margaret Pomeranz: Yes?

Audience Member (Question #5): Yes, I'm, my question is, why hasn't someone said 'look, there are two things that are certain about censorship: it costs an enormous amount of money and it doesn't work'. Not just that it doesn't work, but it cannot work. I remember, as a child, I consumed enormous amounts of film, literature and whatever. I was quite proud of the enterprise and deviousness which I showed getting hold of material I shouldn't have. In all that period, the only thing that ever actually spooked me was an educational film about Edvard Gried [?], which represented death as a white swan – gave me nightmares. Find me a censor, a parent, a guardian, an educator who would keep that away from me. It's just not going to happen.

Censorship is plain counter-productive, not just on the idiot level where they ban *Texas Chainsaw Massacre III* or *Five Ashore in Singapore – II* – or *Catman of Paris*, but even up to things like the interest that was created in *Satanic Verses*, which is something which normally would never have reached a fraction of the people who made an effort to get out and read it. By the way, the bootleg of *Salò* is not doing at all well, I think the word of mouth has killed it.

Basically, if there is an answer to the problem of objectionable material circulating, and I'm not convinced there is, it's to put it into a better-informed community, one which can tell that [unintelligible – R or ah, it's bacious?]

Bev Baker: I think I have to agree. I don't care what the question is, the answer is always education and I think, you don't get educated in a vacuum, you get educated with full access to information so that you actually know what it is you're facing, know what it is you need to know and then you know what you need to do. Because if you don't know, you don't know what it is you don't know.

David Marr: Could I just add something to that?

I think, especially in the case of censorship for adults, it is not designed to work. And the fact that it fails is never an answer to the passion some governments have for censorship. Censorship is a declaratory act, it doesn't work effectively as a quarantine.

When I was a kid, you weren't allowed to read *Lady Chatterley's Lover*, but like most educated households in this country, my parents had their copy of *Lady Chatterley's Lover* and nobody was seriously worried that copies of *Lady Chatterley's Lover* were everywhere. What it was about was the Government making a statement to the public about its taste, about its standards and that was purely declaratory and it's exactly – I agree with the Attorney – the notion of entrapping kids into a Web site where they're going to see hardcore porn is both disgusting and a little bit frightening, but I also know that what the Government has done about it is declaratory. It is an attempt to say we're doing our best and in fact, I think, Attorney, that's more or less what you said, 'we are doing our best'. Well, it doesn't work and, but that is never an answer to censorship, you know, you can always smuggle in something in your underwear through Mascot Airport and it never made people think, well, we'll give up on censorship, because that's not essentially what it's about. It's declaratory, and it's utterly trivial for that reason.

Audience Member (Question #6)[Tina Kaufman?]: I'd just like to clear up a point. When you're talking about the fact that the State, that censorship is actually based on the State's legislation and not the Government, not the Federal Government's legislation. If, for example, when *Hannibal* was re-classified R, could NSW have theoretically said, well, we don't want to accept the R, we want to stay with the MA?

Daryl Williams: I can't answer that, I'm not familiar with all the legislation in each of the States, but it would certainly be within the power of the NSW Government to enact legislation that would enable them to do that. Whether they've done it or not, I can't comment.

David Marr: Some States have got the, sort of, the old scaffold is still there and they can still operate it at some [?]. Western Australia and South Australia, I think Queensland's still got the [?] No, there's a man here who can answer these questions.

Audience Member (Q #6): ... that's going worse, what I'm saying is, refusing the conservatism but actually staying that with a lesser classification?

David Marr: Do you think that would happen in NSW?

Audience Member (Q #6): Well...

Margaret Pomeranz: Do you know, I just sort of want to come in here and I would like Daryl Williams to respond. That basically, I suppose that what we're all reacting– well, what I have reacted to over the years and I think all of us have in recent times – is a growing feeling of a paternalistic attitude of Government towards adults in this country. And I don't– you're trying to reassure us that structures are being put in place that don't reflect this. Do you feel, that from what you're hearing tonight, that there is any basis for us feeling that way? Because, on the edge of the industry... I mean, people are into sexual fetishes that don't hurt anybody, that please themselves and yet they're not allowed to be represented on screen. It strikes me that if it's not an illegal act, people enjoy it, they don't hurt anybody by watching it and yet it's become illegal. Why?

Daryl Williams: Well, just listening to the comments, people, in the main, who've spoken, seem to be coming from the libertarian, liberal end of the spectrum. Now, I don't have responsibility for television, I don't have responsibility for the Internet portfolio. Our portfolio is only responsible for the administration of the Classification Scheme in respect of films, publications, computer games. It assists the ABA in the classification of (the Australian Broadcasting Authority), in respect of requests for classification of television material. That doesn't represent a large part of the work of the OFLC.

Now, when I look at what changes have taken place in the time of the Howard Government in relation to the guidelines, they – in my view – have really been quite minimal. David Marr and you, Margaret, have both referred to the fetishes. Now, there has been a limiting of fetishes in what would appear an X-rated video, I accept that. The estimate is that it took out something like 10 or 15 per cent of the material that would otherwise be available, but I'm hard-pressed to think of any other change that's been made in the time that I've had ministerial responsibility, that limits any

material that's available. The States and Territories may have done things, I don't know-...

Margaret Pomeranz: I suppose the banning of *Romance* scared us as well, the original banning of *Romance*, possibly set-...

Daryl Williams: Most of the comments that are made about the operation of the OFLC are made about those high-profile, few films that have gone on to a review, like *Hannibal*, like *Lolita*, like *Romance* and *Passion* and so on. Now, they represent a minuscule part of the work of the OFLC.

The OFLC gets a negligible number of complaints about classification in any given year. The complaints that are made by members of the public about classification are generally not really about classification, they're almost all about television. Most of them are about violence on television and violence in particular at times when children are viewing. Statistically, that is the area that the public seems to be most concerned about. But I'm sure if the Director gave us the stats, the number of complaints about the work of the OFLC, except in relation those few high-profile films, is almost negligible.

Margaret Pomeranz: Yes. [to audience member]

Audience Member (Question #7): I'd just like to make a comment about declaratory legislation. The problem with legislation, it doesn't actually work, instead it lends itself to discriminatory enforcement and leads to corruption and I'll just give two examples, neither of which are the responsibility of the Attorney-General, but...

The first is X-rated videos in NSW. They're technically illegal but, having once visited 30 adult shops, leaving anti-censorship pamphlets, I can tell you that all adult shops in Sydney sell X-rated videos openly. It's just a matter of course. I can only guess that they pay the Police kickbacks or free samples or something.

The other case is the Net censorship legislation which, again, doesn't work, it's done nothing. The Internet censorship legislation simply doesn't work, it's done nothing to make the Net any safer for children, but the way the Broadcasting Services Act is written, it lends itself to harassment of particular individuals who happen to annoy the Government, or minority groups who want to try and silence them – and again, that's not your fault, that's Senator Alston's fault. But don't you, as Attorney-General, think there's something wrong with laws that can't be enforced and that lend themselves to this kind of problem? That we shouldn't have laws that just don't work, on the books?

Daryl Williams: Well, in general terms, as a principle, I would agree but if a law is not, is not complied with, and is not enforced, then it may bring into disrepute whatever the objective is that sought to be, sought to be achieved. I'm not going to agree with you, however, in relation to the examples you've given. The X-rated videos – it's not illegal to have them, all of the States but neither of the Territories ban the dealing in them. But if you acquire them from the ACT or the Northern Territory, then there's nothing illegal about that.

Audience Member (Q #7): [unintelligible - no microphone]

What the Classification Ministers have done about that is to appoint Community Liaison Officers to assist the State authorities in the regulation of, or the enforcement, of the State legislation under which they're dealt with. And there has been quite a significant improvement as a result of the appointment of these Liaison Officers, in the compliance.

Now, I can't speak for downtown Sydney, or anywhere else, but if the State authorities are concerned to ensure that the rules are enforced, then it's up to them and they can contact the OFLC and the Community Liaison Officers and they'll assist.

The Internet is another issue. Now, I think David Marr is quite right in saying that in a sense, it's the, what was done there is declaratory. The problem is that we don't have a capacity to regulate internationally, but I think in due course there will be some attempt made to control the use of the Internet to prevent, for example, crime being committed. And the proliferation of pornography and the accessibility of it to children, deliberately making it accessible to children is something that I think few communities would condone and that really means that somebody's got to try and do something about it.

Now, the Internet is a special challenge but we're not standing back and saying it's impossible and we shouldn't be trying. What we've, what's been done up to now may not be working but what may happen in the future may improve the situation so children will be protected from material that might harm them, adults won't be confronted with material that they find offensive and didn't invite into their homes.

Audience Member (Q #7): [unintelligible - no microphone]

There's a great deal of hope in that, I'm sure, but you'd better ask Richard Alston about the, how it's working and what he hopes to achieve by it.

Audience Member (Question #8) [David Haines]: I think this is working, yes.

David Haines. I was the, at one time, the Deputy Chief Censor at the Office of Film and Literature Classification. I served on the Board for some 14 years, which is, I think, seven years longer than the statutory limitation that was placed under the '96 legislation, which means that I must be so desensitised by now, having served seven years more, that I don't really understand why I have a bar on anything classified higher than G on my pay-TV station at home, to protect my six-year-old daughter.

There are so many things I want to talk about, or at least there is a question, but there are a number of issues that have come up that I'd like to comment on, just very quickly.

Romance, Margaret, would undoubtedly have been banned when I first started at the Board because there were erections on there and there was this unwritten rule that came from somewhere (I know not where, from back in the mists of time), but erections were not the go and certainly not anything resembling fellatio.

The expanding of the right to appeal was actually first put forward in the Law Reform Commission's recommendations way back in '91-'92, which of course was the forerunner or the precursor of the new legislation that came in, the classification legislation that came in in '96.

The Community Assessment Panels, we actually started those in '92 and one comment I'd like to make about that is that I don't believe any of the material shown to those Community Assessment Panels has in any way been controversial. It's generally been a matter of deciding between classifications rather than what should be actually banned from being seen in the community and it would be interesting to explore that a little bit with the Community Assessment Panels, which I think, as the Attorney pointed out, have generally gone for similar or slightly more liberal decisions than the Board.

I've had some experience of submissions on guidelines and such like whilst I was at the Board and was, as someone who's never been involved with politics or the bureaucracy, been constantly amused by the way in which submissions are received gratefully but are rarely incorporated in, in whatever follows, whether it be the guidelines or anything else.

Could I just say that– the question I want to ask is a little bit involved, perhaps. I'll try not to do a Brian Harradine, where he speaks for five minutes and then says, 'What do you think about that?' and you have absolutely no idea where he's coming from.

Basically, I'm coming from a perspective where I think there is now too much political interference in the censorship or classification process, and too little common sense. When I first phoned up, back in 1980-81, to find out what qualifications I needed to become a censor, there was a long pause at the end of the line before Lynn Kirkwood, who was the Executive Officer, said, 'Ah, I suppose, common sense' and I still think he was absolutely on the nail with that.

The Board, 30 years ago, after Don Chipp, was operating under the Customs legislation. Board members were appointed to a statutory board and it was set up in such a way that once a decision was made by the Board, there could be no further decision on it other than a review by the Review Board. The censorship – the Minister responsible for censorship at the time, I think, was very – it was... I don't remember his name, sorry – he, I think, was enormously grateful for the fact that he could sidestep controversy by saying: 'Well, it's gone through the due processes, that's it, that's the decision that's been made.'

Margaret Pomeranz: Are you going to ask your question?

David Haines: Yes, sorry, Margaret.

In recent times we've seen the appointment of Board members – I was actually Chairman of the committee that made the recommendations to the Attorney for six years, and the appointments were generally made by the Attorney to maintain a balance of the genders and ages. That was basically it and only on one occasion,

Lionel Bowen sought another person to add to the list because he felt there weren't enough family members on the list.

Since then, we've seen the appointment process go through the stage, first of all, of being opened up not just to the Cabinet for discussion (and I don't recall anybody being turned down by Cabinet in all the time I was there). First of all, State Ministers became involved in vetting the process and in, more recently, it's been commented on already, the Prime Minister's Office has become involved. I think this is political interference with the role of the censors. The censors made their decisions, basically, on unwritten guidelines until about 1980 when an internal document was prepared as a guide. They were first published in 1984 when the censor – video legislation was first introduced. And the point is, the Board members until that time had always made their decisions on their perception of community standards. They were appointed after a very rigorous interview process, as has been pointed out at the back there, on the basis not that they represented particular groups in the community but because it was felt that they would be able to represent the broad perspective, the broad spread of views in the community. They made their decisions solely on their own conscience, their own perceptions of what the community standards were.

[...]The guidelines were reviewed in 1988 after the Senate's Joint Select Committee on video material made its report. The only substantive change was the introduction of exploitative incest fantasies [?], which was introduced by the Board members themselves. The Ministers at that time, of the censorship- on the Ministers' Committee basically endorsed the guidelines; they didn't take an active role in changing them and I fear that is what has happened recently.

It started off with Brian Harradine seeking a review of the R guidelines following the passing of *Salò* by the Review Board back in '93. They didn't stop at reviewing the R guidelines, they reviewed all of them. And in '96 we saw changes to the guidelines which reflected that, which, basically, did tighten up on every single classification, not just the R level.

Minister, I don't see how you can argue that censorship in this country does not exist, nor do I see it, how you can deny the fact that it is a political process. I admire you, I think you are probably [unintelligible] most courageous Censorship Minister since Gareth Evans. I appreciate that you have very strong political pressures on you, but I wonder, off the record (I don't know if there are any journos here), your personal views surely must concur with the fact that not only have we got a more restrictive censorship system, but also one which is far more subject to political interference than ever before.

Sorry about the length.

Daryl Williams: Well, let me say that your account of the role of what were called censors in your day is not all that different from the role of the classifiers now. They're not selected as representative of organisations, they're selected from the basis that they represent the community. But we look not only at gender and age, we look at a whole range of things and seek to get people from a range of different walks of life so that you get the mum who's at home most of the time with the kids, you get the people who are working in the, in the industry in some form or another, but you get

people all over the place. And I think we've been reasonably successful in getting a good spread and I believe that in the main, they do apply common sense and they get a good result in the community.

[?] the Community Assessment Panels, which I wasn't aware, that they existed prior to 1996, because I suggested them in 1996 and never before— there were focus groups but not community assessment panels.

Now, as far as political interference is concerned, the whole classification system is designed to limit political interference. Once a distributor presents a film, a game or a publication to the Board for classification, there's nothing can be done politically to interfere with that. The— it may well be that, prior to 1st of January 1996, the State and Territory Ministers were not involved, but the system was really rather a different one. As I understand it, the classification system at Commonwealth level was based on the Customs' power and the States had their own Boards in the main which either duplicated or...

David Haines: Sorry, can I interpose there – the referral of the names to the State Ministers actually started two or three years before the new legislation was introduced, so it was still under the Customs Act. It was, I think it was Michael Lavarch who agreed to it.

Daryl Williams: Well, I think I've said enough tonight to constitute a response to what you've, to what you've said.

Margaret Pomeranz: I'm – yes, Julie.

Julie Rigg: I wanted to raise one issue which was a the core of, I think, Peter Duncan's talk and perhaps mine – it doesn't click and it's far more about the trend to classify far more harshly, films, more restrictively, films about sexuality than films about violence.

It does get difficult when there is sexual violence represented either in the well-known case of Percy Grainger, sado-masochism, other kinds of practices, or in cases where people can't distinguish between what is being held up as, you know, pleasure, and what is a genuine exploration of a condition or a situation, but it does concern me that films such as *Passion* – which wasn't a very high profile case but was a very fine Australian film – films such as *Boys Don't Cry*, which I would see as a film that I would want adolescents from 15 on to be able to see, and a whole range of other films more gingerly and more restrictively released, classified, than the kind of routine, multiplex violence of films such as, well, *Blade* was the example.

If such a trend can be demonstrated (and a number of critics believe that it can be), are you going to use these guidelines as a genuine attempt to look at those inconsistencies? Because I suspect if there are any unified community standards, what your focus groups show, the ABA research shows, is that while people are troubled by violence, they're not troubled by fairly unrestricted discussions of sexuality, or they wouldn't be turning on to *Big Brother* in droves – but they were.

Daryl Williams: I knew this was likely to be an issue tonight and I'm not in the, as I would like to repeat, I'm not in the business of classification and most of the films I see myself are, unfortunately, on aeroplanes, they're not in cinemas, and the form of...that you see on aeroplanes is far from satisfactory, even for excellent films.

But the Community Assessment Panels did not differ from the Board on issues relating to sex or violence that were in those films. To some extent, they were – to a limited extent, they were harsher than the Board, and to a limited extent they were more liberal than the Board, but, in the main, they just said exactly the same thing as the Board. Now, if there is an issue about sex and about violence comparatively, then it must be reflecting the guidelines and if you think that the guidelines need to be changed so that there can be a balance that you would more approve of, then you have an opportunity coming up, to make a submission to the OFLC and see that the balance is amended.

I think you'll find that there [are] a lot of people who have a slightly different view to yours. But there's no doubt that there is a lot of complaint about violence on television, which doesn't seem to be reflected in what people want to go and see in film.

Margaret Pomeranz: Peter.

Peter Duncan: Just taking up that issue, Mr Attorney. If, as in the case of *Passion* (just for instance), you as a parent want to take your child who's, say, 17 years old or 16_, to see this film because for whatever reason – because of music, because of issues the child has discussed with you, things he or she has heard at school – [you and the child] want to be able to see something that isn't sensationalised and is dealing with a sexual issue in what has been described as a reasonably intelligent way, should we not give at least parents the opportunity to allow children to see those films – even if the guidelines are only changed marginally? I just – I was very, very upset because I know, there were lots of music teachers I've spoken to, parents who really did want their children to see *Passion* and they couldn't. And they were very prepared to go with the child to see *Passion* – and when I say 'child', I mean teenager – and discuss these issues with them, because they think it would have been a very informative experience.

Daryl Williams: Well, I can really only respond in the same way to that, as well. The Classification Board and the Review Board both gave it the same classification, and that classification was done in accordance with the guidelines – and if you think the guidelines are deficient because it doesn't allow for the situation you're contemplating, then you have the opportunity also to suggest a change to the guidelines.

There is a difference, however, between classifying something as MA(15+) and R, as far as information to parents is concerned. The music teachers may have the opportunity to see it on video – that would be a choice that they can make – but to see it in a public place is a different issue, from the perspective of information to the public.

Margaret Pomeranz: We're running out of time rapidly, so two more questions 'cause I know Lynden's up the back as well. So – yes.

Audience Member (Question #9): Just a quick specific question following up on the issue of political influence on the guidelines – what happens to them after they leave the States and Territories and Federal Attorney-General. The concern underlying– I mean, I know they ultimately go to Cabinet, but the concern underlying the question is, there's a body called the Community Standards Committee, which was allowed to have considerable influence on the FACTS guidelines and that committee contains three of the most – a number, about half of them – of the most extreme moral conservatives (zealots, I think, would be the word) in Parliament. Will they have any potential influence on the outcome, on the final formulation of these guidelines?

Daryl Williams: I'm not aware the Community Standards Committee exists any longer. In fact, I don't think it's- I'm not sure, it's a Senate Committee, I'm in the House.

Audience Member (Q #9): I believe they...

Daryl Williams: But let me say, the process for amending the guidelines, in the main, is for the State and Territory and Federal Ministers to agree on a discussion paper prepared by the OFLC, which is put out to the public. The public then makes submissions, these are assessed, recommendations are then made by the OFLC to the Ministers, the Ministers determine whether they're going to agree or not agree with the recommendations and they may, in debates in the Council meetings, amend the recommendations. They may consult their own Cabinets, they may not, they may take the decision themselves; it's a matter for each individual Minister. I would expect that relatively minor amendments would not be the subject of Cabinet consideration, would just be dealt with by the Minister. Even a change like combining the computer and film guidelines would not involve a necessity for Cabinet decision-making. If you're changing the Act or you're changing the Code, then you do have to enact legislation and that's a different exercise altogether. The guidelines then come into operation in accordance with their terms, once there has been agreement by all Ministers.

Audience Member (Q #9): The guidelines surely are a disallowable instrument and, therefore, they are subject to political interference in the Senate.

Daryl Williams: Well, I'm not aware of the- I'd want to take advice on whether they are a disallowable instrument. I expect they would be, but I'm not aware of any challenge to them.

Audience Member (Q #9): [unintelligible- no microphone]

Daryl Williams: Well, you've made it public now.

David Marr: You've ruined it!

Margaret Pomeranz: Look, we're really running out of time. Last comment from, very appropriately, Lynden Barber, I feel.

Lynden Barber (Question #10): Yeah, Lynden Barber from *The Australian*.

I just want to raise one very quick point.

Most of the discussion has been about ratings and everybody always talks about ratings and films being banned, quite understandably. But I feel that very little attention's been paid at panels such as this, and in the media, towards consumer advice, and whether consumer advice is always consistent and appropriate for the particular ratings. And I think that this is one thing that is particularly – just from discussions I've had with people who've written to me and people that I know – is one area that, I think, concerns a lot of people. They feel they don't often get, they don't always get consistent consumer advice – the stuff that's actually written on the video or on the advert for the film. Here's just one example and then we can sort of pack up, but *Boys Don't Cry* rated R, *Gladiator* rated M – two classifications below. What do these films have in common? They both had consumer advice, 'medium level violence and adult themes'. Well, what then is 'medium level violence and adult themes', that this can lead to classifications so far apart for these films with apparently such similar content? That's it.

Daryl Williams: Well, you're asking me a classification decision. I'm–

Lynden Barber: Well, you probably can't answer the question, but I was really making the point. Well, we should really, I think it would be good in forums such as this to actually examine this because I think you'll find quite a lot of anomalies.

Daryl Williams: Well, the medium level violence and adult themes are explained in the guidelines and the judgement would be made by the classifiers, that these come within the range of the relevant category.

Lynden Barber: But sometimes you get high level– sorry. But sometimes you get high level violence getting rated lower than medium level violence, or medium level sex, sometimes medium level sex gets an R. You know, it seems topsy-turvy. Sometimes high level sex gets an R. There doesn't seem to– in other words, the way that the ratings link up with the consumer advice does not seem to be set out anywhere in, literally, in guidelines, or in the day-to-day practice of the OFLC. I think it would be a very, very useful thing to consumers in this country if that was looked at more closely.

Daryl Williams: Well, I'm sure it will be that, now that the Director has heard your comments.

Lynden Barber: Oh, good!

Julie Rigg: Which, I'd ask, if you could read it in the cinema ads as well – the print is so small.

Bev Baker: Sorry – I was just going to say, I thought that was what I was trying– the point I was trying to make is that the information must be there for people to make informed decisions about what they're doing and that *is* consumer advice, and that's

why the classifications are important, that they must be clear. It must be that– the similarities between that is what lulls people into thinking that, ‘Well, it’s okay, that’s just medium level’, and you go in and it’s not medium level - at least, not according to your description of medium level and it gets into that nightmare. These things have actually got to be quite clear and quite understandable: that this is what that rating means, for those films.

David Marr: And they could also add, you know, ‘dreadful acting’, ‘bad plot’, ‘old story’...

Bev Baker: That would be helpful.

David Marr: It would be extremely helpful!

Margaret Pomeranz: I’m glad we’re ending on a light note. I think that the discussion we’ve had tonight has been extremely valuable. I think it’s an issue that ought to be talked about, I think the more we communicate our views– I hope that we are not perceived [as] on the edge of the way a lot of Australians feel. I’d like to think that we were reasonable lovers of freedom of speech, and freedom of access to what we want to read, hear and see.

I want to thank the Attorney-General for being here tonight and being so generous with his time and his information. I thought it was terrific of you that you came.

Julie, you’re impassioned and wonderful – thankyou.

Bev, thankyou also for coming – it was very nice meeting you, and I really enjoyed the way your brought your views, from your very specific area, into discussion tonight.

Peter, I love the way you talk! And I sympathise about *Passion*.

And David, thankyou very much, as always.

And I think there’s a session coming into this cinema very, very quickly, so it’d be great if we could move out quite rapidly, and continue any discussions in the foyer.