

CENSORSHIP AMENDMENT BILL 2002

Second Reading

Resumed from 19 June.

MRS EDWARDES (Kingsley) [10.20 am]: Yesterday I spoke about comments attributed to the Attorney General in an article in *The West Australian* of 16 June 2001, along the lines that it was not his job to run around and tell people what they could and could not do, and that talk of censorship was a throwback to the 1950s. The article states -

“If we banned everyone who was offensive we’d live in a very strange world and not one I’d like to live in.”

He was also reported as saying that the Government had more important things to do than stop teenagers from enjoying themselves; an attitude which some people thought was insulting and trivialised the issue. Several letters to the editor were written by parents, and one concerned parent wrote -

Attorney-General Jim McGinty is out of step with many parents and others who are extremely concerned about the availability of damaging images and role models disseminated without censorship through various media within the community.

The current approach to censorship is that material is classified rather than banned. As such, adults have the freedom to decide the type of material that they want to access. Our rights do not ensure absolute freedom of choice, because the law prescribes that some material which goes beyond the bounds of community standards, such as child pornography, bestiality, necrophilia and sexual violence, are illegal. Nowadays, the terms indecency and obscenity are used to describe material that is considered by a reasonable person to be offensive to current community standards and not, as in years ago, material that may cause impure thoughts. The reasonable person test acknowledges that people have different opinions about what is indecent or obscene. At the same time, it acknowledges that people should be allowed access to material with the proviso that there is adequate protection for children and that it is not thrust upon unsuspecting adults. They are the two key principles of censorship. The meaning of censorship in the Act should change, because that is not what it is all about - it is a classification system. It is a form of regulation that we deal with every day of our lives.

I will talk a little about free-to-air television. I raised this issue briefly yesterday, because television has a great influence on children’s perceptions of acceptable values and behaviours in society. How children deal with the material that they are watching depends on their age. Research is ongoing, but the findings of many studies on the behavioural development of young people and the impact of television and media violence lead psychologists to believe that children are most vulnerable to the influence of television between the ages of two and eight. Eight is a critical age with regard to changing the classification system. The results indicate that a child’s level of aggression is established by the age of eight, after which it tends to remain stable. United States research shows that by the time a child reaches the age of 18, he or she will have seen about 32 000 murders and 40 000 attempted murders via television and videos. That does not take into account the current phenomena of computer games, which is a much more interactive medium.

One of the major problems is with children’s cartoons, which tend to be fast and filled with action and violence to hold the attention of their audience. Because of the needs of advertisers, the cartoons are designed to reach a vast audience, which includes a greater range of age levels. Some of that material is not suitable for children under the age of eight. It may well be suitable for 12 or 13-year-olds, but in some instances even that is not the case. Therefore, I firmly believe that parents need to be warned when a television program is not necessarily suitable for the wide age group between nought and 15 years. The general classification needs to be revised. A warning notice needs to be available to parents, particularly with cartoons because parents may consider them to be okay. That is not always the case because of the increasing level of violence in cartoons. It is reasonable to assume that if a 30-second television ad is intended to change attitudes and buying habits, full-length programs that are steeped in violence must have the same effect. I do not think that there is a lot of scientific debate about the causal links between imagery and behaviour. Why do advertisers spend the money that they do if it is not to change our behaviour? Advertisements do change our behaviour. Therefore, cartoons that are steeped in violence will obviously do the same. It is up to parents to choose what their children watch. Parents should be given information and advice. All the Attorneys General around Australia have supported the idea that television stations should provide a warning notice to parents, particularly for children under the age of eight.

Statistics show that violent behaviour becomes evident when children get to their teenage years. Members should not be surprised about that. We have seen evidence of teenagers stabbing, bullying and belting up people. That is increasing, and is being exhibited in a much younger age group. One cause of that is the level of violence that children are seeing at a much earlier stage. People say that they used to watch cartoons such as the

Road Runner when they were younger, and that the *Road Runner* character was always in trouble. Those older cartoons contained a different level of violence from the cartoons of today, because with improved technology a higher level of reality is now available. They are a totally different format from the cartoons of, dare I say it, 30 to 40 years ago. The *Road Runner*-type cartoon is different from the cartoons of today.

Videos are also an important issue. The classification guidelines for films and/or videos are currently under review. Under the current guidelines, any film or video that contains detailed depictions of violence or sexual violence will be refused classification. Under the current laws in most States and Territories of Australia, violent videos that have been or would be refused classification cannot be sold. However, private possession is not an offence. The legislation introduced by the WA Liberal Government in 1996 made the private possession of that refused material an offence. Murders and serious acts of sexual violence were being committed, and when the police went to investigate the homes of the criminals, they found many of these violent sexual videos in their possession. That was one of the issues we addressed in that legislation.

I have mentioned computer games. Some studies that have been carried out suggest that there is not really a problem with the increasing level of antisocial behaviour of children who use computer games. Some of the children in the age groups that were interviewed said that they did not see the level of violence and that it was not the game's real attraction. The concern is that that will be a definitive study. Extensive research in the United States and Canada indicates that the increasing levels of violent antisocial behaviour are exhibited at a much later age. Children under the age of eight, who have said that the level of violence in these games is not the attraction, are absorbing that violence. Therefore, they become desensitised to the violence and think that it is okay.

There is increasing community concern about the current classification review. The issue with computer games is their interactive nature. It has been suggested that there should be an R rating for computer games. When the Attorneys General classified computer games, a limit was put on the computer games that could be played in the parlours where young people can play games, as well as on those that were displayed in shops where many children go to test the games. We also included a G8 classification because of the extreme sensitivity of young people to the interactive nature of these games. It has been suggested that an R rating for computer games be introduced. I believe that is absolutely the wrong way to go. To allow the importation of violent games and to give them an R rating might be okay for adults. However, children's accessibility to that material is of real concern, and children will gain access to it. People already have concerns about the use of these computer games. *Grand Theft Auto 3* was one game that raised major concerns at the time. There were huge levels of violence in the game, particularly against police. There is already carnage on our roads. Why should we desensitise young people and say that it is okay to drive around the streets in this way and that killing police officers is okay? Allowing a more extreme category of games that contain a high level of violent material is definitely the wrong way to go. I caution the Attorney General, when he attends the meeting of the Standing Committee of Attorneys General, not to introduce games that reward players for killing people and committing acts of violence. That is how computer games operate. That does not send a good message to children. The message that is being portrayed is that violence wins because of the number of rewards that people get by committing increasingly violent acts. An R rated computer game will not be supported by many people in the community, particularly parents. The consequences will be evident in years to come. What will those consequences be? The Government of the day will have to address the issues associated with increasing levels of violent acts. Then we will need more prisons and police, and so the cycle will go on. We must try to stop some of these issues at their very cause. I am suggesting - this is supported by the research and studies being undertaken - that exposing children of a young age to increasing levels of violence will cause that behaviour to be exhibited later in their lives. We need to assist and protect our young people. In doing so, we also protect the community.

Earlier I referred to record companies. Last year I spoke about Eminem, whose compact discs are already labelled with warnings that they are unsuitable for people under the age of 18. The debate then flowed around whether his concerts also should be limited to adults over the age of 18. I recognise that not all young people will be influenced by this type of music. However, clearly some will be influenced not just by Eminem, but by some of the heavy rock music. We need to take that into account. At the moment, the Australian Record Industry Association is revising its code for marking CDs and the requirements for selling those CDs. It is not uncommon for a person under the age of 18 to go into a music store and purchase a CD that is not recommended for people under the age of 18. It comes back to parental control. I suggest parents should know what their children are doing and that they sit down and discuss it with them. If we do not give parents the tools to be able to know what is contained in this type of material, they will not know. Most parents do not want to infringe on the privacy of their teenagers, but at the same time they want to ensure that their children are protected and that if they are faced with material that encourages suicide and the like, they can talk to their parents about it. That is a critical issue. That is why we have a classification system. It is a notification system to ensure that people in the community are made aware of what is contained in this material. Often there needs to be a greater level of

advertising. Although people can hire videos, those videos have gone through the classification system, and, in a humorous way, they try to get the message through to viewers. However, we also need to do far more with the other forms of media that young people come in contact with.

I always suggest to parents that they need to get in touch with their children about the Internet. They need to be aware of chat lines and the inappropriate contact that can be made through chat rooms. Sexual perverts have used chat lines in an unacceptable way. Parents must be aware of the material their children are accessing and must lay down clear rules about what they access. As parents, we tell our children about stranger danger. The stranger danger warning applies also to the Internet and chat lines. It is an important message that parents must give to their children not just when children are communicating face-to-face with people.

People are also concerned about the accessibility of sites on the Internet. It is amazing to see the material brought up on a screen when one search word is typed into a site. For example, the word "breast" typed into the Internet will provide more than health information. Parents must be involved with their children and must communicate with them. Some parents have a fear of computers and the Internet and do not fully understand the extent of the technology. Often, children teach their parents about the Internet. The Internet can be used as a good form of communication with children, and parents can get an understanding of the material available on the net. However, some material is inappropriate. It is my firm belief that until we have an international agreement on trans-border issues, although we have enacted good laws to deal with some material, the action we take in Australia will be limited to the extent that some material will cross our borders. We must work towards the establishment of an international agreement in an endeavour to protect young people.

I refer lastly to the crux of this legislation; that is, the issue of publications. Western Australia has continually operated its own classification regime for publications. Recommendations for the classification of publications are made to the minister by the Censorship Advisory Committee under sections 118 and 119 of the Censorship Act. The classification of publications is voluntary. Publishers are not obliged to classify their publications, but they risk offending the legislation. The majority of publications sold in Western Australia are not classified. However, it is an offence to advertise, display or sell an indecent or obscene publication. When there is doubt about whether a publication is obscene or indecent, the publication can be submitted for classification. Once classified, it is sold in accordance with that classification and the seller is protected from prosecution. The current legislation has three categories of classification: unrestricted, restricted and refused. Those categories will change when this new legislation is enacted, in keeping with the national classification system of categories. Although I do not have an issue about ensuring uniformity in those classifications, I have a serious concern about taking away what has been an effective tool in Western Australia. As I said earlier, Western Australia has not followed the rest of Australia, but has been a leader in the area of censorship and has provided a quick response when publications have been brought to the attention of the Attorney General of the day. As demonstrated earlier this year, the Attorney General and Minister for Justice and Legal Affairs was able to take quick action to get obscene material off the shelves. The minister must respond quickly to get material off the shelves rather than wait for a response from the eastern States.

The loss of the WA Censorship Advisory Committee will lead to a slower response from the minister to concerns and complaints. I believe that Western Australia's community standards will not be reflected by the Office of Film and Literature Classification. Over the years, the OFLC has been concerned about whether it reflects only the standards of New South Wales - it is based in Sydney - and how it can better reflect the concerns of other States. That office has held meetings around Australia and met in both Bunbury and Perth several years ago. Although the Attorneys General have been invited to comment on appointments to the OFLC, obviously, because of its location, its members will generally come from New South Wales. There will not be, therefore, a genuine view of community standards across Australia in that office. As I said about a number of issues in the past, Western Australia took the lead and the rest of the States followed when matters were brought to their attention. I suggest that the community standards of Western Australia will not be reflected in the OFLC's decisions and will be lower than the current expectation of the community.

I take the opportunity to thank the members of the Censorship Advisory Committee. They served me and Hon Kay Hallahan well. The committee always had bipartisan support in its representation. Several of the members on the current committee were appointed by Hon Kay Hallahan. The committee members are Dr Rosemary Coates, Mr John Shehade, Father Dennis Claughton, Mrs Gwen Roderick, Mrs Lynette Quinlivan, Mr James Ford, Miss Sharon Brown and Mr Frank Morisey who is the executive officer to the committee. Although some members are new to the committee, some have been on it for in excess of 14 years. It is a tremendous commitment to have played that role for the community of Western Australia. They deserve our thanks for the time they have put in over those many years and for the work that they have done. They have met often, on a weekly basis, and have sometimes met at very short notice when issues of concern have occurred in the community. They have always provided sound advice and recommendations on material to the Minister for Justice and Legal Affairs. The abolition of that committee is wrong. However, I acknowledge the tremendous

work its members have carried out in a non-political way purely for the protection of young people, which is the committee's prime task and key focus of attention.

If you, Madam Acting Speaker (Ms Hodson-Thomas), had seen some of the material that the committee has had to look at to determine a classification, you would not have wanted that job. Other members of the community have asked to be considered when there is next a vacancy on that committee. The members of that committee have done a fantastic job. It is not a job that many people would do over that lengthy period.

In conclusion, I ask the minister to maintain the censorship controls in Western Australia. That could be done in two ways: by retaining the Censorship Advisory Committee to classify publications and by the minister's retaining the right of veto on classification decisions that might be made by the OFLC. The Bill contains some worthwhile amendments, particularly to the penalties. I welcome the strengthening of the enforcement procedures and the increased penalties. However, it is wrong to remove Western Australia's control over what our children will see and hear. It will not be welcomed by the community. Censorship has always been a contentious issue because it is difficult to satisfy everyone's desires with the right balance between freedoms and rights. However, at the end of the day we must ensure that the protection of our children is paramount. As I outlined, by protecting our children we are protecting the community. I acknowledge that not all children are affected by the same things. However, we must address the increasing levels of violence among teenagers and primary school children. It is a serious issue when a primary school child takes a knife to school in his school bag. The causes for that type of behaviour are varied and complex and difficult to determine. However, at the end of the day, are we exposing our children to the depiction of so much violence at such a young age that they cannot cope with it?

I urge the minister not to relinquish his decision-making power on this issue. He will be handing it over to the Office of Film and Literature Classification, which may not operate under the same level of community standards as we operate under in Western Australia. That is a wrong decision and in years to come he will not be thanked by parents or the community at large.

MR MCGINTY (Fremantle - Minister for Justice and Legal Affairs) [10.52 am]: I thank members opposite for their contributions to this debate. We on this side of the House have a philosophically different view on this issue from that of members opposite. Our general approach is that, within certain limits, adults should be able to read, view and listen to what they want. The State should play a minimal role in censorship. However, that role is relevant, for example, when vulnerable groups, particularly children, are being exploited. The State should not play a contemporary role in censoring what adults view in their own time and in their own way. For that reason, as well as another reason, it is time Western Australia's censorship of films, video games and publications was addressed under the national scheme. The censorship of films is already dealt with under the national scheme. The Commonwealth Government recently exhibited its approach to censorship concerning the film *Baise Moi*. That film was most unedifying pornography and it has been banned at a national level. I saw it because, as the minister responsible for censorship in this State, I thought I would be called upon to make some comment. It is not appropriate for people to make ill-informed comment without having seen the subject matter of the debate. Nobody has advanced any argument that *Baise Moi* has a scintilla of artistic merit. A general argument was nonetheless advanced that adults should be able to view what they wish. A vicious and violent gang-rape scene is probably very close to the limit of what should be considered unacceptable. It is time our censorship was dealt with nationally rather than duplicating it at a state level because we want to take a parochial view.

As I indicated, we are part of the national scheme on films and videos. The remnant area is publications, for which we run our own Censorship Advisory Committee. It meets fortnightly and peruses an extensive pile of publications looking for something to be censored. The Government believes that this role can be best fulfilled on a national basis because increasingly publications are of a national or international flavour. To apply a different standard in Western Australia to that which applies in other States serves no useful purpose. There was a time when people argued that, for the sake of States' rights, the State should duplicate that which the Commonwealth does. That argument belongs to a bygone era. Today the public wants efficiency in government and the abolition of financial and time-wasting duplication of services. This area is a classic example of that. Most of the other States and Territories in Australia have their publications considered at a national level. This will put Western Australia on the same footing as the other States.

I appreciate that in this matter the member for Kingsley has a particular point of view, although it is not one that I share. However, it is clearly an area about which she has far greater knowledge, interest and expertise than anyone else in this Chamber. I hope she will not put that to good use during the consideration in detail stage and show up my comparative lack of knowledge. I look forward to expediting this Bill to the other House, where it will no doubt move like treacle and slowly make some progress in the future. I thank members for their contributions.

Question put and passed.

Bill read a second time.