

CENSORSHIP AMENDMENT BILL 2002

Second Reading

Resumed from 13 June.

MRS EDWARDES (Kingsley) [3.31 pm]: I am the lead speaker for the Opposition on this Bill and I thank the Government for allowing me to defer my speech from last week. I have a passion for the area of censorship. Perhaps censorship is the wrong word in many ways, but, because the Act is called the Censorship Act, I will continue to call it that. I suggest the title of the Act be amended when a full review of the Act is undertaken.

When the issue of censorship is raised, many people immediately respond with, "There's too much of it." What do people mean when they say there is too much censorship? I do not believe there can ever be too much of something that protects young people. Essentially, censorship in Western Australia is about the protection of young people from material that they should not view, read or play with at some stage in their young lives. It ensures that adults can see, read or hear whatever they want to, but it also protects young people. It also ensures that such material is not thrust without warning in the faces of adults who do not wish to see, read or hear it.

Some people who attended the recent screening of the movie *Baise Moi* were offended, despite the level of publicity that had been given to the movie, its classification at the time and the restricted places at which it could be viewed. They were offended because not enough warning was given to them of the contents of the movie. It is a difficult balance to achieve, but my main aim is always to ensure the protection of young people.

It is appropriate that the Attorney General retains the responsibility for censorship. When Hon Joe Berinson was the Labor Attorney General in this State, it was the responsibility of the then Minister for The Arts. He handed that role over to Hon Kay Hallahan, who then held the arts portfolio. She did a fantastic job in the censorship area. She again had a similar strong passion, as I have, for the protection of young people and the protection of the portrayal of women. She demonstrated a strong role in Western Australia as the minister with that responsibility. I took responsibility for the censorship portfolio when I assumed the position of Attorney General in 1993 and it came with me in other portfolios I held in the eight years of the previous Government. Although it has had a number of umbrella agencies and departments, I had the privilege and honour of being the minister responsible for censorship in this State for some eight years. I was probably the minister who held that portfolio for the longest time in Western Australia, if not in Australia.

Why do I feel such a passion for censorship? This House has probably heard me on a number of occasions; therefore, I will bring to the debate the history of censorship in Western Australia and how it applies today, where I believe it should go in the future and why the Attorney General's proposals in this Bill are wrong. The Opposition will not support the Bill, not because it does not support some of the proposals for penalties and the like, but because it does not support the abolition of the WA Censorship Advisory Committee. That committee plays a valuable role, as does the Attorney General of the day as the minister responsible for censorship.

I return to the reason for my passion. I will quote from a recent article that reiterates what has been said not only by me in the House on several occasions, but also by many authors around the world who have concerns about censorship. Those concerns have been raised about the activities and antisocial behaviour of young people, particularly those in their teenage years. Unfortunately, a level of violence is occurring in younger people today, even in primary schools. Why is that so? I do not know whether I have all the answers to that complex question. However, one area that we should consider, and take a conservative approach to, is the daily access of young people to increasing levels of violence in all forms of media. An article in the *Guardian Weekly* of 13 to 19 January 2002 contains a report of a third teenage murder in two years in France. It was linked to the influence of the *Scream* trilogy of horror films, which has sharpened fears about the impact of screen and video game violence on the young. In the article, France's culture minister said -

"I have been quite shaken by this attack," . . . "It raises all sorts of questions about official responsibility for material that can unbalance young minds."

I have to say that not every young person who saw that trilogy of movies would react in the same way. Every person is different and it is our diversity that gives us strength in our community. However, we must recognise that there is a capacity for some young people to be strongly influenced by this material. I would love to be able to categorise and identify those young people; it would make it so much easier to identify the group of young people most susceptible to an impact from this material. However, that is an impossible task. The young person who was involved in that murder was a shopkeeper's son who had planned to become an architect. He had apparently conceived the attack in the form of a film script during the year prior to the murder. It reads -

"At the beginning he intended to kill as many people as possible before being killed in his turn . . ."

He intended to turn the knife onto himself at some point. He was described by his lawyer in the court case as being very intelligent and the product of a pleasant, problem-free childhood. However, she said that he

considered his life monotonous. He now feels horror and remorse for killing young Alice. The article refers to the earlier case in 2000 in which a 16-year-old boy wore a similar disguise. When Julien killed young Alice, he wore a *Scream* mask and used many of the words used in the first episode of *Scream*. He telephoned Alice just after he had seen the first episode of *Scream* and invited her out for a walk. In the previous case, the 16-year-old boy wore a similar disguise when he attacked and severely injured his parents with a kitchen knife. The same year in a Paris suburb, five young men wore *Scream* masks when they raped a young woman. Three months ago, two teenage girls in eastern France tortured a classmate using a knife that the prosecutor said strongly resembled the weapon used in *Scream*, which the girls had watched before the attack.

We must ensure that young people are protected from the influence of that sort of material. Not all young people are affected. Not every 14-year-old or 16-year-old will be influenced by the performer Eminem, whose music was the topic of a debate last year; yet his music is rated for people 18 years of age and over. However, some will be influenced. We cannot ignore the fact that some parents have found their children, who have just committed suicide, wearing stereo headphones playing heavy rock music that encouraged suicide as though it were a good thing. It is not a good thing. These are the messages that we must be concerned about.

The article refers to a report by the American Academy of Paediatrics. The United States has done some valuable work in this area. The academy found that in 2001, the average young person by the age of 18 had seen 200 000 acts of violence on television alone. The article reads -

Dave Grossman, an American expert on the psychology and physiology of killing has found that repetition, desensitisation -

I emphasise desensitisation -

and escalation reduced the human unwillingness to kill. He said: "We have raised a generation of barbarians who have learnt to associate violence with pleasure.

Is this why society is witnessing an increased level of antisocial behaviour, including high-level acts of violence by younger members of our community? Is it the impact of television and the increasing number of acts of violence they see from a very young age? Is it the computer games they play that depict killing people as an art form? We need to consider that very carefully. If we do not, and if we do not take a precautionary approach to the protection of our young people, the cycle will continue. Where is the line drawn? The line should be drawn at a much earlier age. As Dave Grossman says, by the age of 18, children have seen 200 000 acts of violence on television alone. Why do companies advertise on television? Ten to 50-second television advertisements have an enormous impact on viewers. If television advertisements can convince people to change their minds about products, what impact do acts of violence have on children? Many parents and grandparents do not know what their young people are watching on television or what games they are playing, because they do not know about computers and they do not have the same level of ease using the Internet. Some parents use the television as a babysitting device. They do not understand that some cartoons are suitable for viewing only by older children. Allowing three, four or five-year-olds to watch *The Simpsons* television program could lead to behavioural problems as they get older. These are not just my ideas; over a number of years I have read material that consistently reports the same information. The article I have just quoted refers to a 2001 report. The same outcome was reported 10 or 12 years ago. When classifying films, videos and computer games, and when allowing access to the Internet and publications, we must protect our young people. It is not good enough to say that people have rights and freedoms and should be allowed to see that material. What rights did Alice have, who was killed by Julien? What about the rights of the girls who were raped? What freedom did they have?

If films are impacting on the behaviour of young people, we have a responsibility to protect them. We can do that in a number of ways; for instance, through a strong film classification system and by listening to the community, which is very important. We do not need to listen to the publishers of material who have an economic interest in its publication, nor to Eros, which has undertaken huge surveys to justify the claim that more adults in Western Australia want X-rated videos. We all know their motivation. We need to listen not to those groups, but to the broader community. There is insufficient understanding by some people, particularly parents, of the impact material can have on their young people.

I have received complaints from mothers who have taken their children to a G-rated movie, and then found that the film was more appropriate for older children. What if their child was a five or six-year-old sensitive young girl? When the new classification system is being examined by the Standing Committee of Attorneys General, they might like to reflect on what a general classification should contain and whether a break-up should be included among the broad-ranging G-classification to provide guidance and avoid the possibility of children under the age of eight being subjected to material that is not suitable for them.

Computer games attract a G8+ classification. Perhaps films and videos should also attract a G8+ classification. I have long advocated that G8+ warning notices should be shown on television, particularly for cartoons, to warn

parents that they may not be suitable for their children to watch. At the end of the day, parents decide whether their children watch that type of material. The Government and the instrumentalities in charge of the medium should forewarn parents of the contents of the material their children might watch. Publishers would like one national system because it would save them money. I receive many representations from the industry to ensure that it does not have to produce different packaging for publications in Western Australia. It is not that I have a problem with that; I understand their reasoning. However, it is at the expense of the mums and dads in Western Australia who would also like a say in how their children are protected.

I have already mentioned the Eros Foundation. It would love its empire in the production and sale of X-rated videos to expand into Western Australia. However, people who live in Western Australia can access that material through the Eros Foundation directly from Canberra. Those products do not need to be sold or produced here.

Earlier I referred to the name of the legislation. I believe that it misleads people about what it does. A better name might be the Media Regulation Bill - although the Press might take a narrower view of the word "media", so we would have to be careful if we were to use it. We are talking about a wide range of media. A classification system operates in Australia. As I identified earlier, the key principles are the protection of children and not having material thrust into people's faces if they do not wish to see it. A clear set of guidelines exists for complaints about advertisements and how people can use the Censorship Office of Western Australia. The Attorney General must ensure that those guidelines are enhanced. It is important to know what will happen to complaints if the Government abolishes the censorship office. What will happen to complaints about a magazine or other material that Western Australians find in their local newsagent, delicatessen or some other location? When I was the responsible minister, my attention was drawn to the *Cleo Magazine*, which is readily available on the shelves of newsagencies. On one occasion it came attached with a set of erotic stories that were totally inappropriate for young girls and boys. Publishers often try to extend the boundaries.

By abolishing the censorship office, the Attorney General is tying his hands because complaints will not be dealt with as quickly as they are now and quick decisions will not be made. If this legislation passes through Parliament and the censorship office is abolished, the Attorney General must advise the public of its rights and how it can receive a quick response to its complaints.

Community standards in Western Australian have not always necessarily met the standards of the rest of Australia. During my time as the responsible minister and when Hon Kay Hallahan was the responsible minister, Western Australian censorship regulations were often more advanced. She made some very courageous decisions. After some censorship decisions were made in Western Australia, the rest of Australia followed suit to reflect our position - sometimes up to two or so years later.

We will have weaker censorship laws as a result of this legislation. Earlier this year, the Attorney General demonstrated the value of having separate rules in Western Australia. It was interesting that on a Wednesday he said that he would quickly move to ban a series of paedophilia books by placing a refuse classification on them. However, on Thursday he said that he would get rid of the power he used the day before that was very helpful even though he had demonstrated its benefit to all Western Australians. Now he will have to go cap in hand and write to the responsible minister or the Office of Film and Literature Classification and ask whether his decision will be reviewed. Currently, he can telephone the censorship office and tell it that he would like it to consider a matter. It can usually convene either that afternoon or the next morning. The Attorney General could give the office his recommendation and the matter could be resolved even before a letter could reach the other side of Australia. Decisions on those types of publications and others can be made very quickly because there is a censorship office in Western Australia.

Long before the rest of Australia, Western Australia provided national leadership when it banned magazines that portrayed teenagers in explicit sexual activities. The people who appeared in the magazines would be dressed in a fashion that portrayed them as teenagers. That was permitted because the people being photographed were over the age of 18. However, it was clear that the magazine was doing that in an endeavour to attract a market that was interested in young people who were under 18 years. I considered that it was totally inappropriate for teenagers to be portrayed in explicit sexual activities; therefore, I decided that it was necessary to ban those types of magazines because they were targeting a market for paedophilia that we do not want to support in Western Australia.

We also took the precaution of requiring certain publications to be sold in clear plastic bags, which has also been endorsed by the federal Government. Hon Kay Hallahan started that process. In 1993, I banned a movie called *Salo*. I was able to do that because of the powers of veto that the Western Australian minister had. Subsequently, the Commonwealth also banned that film. Western Australia has provided the lead in this area in

Australia for a long time. This legislation proposes to ensure that this State will become a follower rather than a leader in the area of censorship.

It is argued that the abolition of the censorship office will save \$27 500 a year. However, that is not as important as protecting our children. For \$27 500, I would prefer the power of censorship to be kept here in Western Australia to ensure that children are protected and that mums and dads are able to have their concerns addressed quickly. That is not a significant cost to retain the community's confidence in the censorship laws of Western Australia. It is a small price to pay for retaining our independence and to retain our position as a leader in this area as against being a follower in the future. The Attorney General basically indicated in quite a cavalier manner what he thought that teenagers should be able to do to enjoy themselves. I am not so sure that he would be so cavalier today and make comments similar to those he made during the early days of his portfolio responsibilities.

Debate interrupted, pursuant to standing orders.