

A UNIFORM SYSTEM

The current classification system for adult materials is riddled with inconsistencies across a number of jurisdictions and a range of mediums. The irregularity in state, territory and federal censorship laws around adult and sexual material presupposes that Australians living in different areas of the continent have different moralities. For example, the sale of X rated films is prohibited in all states except the Australian Capital Territory and prescribed areas of the Northern Territory. In Tasmania the penalty for selling a classified X film is the same as for making child pornography, suggesting that non-violent erotic films are as damaging and have the same potential to offend as child sexual assault. The Northern Territory does not differentiate between making an X rated non-violent erotic film and other films that would be Refused Classification. In most states it is legal to produce and sell a Category 2 magazine which explicitly depicts people having sex, but if a person films pages of that magazine it is seen as an X rated film and banned. Computer games above an MA rating are illegal and refused classification.

The Australian Sex Party advocates the establishment of a national classification scheme that includes uniform ratings for explicit adult material across all jurisdictions and through all media (including computer games, magazines and films). Such a system would be consistent with a number of other countries including New Zealand, Canada, South Africa and the United Kingdom.

LEGALISING X

Research reveals that 25% of Australians (four million) are regular watchers of X rated films(1). 76% of Australian adults support the legal and restricted availability of explicit non violent films(2). Only 30% of Australian adults claim to be offended by explicit erotic films(3) yet this is not reflected in our classification laws. X rated films are legal in the UK, New Zealand, South Africa, Canada, all of Europe, Japan, all of South America and the United States of America. Despite being legal to import and possess since 1983, it remains illegal to sell X rated films in all states except the ACT and prescribed areas of the NT, and adult retail outlets who sell X rated films face penalties of up to 18 months imprisonment and fines of up to \$20,000(4). The 640,000 Australians on adult video mailing lists instead order their x rated material from Canberra, where it can be legally sold (5).

The Australian Sex Party advocates that the sale of X rated films be legalised in all states.

INCLUDING FETISH

Currently, Australia's X category is far narrower in its parameters than equivalent ratings in other parts of the world such as Europe and the United States. Significantly, when John Howard imposed this category on the industry in 2000, it expressly excluded 'fetishes', which subsequently fall outside any legal category and are refused classification. As such, practices such as 'body piercing, application of substances such as candle wax, 'golden showers', bondage, spanking or fisting'(6) are not allowed to be represented in adult films in Australia.

The Sex Party believes that in the express exclusion of fetish from the X category, political

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leaders have actively propagated an increasingly narrow window of acceptable sexual acts and cultures. For many in the fetish community, their practices represent relationships of trust, boundaries, freedom, non-violence and open-mindedness, with a strong emphasis on consent and communication. Many fetish clubs have clear rules on respect, touching, photographing and preventing harassment (7).

MAKING AND ENJOYING EROTICA RESPONSIBLY

The Australian Sex Party recommends that Australians make and enjoy their erotica responsibly and respectfully. We believe that filming people engaging in legal, consensual, pleasurable activities should be legal in itself, and we advocate the enactment of legislation to make the production of X rated films legal in all states. In some states, it is currently legal to take pictures of people engaging in sexual acts, but not take moving footage, a discrepancy we believe dates back to prohibition 1930s Britain, where female performers were allowed to appear nude onstage as long as they were still, but not moving.

TRAINING

The Sex Party advocates a training program for all appointees of the Classification Board and Classification Review Board to provide information on the latest developments around sexuality to bring them up to date with a pluralistic range of adult sexualities, subcultures, behaviours and body types. Such training is put forward in response to requirements that women in adult material by law are to be large breasted, with small labias, and unable to ejaculate.

Recently federal government censors directed Customs officials to confiscate depictions of the female orgasm when it was accompanied with ejaculation, while the Classification Board began to classify film featuring female ejaculation as Refused Classification rather than X on the belief that they were depictions of urination, which is banned under X. Assumptions that the one million sites featuring female ejaculation must be instead urination reveals a distinct lack of intellectual rigour and understanding of female sexuality on the part of Australia's censorship authorities and takes us back into the Victorian era where it wasn't believed that women could have orgasms.

In addition, the classification board has also started to ban depictions of small-breasted women in adult publications and films because they are assumed to appear under 18. Because X does not allow any people who 'look like they are under 18 years', prejudiced ideas about body type means that publications depicting flat-chested or small breasted women (normalising them for their audiences) may be refused classification. Furthermore, the requirement that M15+ magazines feature nudes with only discreet genital detail has had the impact that magazine editors frequently airbrush women's labia minora so they may comply, being 'healed to a single crease' (9).

The Sex Party advocates training for the Boards to ensure that realistic depictions of a great diversity of bodies can be portrayed and celebrated in adult publications, and subsequently rid of shame, stigma and stereotype based on one brand of body.

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1. La Trobe University survey 2002
2. AC Nielson Poll 2006
3. AC Nielson September 2006
4. Eros Parliamentary information guide, Censorship, Public Opinion and Adult Retailing in Australia, 2008, p15-16 details relevant acts in each state
5. <http://www.theage.com.au/articles/2003/09/19/1063625202157.html>
6. Australian Government Office of Film and Literature Classification, Guidelines for the Classification of Films and Computer Games 2005, NSW, 17
7. Hellfire policy
8. www.deception.com.au
9. Hungry beast, 'Labiaplasty', Australian Broadcasting Corporation, viewed at <http://hungrybeast.abc.net.au/stories/labiaplasty#content-comments>