

AUSTRALIAN CENSORSHIP
THE GOOD, THE BAD & *KEN PARK*

BY MATTHEW CLAYFIELD

Acknowledgements

There are always people who do a little more than they have to when a bedraggled filmmaking student winds up at their door needing a helping hand – especially when trying to pry open something as expansive and tacit as the *Ken Park*¹ debate. Though not everyone who made this study a possibility can be duly credited, I would like to thank a few truly indispensable people:

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To those three – and many others – the warmest thanks.

Introduction

“It’s just a film. It won’t hurt anybody, you know.”²

It was a Thursday evening in early July – just another night out at the movies. Roughly five hundred people had gathered at the Balmain Town Hall in Sydney for a screening of Larry Clark’s controversial film *Ken Park*, which had been refused classification in June by the Classification Review Board. The screening was indeed illegal, and its organisers (a group calling themselves ‘Free Cinema’) were well aware of it. As the opening sequence of *Ken Park* began to play – projected onto a makeshift screen at the front of the hall – anywhere between three and six uniformed police officers took to the stage, where they instructed film critic Margaret Pomeranz to stop the show. Later, when the film (and Pomeranz) had been taken away, David Marr of ABC Television’s *Media Watch*³ addressed the audience:

“We have seen ultimately how film censorship works in this country. This is ultimately how it is done – with a team of police, in a hall full of people. This is an extraordinary occasion.”⁴

¹ *Ken Park*, 2002, dir. Larry Clark & Edward Lachman

² Margaret Pomeranz (audio clip on *The Law Report*, 08/07/2003)

³ *Media Watch*, <http://www.abc.net.au/mediawatch>

⁴ David Marr (quoted on *World Socialist Web Site*, 10/07/2003)

Something is awry in the cinemas of Australia. Often, it simply goes unnoticed. Despite the classifications that are forever littering teaser trailers, television advertisements and movie posters, it is not until a film like *Ken Park* gets banned that cinemagoers sit up and take notice, realising that somewhere, someone else is deciding what they can and cannot watch. If it sounds at all Orwellian, that's because it is.

As a budding filmmaker myself, the issue at hand is one that happens to strike a very deep nerve. At the illegal screening of *Ken Park*, actress Sacha Horler said that “censorship is the death of art”⁵, which is a sentiment I tend to agree with. It is for this reason that film classification and censorship in Australia has become the primary focus of this investigation. Who decides what Australian adults are allowed to experience in the belly of a darkened cinema? Who draws those lines, where do they draw them, and why on Earth are Australian audiences letting them?

Technology has rendered the logic behind film classification and censorship outdated and irrelevant. One night prior to the incident in Sydney, another illegal (though successful) screening of *Ken Park* took place – this time with a copy of the film that had been downloaded from the Internet. With both incidents considered, the following hypothesis was formed:

Film censorship is an illogical obstruction of basic democratic rights in an age of unrestricted accessibility.

To test this, a number of factors had to be deliberated upon and explored – not only the current laws and practices, but more specifically the way that both the industry and the audience feels about them. Three focus questions were developed in the hope of refining the research parameters. These became the foundation of the subsequent investigation.

01. What codes of practice exist in Australia regarding film classification and censorship?
02. How are key interest groups reacting to these classification and censorship practices?
03. What rights do cinemagoers believe they should have in regards to cinematic consumption?

Methodology

A variety of primary and secondary sources were used in the collation of information required to answer these three questions. Initially, a large number of related articles were gathered from various

⁵ Sacha Horler (quoted on *World Socialist Web Site*, 10/07/2003)

online news sources, allowing me to gain a firmer grasp on the magnitude of the *Ken Park* debate, which was the primary catalyst for my interest in classification and censorship. Online editions of *The Age*⁶ and *The Australian*⁷ proved vital, along with transcripts from ABC Radio National's *The Law Report*⁸ and *Late Night Live*⁹, all of which were combed for the names of key players in the debate. Many of the individuals I chose to contact during the course of this investigation had first been made known to me through these transcripts, interviews and feature articles.

A number of other secondary sources were also collected during this time, the most noteworthy of which were two Classification Review Board reports¹⁰. These documents (regarding *Ken Park* and *Baise-moi*¹¹) helped further explode the issue, providing me specifically with the names of Classification Review Board convenor Maureen Shelley and Office of Film and Literature Classification (OFLC) director Des Clark. On the whole, this secondary research proved satisfactorily comprehensive, and provided me with the background knowledge I would require to confidently approach various groups and individuals over the coming months.

I used three disparate methods (correspondence, interviews and surveys) to collect information from my selected primary sources (industry professionals, politicians and cinemagoers). The most exhaustive of these processes was undoubtedly the correspondence, which would accumulate over time to form a miasma of names, organisations and private secretaries. The rate of rejection (and redirection) was expectedly high, though in some cases this allowed me to speculate as to why this might be – and when the Prime Minister dodges your questions, speculation is a democratic right. While some leads ultimately proved fruitless, others eventually resulted in a piece of information that would further my understanding of the issue, or could be used as evidence in support of the answers to my questions. After three months of failing to extract an opinion from Phillip Adams (“the Godfather of the Australian film industry”¹²), he finally relented in early October – with six words. Although seemingly tedious and ineffective, the meticulous nature of my correspondence with Adams and others was certainly beneficial. While it may not have always revealed individual opinions in the depth I would have liked, it certainly exposed the issue’s immense scope.

Specific facets of the issue were further explored during two in-depth interviews, the first taking place in September and the second in October. Cinema proprietor Steve Maggs and filmmaker Jeremy Harrison both candidly discussed their positions on censorship, particularly in regards to its

⁶ *The Age*, <http://www.theage.com.au>

⁷ *The Australian*, <http://www.theaustralian.news.com.au>

⁸ *The Law Report*, <http://www.abc.net.au/rn/talks/8.30/lawrpt/default.htm>

⁹ *Late Night Live*, <http://www.abc.net.au/rn/talks/lnl/default.htm>

¹⁰ Available from OFLC, <http://www.oflc.gov.au/content.html?p=66>

¹¹ *Baise-moi*, 2000, dir. Virginie Despentes & Coralie Trinh Thi

¹² Online Profile: “About Phillip Adams”, *The Australian*

effect on exhibition and production. The interviews were conducted in markedly different conditions, with Maggs' taking the form of a casually recorded discussion, and Harrison's that of an online instant messenger conversation. Though neither interviewee claimed to speak on behalf of anyone in his chosen profession but himself, the opinions offered still provided a more thorough understanding of the industry's current reaction to classification and censorship in this country.

Lastly, a survey designed to determine the opinion of the regular cinemagoer was distributed through my website¹³. The online survey, which was programmed by American web developer Chris Bowyer, consisted of five simple questions that aimed to examine the impact of film classification upon the experiences of each participant. It garnered thirty-eight responses, which were then judged against the most recent Australian Bureau of Statistics cinema attendance data¹⁴. Later, a few participants went so far as to email me personally with further comments, which were recorded along with the analysed results. Ultimately, the survey demonstrated an overwhelming solidarity of opinion, which would greatly affect my answers – specifically to focus question three.

The information, knowledge and understanding gained through the accrual of these primary and secondary sources ultimately provided me with all the material I needed to most effectively test my hypothesis.

Focus Question One

What codes of practice exist in Australia regarding film classification and censorship?

In theory, film classification in Australia is all about freedom of choice for the adult viewing audience, and the Classification Board is all about 'informing' that freedom. Following the procedures outlined in the Commonwealth Classification Act of 1995, the Board assesses the content of all publicly available material and gives it a 'rating' based on the findings of its members in accordance with the stipulated guidelines. It is this rating that ultimately determines what the public does or does not get exposed to.

In regards to cinema, there are currently two 'types' of rating in Australia – the advisory rating, and the legally restrictive rating. The G, PG and M15+ classifications fall into the first bracket and are merely a form of consumer advice. These ratings are not of any legal consequence, and cinema proprietors cannot prevent any paying cinemagoer from seeing the films that are classified by them. The MA15+, R18+ and X18+ ratings fall into the second bracket, and are restricted by law to specific age groups. There is also a fourth rating that falls into this second bracket, though it is widely unknown and much less common. The RC rating denotes a film that has been refused classification by the Board,

¹³ Esoteric Rabbit Films, <http://www.esotericrabbit.blogspot.com>

¹⁴ "Attendance at Selected Cultural Venues and Events, Australia" (1999), ABS cat. no. 4110.0

and has subsequently been banned in Australia. Only five films have been assigned the oxymoron classification since 1995, with *Ken Park* being the most recent.

However, while it was the Classification Board that originally implemented the *Ken Park* ban, it was the Classification Review Board – the role of which is slightly different – that set it in stone. While still adhering to the Commonwealth Classification Act, the Review Board convenes only to reassess previously classified material. In the case of *Ken Park* for example, the Sydney Film Festival (having officially selected the picture for screening) appealed against the Classification Board's original RC rating, which was consequently upheld. Alternatively, in the case of *Baise-moi*, the appeal was made against the Classification Board's original R18+ rating and was successful. The Review Board "did not consider [the film's] 'serious cultural purpose' . . . sufficient to warrant a classification except RC"¹⁵, and the film was banned in Australia as a result.

Together these two groups autocratically control all film classification and censorship in Australia, and it is here that one of the major flaws in the system becomes more strikingly apparent. The current legislation makes it possible for a "minority to determine the rights a majority"¹⁶ within a structure that relies too heavily on subjectivity, and too flippantly on its own predefined guidelines. This is a lucid example of competing demands – classification and censorship in this country is being run by a handful of people who by the very nature of personal opinion cannot hope to truly satisfy "the [full] range of culturally specific mentalities that exist within . . . Australia"¹⁷, and thus fail to meet the very principle that opens the National Classification Code:

"Adults should be able to read, hear and see what they want."¹⁸

It is for this reason that the validity and relevance of the current system must be ultimately called into question, and the reaction of both industry and audience strongly suggests that they are willing to do this.

Focus Question Two

How are key interest groups reacting to these classification and censorship practices?

There are numerous interest groups within Australian society that are affected by this issue – and as a result of competing demands and contrasting beliefs, each has reacted in their own individual way. This

¹⁵ Maureen Shelley, Classification Review Board Report: *Baise-moi*, 19/06/2002

¹⁶ Margaret Pomeranz (interviewed on *The Law Report*, 08/07/2003)

¹⁷ Jeremy Harrison (interviewed on 26/10/2003)

¹⁸ Schedule – National Classification Code, Commonwealth Classification (Publications, Films and Computer Games) Act 1995

is where the issue becomes most apparent. Politicians and censors exist on one plane, filmmakers and critics on another, and distributors elsewhere – all trying to make the best of a tricky situation.

Catharine Lumby writes in *The Bulletin* that “in the years since [John] Howard came to power, censorship laws in Australia have become among the most restrictive in any Western democracy”¹⁹, and the reluctance of politicians and the OFLC to talk about the issue supports this argument. In response to an early overture on the issue, Ministerial Officer Simon Laffey wrote on behalf of the Prime Minister:

“Your school or local library should contain the information you need. Ask your librarian to show you where you can find books and periodicals which will help you answer your query.”²⁰

Correspondence with the OFLC produced an equally evasive response – as far as the government and its bodies are concerned, it appears that this is a non-negotiable issue. In July, a spokesperson for federal Attorney-General Daryl Williams said that “the government is aware of suggestions that certain groups should be permitted to view films that have been refused classification”²¹ but that it “does not have any plans to implement such a proposal”²². It is difficult to fully acknowledge the thinking of the pro-censorship faction, and one is ultimately forced to draw conclusions from its silence.

The majority of filmmakers have been left with no other choice than to comply with OFLC demands – it’s either that, or the dreaded RC. Student filmmaker Jeremy Harrison concedes that, “If I am making [a film] for an audience that is governed by strict censorship authorities, then I will want to make sure they see the film”²³. For the October 2003 release of *Kill Bill: Volume One*²⁴, director Quentin Tarantino was forced to put the film’s more violent sequences through a process of desaturation²⁵ in order to get an R18+ classification in most Western countries. Harrison notes that “it’s just sad that half the world’s audiences have to see a compromised work because of the . . . mentality of many censorship bodies.”²⁶

¹⁹ Catharine Lumby, “Censorship founders”, *The Bulletin*, Vol. 121 No. 37

²⁰ Simon Laffey (via email, 13/08/2003)

²¹ Attorney-General Spokesperson (quoted in *The Age*, 07/07/2003)

²² Attorney-General Spokesperson (quoted in *The Age*, 07/07/2003)

²³ Jeremy Harrison (interviewed on 26/10/2003)

²⁴ *Kill Bill Vol. 1*, 2003, dir. Quentin Tarantino

²⁵ Allowing the colour red to appear black.

²⁶ Jeremy Harrison (interviewed on 26/10/2003)

This sentiment is one generally shared by Australian critics. Margaret Pomeranz of SBS Television's *The Movie Show*²⁷ is arguably the voice of the anti-censorship movement, and along with critics David Stratton, Jane Mills and Julie Rigg, spearheaded the Sydney screening of *Ken Park*. It is also appropriate to note the position of Phillip Adams, who at once is both of the film industry, and separate from it:

“Censorship remains undesirable and is now technologically impossible anyway.”²⁸

For those who organised the Melbourne screening of *Ken Park*, this was most certainly the case, Pomeranz commenting that “. . . they apparently downloaded [the film] from the Internet, and the quality was quite good”²⁹. Understandably, this places undesirable pressure on both distributors and exhibitors. “If you tell people [that a film is] terrible . . . then the curiosity value comes in and they go and see it anyway,”³⁰ notes cinema manager Steve Maggs. “If everyone gets a . . . copy from overseas . . . all it means is the Australian industry's lost out”³¹.

With the law on its side, the Howard government is – at present – clearly in a greater position of power than these other interest groups. However, it is the cinemagoing public that has been most wronged by the introduction of minority rule, and it is their opinion that will ultimately decide whether the system changes or holds fast.

Focus Question Three

What rights do cinemagoers believe they should have in regards to cinematic consumption?

An appraisal of the domestic audience underpins the view that Australians are a freethinking people, and that the denial of basic civil liberties is not something taken lightly – especially in this case by those with a zealous passion for unconventional cinema. As citizens of a democracy, contemporary Australian cinemagoers feel that they should be able to make up their minds – and choose what they watch at the cinema – without the competing demands of an overly protective government. Whether or not individuals have heard of *Ken Park* and the OFLC is ultimately beside the point – it just “seems incredibly ironic in a society so Hell bent on cultural and racial equality”³² that the basic democratic rights of so many can be denied to them by so few.

²⁷ *The Movie Show*, <http://www.sbs.com.au/movieshow>

²⁸ Phillip Adams, “Paedophilia Inc.,” *The Weekend Australian Magazine*, 21/06/2003 – 22/06/2003

²⁹ Margaret Pomeranz (interviewed on *The Law Report*, 08/07/2003)

³⁰ Steve Maggs (interviewed on 02/09/2003)

³¹ Steve Maggs (interviewed on 02/09/2003)

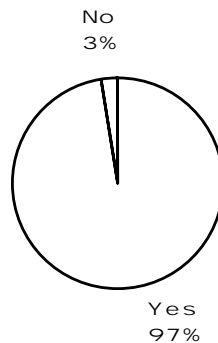
³² Jeremy Harrison (interviewed on 26/10/2003)

Outside the film industry, censorship receives very little exposure. *Ken Park* was highlighted in the media, but even then syndication of the story was limited, and reports tended to focus more heavily on the involvement of those such as Pomeranz than on the issue at hand itself. In November of 2002, Tony Pitman of 'Freedom International'³³ went as far as to sell illegal copies of RC rated features outside the OFLC in Sydney, in the hope of highlighting the irrelevance of censorship laws in Australia³⁴. But the only attention he received from anyone came from several local radio stations, and the police didn't even show up.

For this reason, it was not surprising when the majority of cinemagoers surveyed on the issue admitted to having previously been oblivious to it. Only one participant showed any signs of greater knowledge in their responses, notably when trying to qualify the more complex ramifications of what 'unrestricted cinematic consumption' actually entails. He stated:

"But what if [what adults choose to watch] is kiddie porn or something?
Then I guess who draws the line [and] where?"³⁵

This participant, however, was an anomaly – and the majority of cinemagoers surveyed were simply far less perceptive than he was. In reply to the question "Do you believe that adults should have the right to choose what they do or do not watch at the cinema?" one participant was even left asking, "When haven't they?"³⁶ But an evolved understanding of the issue is not necessarily a prerequisite for knowing how one instinctively reacts to it, and while the majority of surveyed cinemagoers were ignorant to the banning of *Ken Park* and the like, they still communicated very strong opinions in regards to their democratic rights:



"Do you believe that adults should have the right to choose what they do or do not watch at the cinema?"
source: Cinemagoers Survey (06/10/2003 – 22/10/2003)

³³ Freedom International, <http://www.freedomint.org/freedomint>

³⁴ "Australian Film Censorship Protest", <http://www.danny.oz.au/freedom/oflc/protest/>

³⁵ Joel Meares (surveyed on 11/10/2003)

³⁶ Anonymous (surveyed on 11/10/2003)

Lack of public awareness seems almost irrelevant – and what’s more, set to change. The censorship debate is one that can be argued on the basis of principle and principle alone, and large audiences at both the Sydney and Melbourne screenings of *Ken Park* illustrate the growing unease of Australian cinemagoers, and these survey results explicitly suggest that the right to choose what we watch is a right they believe we should have. This is not a leftist attitude – it’s merely a humanist one. Something is awry in the cinemas of Australia, and one by one, cinemagoers are waking up to it.

Conclusion

Film censorship is an illogical obstruction of basic democratic rights in an age of unrestricted accessibility – and by political intention, Australians are living in a nation that has a “love affair with the gag and the blindfold”³⁷. The demands and beliefs of the Australian film industry and audience conflict absolutely with those of the Howard government and its bodies, and there must inevitably be change and transformation as a result. The primary interest of any government is its own survival, and with an upsurge of cinemagoers becoming increasingly (if slowly) aware of Australia’s draconian censorship system, conservative Australia must ultimately relinquish its iron grip on freedom of choice to stay in power. Minority rule is slowly eroding the rights of filmmakers and cinemagoers alike, and only the ignorance of the general viewing public will allow this to continue.

However, it must also be noted that those trying to address the issue do not consider lack of public awareness wholly detrimental to their cause – the one cinemagoer to demonstrate familiarity with the subject is one more that can be added to the “groundswell of people who believe that what is happening is wrong”³⁸. Information regarding the illegal screening of *Ken Park* in Melbourne was communicated through unconfirmed reports and underground gossip, and it is this organic dissemination of what is happening that has the most profound effect on people’s understanding of the issue. The possibility for change – of policy, of procedure, or even of legislation – draws increasingly closer with each new person to become aware of what is happening in this country. As Orwell himself wrote:

“If there is hope . . . it lies in the proles . . . Until they become conscious they will never rebel.”³⁹

And more pertinently, as Phillip Adams wrote:

“Censorship is silly. Laugh at it.”⁴⁰

³⁷ Catharine Lumby, “Censorship founders”, *The Bulletin*, Vol. 121 No. 37

³⁸ Ryan Smith (quoted on *World Socialist Web Site*, 10/07/2003)

³⁹ George Orwell, *Nineteen Eighty-Four*, 1949, p.72 – 74.

⁴⁰ Phillip Adams (via email, 13/10/2003)