



## **Collective Shout: for a world free of sexploitation**

### **Submission to the Senate Legal and Constitutional Affairs Committee Inquiry into the Australian film and literature classification scheme**

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#### **Introduction**

*Collective Shout: for a world free of sexploitation* welcomes the opportunity to make a submission to the Senate Legal and Constitutional Affairs Committee's inquiry into the Australian film and literature classification scheme.

Collective Shout is a one-year-old grassroots movement challenging the objectification of women and sexualisation of girls in the media and popular culture. We target corporations, advertisers, marketers and media that exploit the bodies of women and girls to sell products and services, and campaign to change their behaviour. More broadly we also engage in issues relating to other outworkings of sexploitation, including the inter-connected industries of pornography, prostitution and trafficking.

Supporters of Collective Shout are critical of the current scheme, which relies on a mixture of self-regulation and government enforcement. In particular, we are concerned about the lack of effective enforcement through sufficiently serious penalties to deter those who are making a profit from the pornification of women and girls.

The national classification scheme has failed to halt or even slow the proliferation of images through publications, films, television, billboards, mobile phones and the internet, and words through all these media as well as radio and music recordings, that demean women, reduce them to sexual objects, foster a culture which condones sexual violence and pressures young girls to act in prematurely sexual ways.

In this submission we provide an evidence-based case as to why the system has failed and call for a complete overhaul.

#### **1. Serial classifications for publications**

The system of issuing serial classifications for publications is fundamentally flawed. This was first brought to light by Julie Gale, founder of Kids Free 2B Kids, in 2008. Ms Gale identified a number of publications on sale at service stations and corner stores bearing Category 1 or Category 2 'Restricted' labelling, but which contained material including pseudo child pornography and incitements to rape and incest, which should have resulted in the publications being Refused Classification.

After this material was submitted to the Classification Board the classifications given by the Board to eight publications were eventually revoked: *Best of Cheri*, *Finally Legal*, *Swank*, *The Very Best of High Society*, *Hawk*, *Gallery*, *Purely 18* and *Live Young Girls*.

*Live Young Girls* had been given repeated 24-month serial classifications as Category 1 Restricted based on issues Vol. 26, no. 5, May 2005 and Vol. 29, no. 5, May 2008. After Ms Gale submitted three issues of *Live Young Girls* (December 2006, August 2007, and April 2008) to the Classification Board, the Director informed Ms Gale in January 2009 that each of these issues had been found to contain Refused Classification content and that the serial classification based on the May 2005 issue was revoked. Inexplicably, the later 24-month serial classification based on the May 2008 issue was left in place.

It was only when Ms Gale submitted copies of the June 2008, September 2008 and December 2008 issues of *Live Young Girls* that the Board moved to revoke this second classification. Had Ms Gale not pressed the issue further, it is unlikely any further action would have been taken.

All eight of the publications for which serial classifications were revoked were distributed by a company called Namda. In the July/August 2005 issue of *Convenience & Impulse Retailing* the General Manager of Namda, David Watt offered advice to retail stores on selling adult magazines:

'Retailers should be wary of distributors falsely claiming classification ...We submit 30 regular monthly titles to the OFLC, and NAMDA is the second largest submitter to the office (behind newsagent suppliers Gordon & Gotch). If retailers are not sure, they should check the publication's status on the OFLC website.'<sup>1</sup>

David Watt has held office as secretary of the sex industry body the Eros Association. EROS claims to oppose child pornography. However, these eight titles distributed by Watt's companies contained Refused Classification material promoting sex with young girls, rape and incest. As Collective Shout founder Melinda Tankard Reist wrote in articles published in *ABC The Drum Unleashed*<sup>2</sup> and *OnLine Opinion*:<sup>3</sup>

The titles imported by Namda/Windsor have been supplied to milkbars, supermarkets and petrol stations. The publishers claim the girls are 18+ years but the content and images deliberately make them appear younger.

Words like 'tiny', 'tight' and 'tender' are used to describe body parts. The girls are often in pigtails and wearing braces...Headlines include 'Pigtail Perverts', 'Captive Virgins'.

One young girl is shown exposing her sexual parts, with the words 'I'm ready for my first time'. She is holding a pink hand puppet. 'Cute' girls known as 'Little Miss Mischief', 'frolic' on their beds with

...there are headings like: 'Virgin Violations, forced entries'. Advertisements inside the magazines promote videos including 'Helpless Girls – tantalizing videos of sexual extremes'...

Some issues advertise what sounds like incest: 'Disobedient daughter XXX DVD's... Don't tell mom!' and 'Like mother like daughter', 'Daddy's big xxxx' and 'All in the family'.

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<sup>1</sup> 'Get classified and cashified', *Convenience & Impulse Retailing*, July/August 2005, <http://www.c-store.com.au/magazine/article.php?id=4077>.

<sup>2</sup> Melinda Tankard Reist, 'Incensed about censorship', *ABC The Drum Unleashed*, 27 November 2008, <http://www.abc.net.au/unleashed/38374.html>.

<sup>3</sup> Melinda Tankard Reist, 'Incensed about censorship', *Online Opinion*, 5 December 2008, <http://www.onlineopinion.com.au/view.asp?article=8176&page=0>.

All these examples are from a magazine titled *Live Young Girls* and *Purely 18*, imported by companies linked to the secretary of the Eros Association.

Allowing images that depict children as keen for sex makes them more vulnerable to abuse and violence...

The system has failed to prevent unclassified or improperly classified titles from being imported and given mainstream display. Distributors of this pornography have shown complete contempt for the system.

### ***Recommendation 1***

***Collective Shout recommends that the serial classification scheme for publications be scrapped and each issue of a publication be submitted for classification.***

## **2. National standards for the display of restricted publications and films**

Collective Shout believes women and girls have the right to go about their daily lives without being confronted with images and words that promote a view of women and girls as sex objects readily available for men's sexual pleasure and gratification.

This material is also harmful to men and boys who are conditioned and socialised to see women and girls in terms of what they can provide sexually. We have written about this elsewhere.<sup>4</sup> It is offensive for women – often accompanied by children – to have to confront graphic pornographic titles every time they have to buy milk and petrol. The material is often at children's eye level, frequently next to lollies. Popular restaurant chain McDonalds, which co-brands with FuelZone, has so far failed to respond to requests to remove hardcore porn titles from open display in the co-branded outlets. Convenience chain 7-Eleven also continues to supply Category 1 titles. We note that BP, Shell/Coles Express and Mobil have acted on complaints.<sup>5</sup>

In April 2010 a significant number of child development experts and advocates called on the Standing Committee of Attorneys-General to act to prevent the open display of Restricted pornographic publications.<sup>6</sup> We note the irony in Julie Gale's submission to the SCAG's censorship working party initially not being accepted because of concerns by the SCAG secretariat about transmitting the graphic images – all of which she found in magazines in her local corner stores.<sup>7</sup> We further note that also in this current inquiry, the committee would not publish Ms Gale's submission, even though she had pixilated a number of the most graphic images. Her submission is only available as hard copy.<sup>8</sup>

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<sup>4</sup> Submission to the House Standing Committee on Social Policy and Legal Affairs Inquiry into the Regulation of Billboard and Outdoor Advertising, 7 March 2001, <http://www.aph.gov.au/house/committee/spla/outdoor%20advertising/subs/Sub%2043.pdf>; Melinda Tankard Reist, *Getting Real: Challenging the sexualisation of Girls* (Melbourne: Spinifex Press, 2009). See also numerous articles on our websites [www.collectiveshout.org](http://www.collectiveshout.org), and [www.melindatankardreist.com](http://www.melindatankardreist.com).

<sup>5</sup> Protecting children must be the priority, Julie Gale, *ABC The Drum Unleashed*, 8 April, 2010 <http://www.abc.net.au/unleashed/34398.html>

<sup>6</sup> Statement can be found at [http://www.kf2bk.com/latest\\_news.htm&news\\_offset=10](http://www.kf2bk.com/latest_news.htm&news_offset=10)

<sup>7</sup> 'Graphic images delay censor report', Mary-Anne Toy, *The Age*, April 5, 2010

<http://www.theage.com.au/national/graphic-images-delay-censor-report-20100404-rlnx.html>

<sup>8</sup> Personal correspondence, 8 April, 2011

## **Recommendation 2**

***Collective Shout recommends that there be a national uniform standard requiring that Category 1 and Category 2 Restricted publications and R18+ films only be available for sale and distribution from a secure, physically separated area to ensure no children can enter the area.***

### **3. Enforcement system**

The enforcement system that backs up the national classification system is widely considered to have broken down. Even Eros Association coordinator Robbie Swan told the Legal and Constitutional Affairs Committee at a public hearing on 25 March 2011 that the national classification system 'is broken because there is no compliance; we are looking at zero compliance from here on in.'<sup>9</sup>

Our agreement with Eros is limited to the shared view that the system is broken. Swan and the Eros Association want to move to a system of self-regulation. When distributors fail to respond to call-in notices under the current regulatory scheme, why should we believe they would comply with community standards if left to regulate themselves?

Collective Shout believes there is a need for serious penalties for breaches of the national scheme.

It is disturbing to read the successive estimates committee hearings since 2008 and see the responses from the director of the Classification Board to questions about the almost total lack of response to call-in notices and the absence of centralised information about the follow-up, if any, by State and territory law enforcement officers to breaches of the national classification scheme.

At the additional estimates hearing on 22 February 2011, Mr Donald McDonald, the director of the Classification Board confirmed that "To date, only one call-in notice for adult publications has been complied with."<sup>10</sup>

Pornography depicting minors has been openly sold in convenience stores through the country. Leading importers and distributors of pornographic magazines have failed to ensure that publications comply with the serial classifications given by the Classification Board.

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<sup>9</sup> Proof Committee Hansard, Senate Legal and Constitutional Affairs References Committee, Reference: Australian Film And Literature Classification Scheme, Friday, 25 March 2011, p. 52

<sup>10</sup> Proof Committee Hansard, Senate Legal and Constitutional Affairs Legislation Committee, Estimates: Additional Estimates, 22 February 2011,

32 <http://www.aph.gov.au/hansard/senate/commtee/S13573.pdf>. For an account of earlier admissions about the utter failure of the call-in system, see <http://melindatankardreist.com/2010/02/looking-for-love-on-valentine%e2%80%99s-day-you-won%e2%80%99t-find-it-here/>

Has anyone been held accountable for these serious breaches? The director of the Classification Board doesn't seem to know. No one seems to be able to tell the Senate Legal and Constitutional Affairs Committee. This indicates that the system has become a farce.

### **Recommendation 3**

***Collective Shout recommends a major overhaul of the classification enforcement system including introducing penalties for failure to respond to call-in notices; removing distributors who breach the scheme from access to further classification services; and centralising information on the progress of enforcement actions by all relevant law enforcement agencies.***

## **4. Customs regulations**

Customs regulations prohibit the import of 'objectionable material', defined so as to include publications, films and computer games that would be Refused Classification because they contain material that exceeds the highest classification for each of these forms of material.

In giving evidence to the Legal and Constitutional Affairs Committee at a public hearing on 25 March 2011, Robbie Swan criticised a recent decision by Customs 'in which they are now forbidding adult importers to bring in masters from which they can edit and make X-rated films that fit the Australian scheme'.<sup>11</sup>

Collective Shout welcomes this decision. No one should be exempt from customs regulations, least of all companies like Calvista, a division of Adultshop.Com, which makes a profit from pornography that demeans and degrades women.

As discussed below (re X18+ films) Collective Shout believes that such films have no redeeming features and should be prohibited from being shown.

### **Recommendation 4**

***Collective Shout recommends that the Customs Regulations should be amended to add to the definition of 'objectionable material' any film that is classified, or that if classified would be classified X18+. The importation of X18+ films should be prohibited by including such films in the definition of 'objectionable material'.***

## **5. Works of art and artistic merit**

There is something wrong with the classification scheme if it can't understand the problem posed by the display of Bill Henson's photographs of children.

For example, the girl who featured naked on the invitation to the Roslyn Oxley Gallery exhibition in 2009 was 13. While that photo was widely circulated, an even more graphic one of another

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<sup>11</sup> Proof Committee Hansard, Senate Legal and Constitutional Affairs References Committee, Reference: Australian Film And Literature Classification Scheme, Friday, 25 March 2011, p. 52

girl was not. 'Untitled 1985/86' was quietly auctioned by Menzies Art Brands, Lot 214, for \$3800, only weeks after the controversy erupted. Dr Abigail Bray has described this image:

... the black and white 'Untitled 1895/86'... peers down on a naked child on the crumpled sheets of a bed, her knees bent, her legs wide open, her face turned away from the camera, her lips parted, her expression blank. She is wearing childish bangles on both arms and an ankle 'slave' bangle. Her hair is in a ponytail. Her vagina and budding breasts are highlighted by Henson's trademark manipulation of shadow. The girl is anonymous. However, to see the ugly sexual political context of Henson's photographs is to be dismissed a hysteric, prude or worse.<sup>12</sup>

In relation to the latest exhibition of Henson's photographs, Tolarno Galleries has refused to reveal the age of the youngest naked girl in the exhibition. As Melinda Tankard Reist highlighted in an article:<sup>13</sup>

Why the secrecy? Was she at an age where she could consent? As respected teen psychologist Michael Carr-Gregg put it, would she 'have sufficient cognitive or emotional maturity to fully comprehend the potential ramifications of what she is doing?'

Where will her photo end up? Where did the photos of the other two girls above end up?

Why does calling it 'art' make sexualised depictions of young girls OK?

It is right to question Henson's sexual depictions of vulnerable naked young girls – and other overtly sexualised imagery of children.

On Channel 7's Morning Show on 31 March 2011, media academic and researcher Nina Funnell noted that Henson's images have been found in the collections of paedophiles. It is difficult to see how the Classification Board could classify these images as PG.

The provision in Section 11 (b) of the *Classification (Publications, Films and Computer Games) Act 1995* specifies that one of the matters to be taken into account in making a decision on the classification of a publication, a film or a computer game is its 'literary, artistic or educational merit (if any)'. This provision might have led the Board to overlook the sexualised depictions of young girls because the photographs were taken by a recognised artist.

It is worth noting that unlike the national classification scheme, the commonwealth Criminal Code's child pornography offences do not provide for any 'artistic merit' exceptions.

### **Recommendation 5**

***Collective Shout recommends that the criterion of artistic and literary merit be considered irrelevant in determining the classification of a sexual or sexualised depiction of a child.***

## **6. X18+ films**

The *Guidelines for the classification of films and computer games* set out that the X18+ classification is

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<sup>12</sup> Abigail Bray, 'The Gaze that Dare Not Speak Its Name: Bill Henson and Child Sexual Abuse Moral Panics', in *Getting Real: Challenging the sexualisation of girls*.

<sup>13</sup> See <http://melindatankardreist.com/2011/04/hensons-sexualised-depictions-of-young-girls-calling-it-art-doesn%E2%80%99t-make-it-ok/>.

a special and legally restricted category which contains only sexually explicit material. That is material which contains real depictions of actual sexual intercourse and other sexual activity between consenting adults. This classification is a special and legally restricted category which contains only sexually explicit material. That is material which contains real depictions of actual sexual intercourse and other sexual activity between consenting adults.

The sale of X18+ films is prohibited by law in the six states, while possession as well as sale of X18+ films is prohibited under the Northern Territory Emergency Response in prescribed communities. The latter decision followed the compelling evidence of the devastating effect of exposure to X18+ films of children in indigenous communities as reported in *Little Children are Sacred*. For example, 'The Inquiry was also told a story of a 17-year-old boy who would regularly show pornographic DVDs at a certain house then get young children to act out the scenes from the films.'<sup>14</sup>

An earlier report in violence against women in indigenous communities in Queensland has also identified the role of X18+ films: 'The incidence of sexual violence is rising and is [in] a direct relationship to negative and deformed male socialisation associated with alcohol and other drug misuse, and the prevalence of pornographic videos in some Communities.' This report also noted evidence that \$4,000-\$5,000 worth of X18+ films were being purchased each week from Canberra by men in the Cape Communities.<sup>15</sup>

Melinda Tankard Reist wrote in July 2007,<sup>16</sup>

AT LAST, it is on the record: Pornography is a significant factor in the violence and anarchy in indigenous communities.

Alcohol and drugs are well accepted as causing rampant dysfunction in places already beaten down by dispossession, disempowerment, unemployment, ill health and poor education. But the trauma caused by the invasion of pornography has not been properly acknowledged.

The Northern Territory's *Little Children Are Sacred* report changes that. A toxic trifecta of drugs, alcohol and pornography is fuelling a culture of violence against women and children. They are being bashed, raped, disabled and killed. Their lives are marked by desperation and terror. Predictably, the sex industry is crying censorship. But children suffering porn-driven sexual abuse should come before sex industry profits.

Children whose genitals have to be reconstructed, and the babies with sexually transmitted infections, need protection now.

While the sex radicals want business as usual, Aboriginal women are identifying pornography as one of the agents of destruction in their communities.

The report tells of rampant sexually aggressive behaviour, of children being exposed to porn films and re-enacting what they have seen, of porn being used by adults to groom children for sex.

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<sup>14</sup> *Little Children are Sacred*, Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse, 2007, [http://www.inquiriesac.nt.gov.au/pdf/bipacsa\\_final\\_report.pdf](http://www.inquiriesac.nt.gov.au/pdf/bipacsa_final_report.pdf).63.

<sup>15</sup> <http://www.women.qld.gov.au/resources/indigenous/documents/atsi-violence-report.pdf> p. 156; p. 100.

<sup>16</sup> <http://www.couriermail.com.au/news/opinion/suffer-the-little-children/story-e6frerdf-111113928230>

Pornography has destroyed the cultural restraints which would have protected women and children.

These isolated communities have been destroyed by white men bearing pornography. It has fed dysfunction and increased cycles of violence.

The report states: 'It is apparent that children in Aboriginal communities are widely exposed to inappropriate sexual activity such as pornography, adult films and adults having sex within the child's view ... resulting in the sexualisation of childhood and the creation of normalcy around sexual activity that may be used to engage children in sexual activity.'

The inquiry that led to the report was told that sexually aberrant behaviour involving both boys and girls was becoming more common. In all communities, men and women were concerned that teenagers were becoming more violent, sexual and anarchic. Young girls didn't even know they could refuse a sexual advance...

The Ninth Australasian Conference on Child Abuse and Neglect in November 2003 was told by staff from the Child at Risk Assessment Unit at the Canberra Hospital that exposure to X-rated pornography was a significant factor in children younger than ten who were sexually abusing other children. In the first six months of 2003, 48 children under ten were identified as having engaged in sexually abusive acts. Access to graphic sexual images had shaped the trend.<sup>17</sup>

X18+ films are only legally available for sale in Australia in the ACT and in parts of the Northern Territory outside the prescribed communities.

### **Recommendation 6**

***Collective Shout recommends that given the evidence for the harm to children from the ready availability of these films, and their demeaning depictions of women, the Commonwealth should exercise its full constitutional responsibilities and prohibit the sale of X18+ films in the territories. The X18+ classification would then become redundant, with all films exceeding the R18+ classification being Refused Classification.***

## **7. Classification of films**

The classification of films is currently in disarray. For example, Zack Snyder's latest film *Sucker Punch* was classified M on 14 March 2011 by the Classification Board with the advisory warning 'Frequent action violence and mature themes'. According to reviewer Cassie Alexander, the film features repeated attempted gang rapes of girls in a mental asylum who all appear to be less than 16 years of age:

Opening scene. Protag's mother dies, leaving her and her sister with lecherous step-father. Protag denies stepfather's advances. Stepfather (presumably) rapes younger sister, then kills her. Then frames protag for it, and gets her sent to a mental institution. Once there, the protag's depressed mental state changes her surroundings to some sort of bordello... where she and other girls 'her age' dance for men with money and power, becoming their 'clients' and 'satisfying' them on rotating beds with red satin sheets. While experiencing this understandable duress, the film dips down into another level, where the protag dances – and when she dances, while her clients are captivated by her spandexed crotch, the movie switches into complicated battle scenes, wherein

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<sup>17</sup> Janet Stanley, Cassandra Tinning and Katie Kovacs, 'Child Protection and the Internet' *Ninth Australasian conference on child abuse and neglect*, 24-27 November 2003, Napcan, Sydney.

she levels up and acquires the skills and the items that she'll need to eventually free herself from her confines.

The entire time in the movie, the protag has a babydoll face. Hey, guess what her name is? BABYDOLL. It's like they didn't even ... try. She's ultra-blonde, with pouty lips, and to be fair, she's gorgeous, and she can actually act. Unfortunately all she's given to act in is repeated sequences of beginning to dance slowly and unhappily with a 'No, Daddy, no!' face on or action scenes.

They make a big point of 'filling in her paperwork' when she arrives at the institution, and point out on there that she's 20.

... She doesn't look 20. None of them look older than 16. Not a single one.

The bordello thing seems just to be a way to keep the girls wearing spandex and corsets. The men leer at them, leer on them, openly drool, brag about how much money her virginity is going to make them with a 'high roller' and threaten to rape them continually. I'm not kidding, there were SIX SEPARATE ATTEMPTED RAPES in this film.<sup>18</sup>

M is a purely advisory category. M films may be seen legally by children of any age. The *Guidelines for the classification of films and computer games* provide that for the M classification the classifiable elements (sex, violence, drug use, nudity, themes, language) should have an overall impact 'no higher than moderate'. Sexual violence 'should be very limited and justified by context.' How many gang rapes are allowed in an M movie when the context is incarceration in a mental asylum that is more like a brothel for underage girls and where gang rape is encouraged?

Since the Classification Review Board decision in January 2000 to allow actual sex scenes in R18+ films, there has been a general flow-on effect on the classification of films.

The use of the subjective 'impact' scale as the primary distinction between the classifications has allowed the Classification Board and the Classification Review Board to make what often seem arbitrary decisions on classification.

In 2008, the decisions by the Classification Review Board to give an R18+ classification to three graphically animated anime films – *Classes in Seduction*, *T & A Teacher*, and *Bondage Mansion*, each of which featured explicit sexual acts – set a new low in film classification.<sup>19</sup> On *T & A Teacher* the Classification Board observed:

Although this film is animated, the depictions of the various sex acts are graphic and in close-up and the male and female genitalia are anatomically correct. The film is predominantly about sex and there are several prolonged scenes which depict masturbation of a vagina and penis, cunnilingus, fellatio, anal and vaginal penetration by digit and penis, ejaculation and intercourse.<sup>20</sup>

Both *T & A Teacher* and *Classes in Seduction* feature sexual acts between a teacher and his or her students, which the Classification Review Board found acceptable.

Melinda Tankard Reist has also described some of these films:

Another of the films under review, *Classes in Seduction*, depicted adolescent students in school uniforms being molested and initiated into sexual acts by an obviously older teacher. The students concerned displayed sexual inexperience and referred to other students as being older than themselves.

<sup>18</sup> <http://cassiealexander.com/2011/03/suckerpunch-ed/>.

<sup>19</sup> 'Four anime films classified upon review', Classification Review Board, 13 August 2008, [www.classification.gov.au/resource.html?resource=1057&filename=1057.pdf](http://www.classification.gov.au/resource.html?resource=1057&filename=1057.pdf).

<sup>20</sup> Board Report T08/238, Classification Board, 20/2/08.

There are depictions of menace and coercion in the initiation of sexual encounters in all three of the other films reviewed — *Bondage Mansion*, *T&A Teacher* and *Classes in Seduction*. Rules about the “R” and “X” classification mean that coerced sex is allowed for an “R” rating but only if the impact and explicitness is not so high as to warrant the “X” rating. These films slipped into the “R” rating because the anime was said to reduce the impact of the s-x scenes. In one scene in *Bondage Mansions*, a young woman is forced to fellate her attacker while he holds a sickle above her.

In the end any concerns about coercion are dismissed because (typically) the female characters always come to enjoy the force and degradation and appear to want more.

The NSW Council for Civil Liberties defends these films in the name of “free speech”. But many Australians don’t put incitement to crimes such as the r-pe of children, in the “free speech” category.<sup>21</sup>

### ***Recommendation 7***

***Collective Shout recommends that the Guidelines for the classification of films and computer games be revised to replace the subjective ‘impact’ scale with more detailed provisions for each of the classifiable elements, including strict limits on depictions of sexual violence and demeaning depictions of women. Actual sex and animated scenes depicting explicit sexual acts should not be permitted in the R18+ classification.***

## **8. Outdoor advertising**

This Inquiry aims to investigate ‘the possibility of including outdoor advertising, such as billboards, in the National Classification Scheme’.

Collective Shout believes the advertising industry has used self-regulation to its commercial advantage, to the detriment of the community, and women and girls in particular. The self-regulation model in fact enables the advertising industry to avoid proper scrutiny of its long history of irresponsible and profit-driven behaviour.

We have identified a range of inadequacies in the current system, including a weak code of ethics, the voluntary nature of the code, lack of pre-vetting, the Advertising Standards Board’s lack of power to order removal of advertisements, inadequate monitoring, de-sensitisation of panel members, little consultation with child development experts, and no meaningful penalties to provide an incentive for advertisers to change their behaviour. Moreover, there is little public knowledge about complaints processes and how to go about making a complaint, with the result being that if few complaints are received because people are unaware of how to complain and to whom, it is difficult to ascertain community standards.<sup>22</sup>

It is our view that the colonisation of public space with objectified and sexualised images of women and girls, together with an almost complete lack of action by regulatory bodies,

<sup>21</sup> *Crickey*, 23 February, 2009 <http://www.crikey.com.au/2009/02/23/comments-corrections-clarifications-and-cckups/>

<sup>22</sup> Submission to the House Standing Committee on Social Policy and Legal Affairs Inquiry into the Regulation of Billboard and Outdoor Advertising, 7 March 2001, <http://www.aph.gov.au/house/committee/spla/outdoor%20advertising/subs/Sub%2043.pdf>

conditions many people to seeing sexist advertising as acceptable, or as 'just the way things are'. At a time when hyper-sexual imagery is increasing, regulatory bodies need to be given more powers to deal with it, not less.

We also wish to highlight the fact that sexualised representations of women and girls displayed in a workplace constitute sexual harassment under anti-discrimination law.<sup>23</sup> But the open display of similar objectified and sexualised images of women in the public domain is exempt from sexual harassment laws. If this material has been ruled inappropriate for workplaces or schools, why is it considered acceptable as the 'wallpaper' of the public domain, where we have no choice but to view it?

The proliferation and globalisation of sexual imagery is of serious concern. Pornographic representations of women in the public space have become normative. There is a growing body of research globally that demonstrates the detrimental effect of these representations, especially on children and young people.<sup>25</sup> As the Australian Psychological Society reported to the Senate Committee Inquiry into the Sexualisation of Children in 2008, 'the values implicit in sexualised images are that physical appearance and beauty are intrinsic to self esteem and social worth, and that sexual attractiveness is a part of childhood experience... Girls learn to see and think of their bodies as objects of others' desire, to be looked at and evaluated for its appearance.'<sup>26</sup> In addition, advertising plays a crucial part in socialising men and boys to see the sexual objectification of women and girls as normal.

We hope that the recommendations from this Inquiry will lead to proper scrutiny of the industry and a more effective framework for the regulation of billboard advertising. Public accountability and social responsibility should be the guiding principles of regulation, not profit margins.

We note that this issue has been explored by a state government body in Victoria. The Portrayal of Women advisory committee produced a report<sup>27</sup> with a number of recommendations. We are unaware of any of these recommendations being acted on. We hope that any positive recommendations flowing from this inquiry will not meet the same fate.

The concerns of supporters of Collective Shout are consistent with those found in the general community, as noted by the ASB:

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<sup>23</sup> For example, see *Horne and McIntosh v Press Clough Joint Venture and Metals and Engineering Workers' Union WA*, Equal Opportunity Tribunal of WA, nos 28 and 30 of 1992, 21 April 1994; and *Hopper v Mount Isa Mines Ltd* [1997] QADT 3 (29 January 1997), and *Mount Isa Mines Ltd v Hopper* [1998] QSC 287.

<sup>25</sup> See Report of the American Psychological Association Task Force on the sexualisation of girls, <http://www.apa.org/pi/women/programs/girls/report.aspx>; UK Home Office, Sexualisation of Young People Review, <http://webarchive.nationalarchives.gov.uk/+http://www.homeoffice.gov.uk/documents/Sexualisation-of-young-people.html>; Scottish Parliament Equal Opportunities Committee, Research on sexualised goods aimed at children, <http://www.scottish.parliament.uk/nmCentre/news/news-comm-10/ceq10-s3-001.htm>; The Australia Institute, *Corporate Paedophilia: Sexualisation of children in Australia*, [https://www.tai.org.au/documents/dp\\_fulltext/DP90.pdf](https://www.tai.org.au/documents/dp_fulltext/DP90.pdf); and Melinda Tankard Reist ed., *Getting Real: challenging the sexualisation of girls* (Melbourne: Spinifex Press, 2009).

<sup>26</sup> At: [http://www.aph.gov.au/senate/committee/eca\\_ctte/sexualisation\\_of\\_children/submissions/sub115.pdf](http://www.aph.gov.au/senate/committee/eca_ctte/sexualisation_of_children/submissions/sub115.pdf)

<sup>27</sup> *The Portrayal of Women in Outdoor Advertising*, February 2002. *The Portrayal of Women in Outdoor Advertising*, February 2002, [http://www.dpc.vic.gov.au/CA256D800027B102/Lookup/Commstoolswomenoutdooradvertising/\\$file/Women%20in%20advertising%20outdoor.pdf](http://www.dpc.vic.gov.au/CA256D800027B102/Lookup/Commstoolswomenoutdooradvertising/$file/Women%20in%20advertising%20outdoor.pdf)

Community activity and political sensitivity about gender portrayal in advertising has been reflected in complaints to the Advertising Standards Bureau [and was of particular concern to respondents to the ASB's 2010 community research on this topic]. Such complaints comprised 41% of all complaints received in 2009 (average of 31% of all complaints 2005-2009).<sup>28</sup>

Despite ASB praise for the impact of its voluntary guidelines on the regulation of advertising content,<sup>29</sup> we contend that the current arrangements do little to control the placement or lessen the prevalence of advertising that objectifies and degrades women and also sexualises children.

Again, it should be noted that if the sexualised content of some billboard advertising were to be used in another medium, like film, this advertising would be subject to strict classification laws by a properly appointed Classification Board, presumably with the power to enforce its determinations directly or through other applicable legislation.

This inconsistency in regulation regimes may in part explain the growth of outdoor advertising. The following extract from billboard provider APN Outdoor's website illustrates the importance of the current system of self regulation to the industry and its effect on the content of billboards:

With so many people outside of their living rooms, advertisers can no longer rely on mostly in-home media such as television.  
Engaging consumers on the move is becoming a major focus for many clients.  
Furthermore, ad avoidance devices will have an even greater impact on traditional advertising models as consumers selectively filter and receive advertising messages.  
Outdoor is the only advertising medium that is virtually immune to consumer avoidance. It can't be turned off, flipped to the next page or thrown away. And it is free to view.  
Outdoor truly is the last of the mass media.<sup>30</sup>

The advertising industry self-regulation system does nothing more than provide a complaints mechanism to the consumer – and even then, one that is poorly publicised (ironically, given that this is an industry that claims expertise in advertising to a wide audience). It will continue to be inadequate in preventing the increasing use of *strong and explicit sexual depiction* on billboards and any other form of sexualised imagery, unless the system is overhauled.

According to 2009 ASB statistics,<sup>31</sup> complaints about outdoor advertising comprised 23.92% of total complaints lodged, considerably higher than the average of 9.91% in the period 2005-2008. In 2010, four of the ten most complained about advertisements were billboards.<sup>32</sup> Two of these complaints were upheld.

Collective Shout initiated and led a campaign against one of those billboards, advertising Calvin Klein.<sup>33</sup> The issue received global coverage after Alison Grundy, a sexual assault counsellor and clinical psychologist with over 20 years experience, wrote an opinion piece about how billboards of this nature create a dangerous environment for women and girls and make her job harder.<sup>34</sup>

<sup>28</sup> Advertising Standards Bureau, *Determination summary : Portrayal of gender in advertising*, October 2010, <http://www.adstandards.com.au/files/view/?id=203>

<sup>29</sup> At [http://issuu.com/cre8ive/docs/research\\_report\\_june2010?mode=embed&layout=http%3A%2F%2Fskin.issuu.com%2Fv%2Fflight%2Flayout.xml&showFlipBtn=true](http://issuu.com/cre8ive/docs/research_report_june2010?mode=embed&layout=http%3A%2F%2Fskin.issuu.com%2Fv%2Fflight%2Flayout.xml&showFlipBtn=true).

<sup>30</sup> At <http://www.apnoutdoor.com.au/Insights/Trends.aspx>.

<sup>31</sup> At <http://www.adstandards.com.au/publications/statistics>.

<sup>32</sup> At <http://www.adstandards.com.au/publications/mediareleases>.

<sup>33</sup> At <http://122.99.94.111/cases/0411-10.pdf>.

<sup>34</sup> At <http://melindatankardreist.com/2010/10/sexual-assault-counsellor-asks-why-is-it-ok-to-use-sexual-violence-as-a-marketing-tool/>. See also Helen Pringle, 'What is the billboard doing? Reactions to Calvin Klein', *On Line Opinion*, 24 November 2010, <http://www.onlineopinion.com.au/view.asp?article=11279>.

We note here the findings of the Board as to why the advertisement was in breach of Section 2.2 and 2.3 of the ASB Code of Ethics:

- the image of the woman was suggestive of non-consensual sexual behaviour
- the depiction of the woman with the three men to be highly sexualised and clearly suggestive of sexual behaviour
- the scene is suggestive of violence and rape
- the image was demeaning to women by suggesting that she is a plaything of these men
- the image also demeans men by implying sexualised violence against women

While Collective Shout welcomes the ASB determination on the CK billboard, the billboard would not have been displayed at all if the self-regulation system were effective in protecting consumers and if advertisers complied with the ASB Code of Ethics.

Other legitimate complaints about billboards are not upheld by the ASB. One example of this is the billboard for *Sexpo* placed in Ipswich Queensland in February 2010. The billboard contained imagery and information about an adult pornographic expo, which is inappropriate for children's view, and which also objectified women. Despite requests by the community and an Ipswich Councillor for the billboard to be taken down, the ASB dismissed the complaint.<sup>35</sup> Even if complaints about the *Sexpo* billboard had been upheld, several weeks would have elapsed between the time of the billboard's placement and the ASB's determination. The advertiser then benefits from the controversy stirred up by the billboard. Advertisers such as *Sexpo* deliberately exploit the self-regulation system for publicity.

**Notwithstanding the ASB guidelines, there is no evidence that the ASB prevents or controls the placement of public billboards that display strong sexual depictions.**

The ASB simply provides a complaint mechanism. While a voluntary Code of Ethics developed by the Australian Association of National Advertisers was relied upon in upholding complaints concerning billboards in 2010, this Code did not prevent the placement of these images in the first place. This is despite the recommendation of an Australian government inquiry in 2008 that the ASB rigorously apply standards for billboards and outdoor advertising so as to more closely reflect community concern about the appropriateness of sexually explicit material and the inability of parents to restrict exposure of children to such material.<sup>36</sup> It is interesting to note that despite being a participant in the self-regulation scheme and aware of the ASB determination, APN Outdoor continues to include the offensive CK billboard in its campaign gallery,<sup>37</sup> presumably as a representation of an effective billboard.

**Notwithstanding the ASB's claims,<sup>38</sup> consumer protection is not provided by the self-regulation scheme.**

The ASB only has the power to consider advertisements once a complaint is received. If no-one had complained about the CK billboard, perhaps because they didn't know they could or where to do so, it might still be in place. Guidelines exist that should have alerted the advertiser,

<sup>35</sup> See <http://www.qt.com.au/story/2010/02/03/ipswich-driven-to-distraction-by-sexpo-billboard-b/>, and <http://www.adstandards.com.au/casereports/determinations/standards?ref=60/10>.

<sup>36</sup> See [http://www.aph.gov.au/senate/committee/eca\\_ctte/sexualisation\\_of\\_children/report/report.pdf](http://www.aph.gov.au/senate/committee/eca_ctte/sexualisation_of_children/report/report.pdf).

<sup>37</sup> See <http://www.apnoutdoor.com.au/Interact/Gallery/#p6>, click on page 6.

<sup>38</sup> At <http://www.adstandards.com.au/self-regulation-system/aboutselfregulation>.

including the owner of the billboard, to the fact that the advertisement was in potential breach of the Code of Ethics.

It is not sufficient to ensure consumer protection by providing a free and fast route for consumers to express their views about advertising. In an environment where billboards are in effect 'unclassified', the right of consumers to be protected should extend to prohibiting the offending conduct in the first place. This is how Australian consumer protection legislation works. The law does not provide the same protection where billboards are concerned. Depending on the commercial interest of the advertiser and its approach to risk, almost any sexualised image could be displayed on a billboard, with the right of consumers limited to lodging a complaint to the ASB which may or may not be upheld. If the complaint is dismissed, in the absence of any other legislation, the consumer would perhaps be able to rely upon any common law remedy or, if applicable, hope that State and Territory criminal statutes could be enforced. Collective Shout is not aware of any local government ordinances that regulate billboard content.

**The inability to control billboard content contributes to the sexualisation of our culture and the harms that arise from it.**

The harms of sexualisation have been identified in regard to

- Body image being listed as a leading concern for the fifth year in a row for young people<sup>39</sup>
- One in 100 adolescent girls in Australia suffering anorexia and one in 20 bulimic<sup>40</sup>
- Half of UK young women aged 16-21 would consider having cosmetic surgery<sup>41</sup>

Gail Dines, a professor of sociology and women's studies in Boston, has argued,

[Despite the advances made on behalf of women in recent decades, women] remain cultural identities who develop our identities out of the dominant images that surround us.... [Popular culture] represents images of contemporary idealized femininity – in a word hot – that are held up to women, especially young women, to emulate. Women today are still held captive by images that ultimately tell lies about women.... In today's image based culture, there is no escaping the image and no respite from its power when it is relentless in its visibility.<sup>42</sup>

We invite the Committee to peruse our website ([www.collectiveshout.org](http://www.collectiveshout.org)) for more examples of billboards that our supporters have found offensive due to their sexist portrayal of women.

An industry self-regulation body like the ASB will always be conflicted in its role, relying as it does on the funding of the industry for its financial viability and also the co-operation of the industry to implement and enforce its Code of Ethics and determinations. Its ability to carry out its role is severely hampered

In the absence of legislation underpinning the self-regulation system, the ASB has no real power to enforce its determinations. This lack of an enforcement mechanism renders the ASB powerless in the face of recalcitrant advertisers and corporations. In January 2011, the ASB

<sup>39</sup> See <http://www.missionaustralia.com.au/downloads/national-survey-of-young-australians/2009/164-national-survey-of-young-australians-2009>.

<sup>40</sup> See <http://www.eatingdisorders.org.au/media/key-statistics.html>.

<sup>41</sup> See

[http://www.girlguiding.org.uk/system\\_pages/small\\_navigation/press\\_office/latest\\_press\\_releases/3rd\\_march\\_2011\\_-\\_gvac.aspx](http://www.girlguiding.org.uk/system_pages/small_navigation/press_office/latest_press_releases/3rd_march_2011_-_gvac.aspx).

<sup>42</sup> Gail Dines, *Pornland: How Porn Has Hijacked our Sexuality* (Boston: Beacon Press, 2010), p. 102.

upheld a complaint and determined that an advertisement breached the Code.<sup>43</sup> The ASB advised the corporation concerned, but the corporation has refused to comply with the determination. The corporation planned to continue its display of the offending billboard, as indicated by the very last line of the determination: 'The advertiser advised that the billboard will be brought down at the end of summer.' The 'end of summer' was the intended end of the advertiser's billboard campaign, and a full 6 weeks after the date the complaint was upheld.

Collective Shout was subsequently advised by the ASB<sup>44</sup> that in response to the Advertiser's non-compliance, the ASB contacted the Outdoor Media Association, which then contacted the owner of the billboard alerting them to the ASB's ruling. The owner of the billboard removed the billboard advertisement on February 18. This was only 10 days before the end of the advertiser's campaign and almost a full month after the determination. The advertiser has faced no penalty for their non-compliance. The removal of a sexist billboard only 10 days before the end of a campaign is not an adequate deterrent for repeating the same behaviour in future.

### ***Recommendation 8***

#### ***Collective Shout recommends that:***

1. Responsibility for regulation should be given to an independent body or authority, with power to establish a system of pre-vetting billboards before their placement. An independent review system should replace self-regulation as a way to assess the suitability of outdoor advertising.
2. The AANA code of ethics should be amended to reflect the growing body of research in regard to the sexualisation of children and objectification of women. Objectification and sexualisation of women and girls should be treated as threats to the health, well-being and status of women and girls.
3. The AANA code of ethics should be amended to clearly reflect the fact that unsolicited and unwanted exposure to sexualised and pornified images is a form of sexual harassment.
4. Any regulatory body (the existing or a new body) be required to consult the international research along with child and youth development experts, to ascertain the possible impact of advertising with sexualised content or messaging, on this audience.
5. Clear rules should be set out governing the placement of billboards, and limitations imposed in respect of where billboards can be placed.

### **9. Music videos**

Music videos have an increasing influence on modern culture, especially on children and teenagers. Recently Melinda Tankard Reist reported on Kanye West's eroticized violence against women in the music video *Monster* which features dead women in lingerie swinging back and forth from the ceiling from a chain around their necks; two young dead women slumped on a silk-sheeted bed as West advances on them, West holding the head of a decapitated women and

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<sup>43</sup> At <http://122.99.94.111/cases/0517-10.pdf>.

<sup>44</sup> Email correspondence, 1 March 2011.

a woman in fetishized clothing lying spread-eagled on a table in front of a man eating a huge plate of raw meat in the behind-the-scenes clip.<sup>45</sup>

Collective Shout will be watching closely to see how this video is viewed by regulators here. In our view it should be refused any classification given its juxtaposition of sex, killing and women's corpses.

In 2008 the Inquiry into the Sexualisation of Children in the Contemporary Media by the Senate Standing Committee on Environment, Communications and the Arts recommended 'that broadcasters review their classification of music videos specifically with regard to sexualising imagery'.<sup>46</sup> Classification guidelines for films do not adequately cover the 'sexualised imagery' that pervades so many music videos. Music video clips often present women in highly sexualised ways, for example, as adornments, decorations and sexual play-things. They are a very powerful shaper of children and young people's perceptions.

The guidelines need to be amended to give greater weight to the presence of sexualised imagery.

### **Recommendation 9**

***Collective Shout recommends that the Guidelines for the classification of films and computer games be amended to give greater weight to the presence of sexualised imagery in music videos and its likely impact on younger children.***

## **10. ARIA/AMRA Labelling Code of Practice for Recorded Music Product Containing Potentially Offensive Lyrics and/or Themes**

Music lyrics are a significant influence in popular culture. The distorted image of women presented by some lyrics is therefore of concern. A taskforce on the sexualization of girls set up by the American Psychological Association has reported on the research evidence on the sexualised content of music lyrics:

It is evident that the lyrics of some recent popular songs sexualize women or refer to them in highly degrading ways, or both.

Some examples include the following:

- 'So blow me bitch I don't rock for cancer / I rock for the cash and the topless dancers' (Kid Rock, 'f\*ck off', 1998)
- 'That's the way you like to f\*\*\* ... rough sex make it hurt, in the garden all in the dirt' (Ludacris, 2000)
- 'I tell the hos all the time, Bitch get in my car' (50 Cent, 2005)

<sup>45</sup> 'Who says female corpses aren't sexy?', 10 December 2010, <http://melindatankardreist.com/2010/12/who-says-female-corpses-aren%e2%80%99t-sexy-kanye-west%e2%80%99s-new-monster-video/>

<sup>46</sup> Senate Standing Committee on Environment, Communications and the Arts, Sexualisation of children in the contemporary media, 2008, p. 42, para. 4.56, [http://www.aph.gov.au/senate/committee/eca\\_ctte/sexualisation\\_of\\_children/report/report.pdf](http://www.aph.gov.au/senate/committee/eca_ctte/sexualisation_of_children/report/report.pdf).

As part of a recent study of the effects of listening to popular music on sexual behavior (Martino et al., 2006), researchers coded the content of 164 songs from 16 artists popular with teens. Overall, 15% of songs contained sexually degrading lyrics. Most of these lyrics were concentrated within the work of rap and R&B artists; as many as 70% of individual artists' songs included degrading sexual content.<sup>47</sup>

Recent research has indicated that listening to lyrics with content that degrades women is associated with premature sexual behaviour:

Listening to music with degrading sexual lyrics is related to advances in a range of sexual activities among adolescents, whereas this does not seem to be true of other sexual lyrics. This result is consistent with sexual-script theory and suggests that cultural messages about expected sexual behavior among males and females may underlie the effect. Reducing the amount of degrading sexual content in popular music or reducing young people's exposure to music with this type of content could help delay the onset of sexual behaviour.<sup>48</sup>

We have also protested Brian McFadden's latest release *Just as you are (Drunk at the bar)*<sup>49</sup>

I like you just the way you are, drunk and dancing at the bar, I can't wait to take you home so  
I can do some damage  
I like you just the way you are, drunk and dancing at the bar, I can't wait to take you home so  
I can take advantage

Lyrics like this help normalise and justify violence against women.

Alison Grundy a clinical psychologist in the field of sexual violence for 20 years, describes the lyrics as "one more open demonstration of the contempt shown to women's human rights and the fundamental legislation that is place to protect them".

"Now we have 30 years of research to show that the sexualised and violent messages of popular music, media and video games do shape and provoke male aggressive and sexualised violence. I wonder how long it will be before songs like this are seen as inciting crimes under the criminal code? Not soon enough for those of us who work with victims on the long road to recovery after experiencing the 'do some damage and take advantage' behaviour lauded in this song."<sup>50</sup>

The classification of music lyrics is carried out jointly by the Australian Record Industry Association (ARIA) and the Australian Music Retailers Association (AMRA) under a code of practice which provides three levels of warning labels: 'Moderate impact coarse language and themes'; 'Strong impact coarse language and themes'; and 'Restricted: High impact themes: Not to be sold to persons under 18'. Products containing lyrics which promote, incite, instruct or exploitatively or gratuitously depict drug abuse; cruelty; suicide; criminal or sexual violence; child abuse; incest; bestiality; or any other revolting or abhorrent activity in a way that causes outrage or extreme disgust to most adults is not allowed to be sold or released by AMRA or ARIA members.

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<sup>47</sup> American Psychological Association, *Report of the APA Task Force on the Sexualization of Girls* (Washington DC, 2007), p. 7, [www.apa.org/pi/wpo/sexualization.html](http://www.apa.org/pi/wpo/sexualization.html).

<sup>48</sup> S. Martino et al., 'Exposure to Degrading Versus Nondegrading Music Lyrics and Sexual Behavior Among Youth', *Pediatrics*, 118, 2 (August 2006), pp. e430-e441, [pediatrics.aappublications.org/cgi/content/abstract/118/2/e430](http://pediatrics.aappublications.org/cgi/content/abstract/118/2/e430).

<sup>49</sup> 'New song from Delta's man feeds rape myth', *The Drum*, 20 February 2011, <http://www.abc.net.au/unleashed/44500.html>.

<sup>50</sup> Ibid.

Many song lyrics which celebrate sexual violence against women have been given a warning label by ARIA/AMRA rather than being listed as prohibited. For example, 'Stripped, raped and strangled' by Cannibal Corpse was given a Level 3 Warning rather than prohibited from sale by AMRA members. The song includes the following lines:

She was so beautiful I had to kill her  
Tied her up and taped her mouth shut  
Couldn't scream, raped violently  
Rope tight, around her throat  
Her body twitches as she chokes  
Strangulation caused her death just like all the others  
*Raped before and after death; stripped, naked, tortured.*

It would be appropriate for the classification of music lyrics to become part of the national classification scheme with guidelines which more effectively exclude from release or sale lyrics which celebrate sexual violence against women.

### ***Recommendation 10***

***Collective Shout recommends that the classification of music lyrics be made part of the national classification scheme with provisions that ensure that music with lyrics that celebrate violence and sexual violence against women are prohibited from release or sale.***

## **11. The sexualisation of children and the objectification of women in all media, including advertising**

As noted above, the 2007 report of the American Psychological Association (APA) Task Force on the Sexualisation of Girls links the objectifying and sexualising of girls and young women with the most common health problems suffered by them. According to the APA, 'A culture can be infused with sexualised representations of girls and women, suggesting that such sexualisation is good and normal'.<sup>52</sup> The Report argues that this frequently leads to girls and women feeling bad about themselves:

... there is evidence that sexualisation contributes to impaired cognitive performance in college-aged women, and related research suggests that viewing material that is sexually objectifying can contribute to body dissatisfaction, eating disorders, low self-esteem, depressive affect, and even physical health problems in high-school-aged girls and in young women.<sup>53</sup>

In addition to leading to feelings of shame and anxiety, sexualizing treatment and self-objectification can generate feelings of disgust toward one's physical self. Girls may feel 'ugly', 'gross' or untouchable.

The enmeshing of sex industry practices throughout the culture can be observed in the rise of 'sexting,' where teens and even preteens exchange sexual images of themselves via mobile phones. In a 2008 survey by the US National Campaign to Prevent Teen and Unplanned Pregnancy, one out of five teens reported that they have 'electronically sent, or posted online, nude or seminude pictures or video of themselves'.<sup>54</sup> Girls as young as thirteen send explicit

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<sup>52</sup> American Psychological Association, Task Force on the Sexualization of Girls, *Report of the APA Task Force on the Sexualization of Girls*. (Washington, DC, 2007), p. 3, [www.apa.org/pi/wpo/sexualization.html](http://www.apa.org/pi/wpo/sexualization.html).

<sup>53</sup> Ibid. p. 23.

<sup>54</sup> [www.thenationalcampaign.org/sextech](http://www.thenationalcampaign.org/sextech).

photos of themselves to others. A survey by *Girlfriend* magazine found that four in ten readers had been asked to take a nude photo and forward it.<sup>55</sup>

Adding to – and further fuelling – these trends is the frequency of sex-based stunts in the public domain. For example, on 6 May 2009, male radio announcers on 2Day FM radio in Sydney (syndicated around the country) held a competition in the station office to see who could masturbate the fastest and who had the highest sperm count. They were each given a pornographic magazine and sent to cordoned-off toilets for the competition. Female host Jackie O, whose husband took part, cut and pasted photos of her head onto the female porn stars' bodies to 'help' him. When the competition was over, one of the men wiped his 'sticky' hand in Jackie O's hair. Her co-host Kyle was declared the winner, having produced the most sperm in the fastest time. The photo gallery on the 2Day FM website declared, 'See Jackie get a hairful, take a closer look at Geoff's shirt after the incident... there is a definite stain!! And see Kyle finish first!'. All this on daytime radio.

This is the background wallpaper against which women and girls have to live – and the background against which we try to raise boys of character and respect.<sup>56</sup>

Pornography has become the handbook of sex education for many boys. An estimated 70% of boys have seen pornography by the age of twelve and 100% by the age of fifteen.<sup>57</sup>

Girls are also increasingly exposed to pornographic images. Australian author Joan Sauers found that 53.5% of girls twelve and under in Australia have seen pornography, and 97% by the age of sixteen. Fourteen-year-old girls are even looking to pornography for guidance. 'I just copied what I had seen from porn, he enjoyed it,' a girl of this age told Sauers. The main aim seems to be the boy's enjoyment, even when a girl is in pain. Some girls in Sauers' study reported being in pain but allowing their partners to continue in order to make them happy; the girls 'put up with it' to make sex enjoyable for their boyfriends. They were treated like crash-test dummies, not intimate partners. Another girl wrote: 'it really hurt, I bled, but I let him keep going, he seemed happy. I really regretted it after doing it, but there wasn't much I could do, I just felt way too young and that it was too early.' This girl was aged 13.<sup>58</sup>

Pornography is also used to groom children for sex, normalising graphic depictions of sex acts in a child's psyche. Growing numbers of children are even acting out on other children what they have seen in porn. It was reported in 2008 that a group of six-year-old boys ran a 'sex club' at a Brisbane primary school, threatening girls who refused to comply. The *Courier Mail* reported the case of a seven year-old girl performing oral sex on a boy during lunchtime: 'The witness said the boy had menaced the girl and threatened her with violence'.<sup>59</sup> A more recent report by the Australian Crime Commission attributes significant rates of child-on-child sexual abuse to the viewing of hypersexualised imagery. The report reinforces escalating concern

<sup>55</sup> Angela Saurine, 'The sad truth of Generation Sex' *The Daily Telegraph*, 2 February 2009, <http://www.news.com.au/dailytelegraph/story/0,22049,24992752-5001031,00.html>.

<sup>56</sup> <http://www.2dayfm.com.au/shows/kyleandjackieo/highlights/sperm-test>.

<sup>57</sup> Claire Scobie, 'Wild Things' *The Bulletin*, February 6 2007, p. 35, [http://www.clairescobie.com/journalism/features/On%20Sex%20Lives%20of%20Teenagers\\_June07%5B2%5D.pdf](http://www.clairescobie.com/journalism/features/On%20Sex%20Lives%20of%20Teenagers_June07%5B2%5D.pdf).

<sup>58</sup> Joan Sauers, *Sex Lives of Australian Teenagers* (Sydney: Random House, 2009).

<sup>59</sup> *Courier Mail*, 13 September 2008.

among child protection advocates over an increase in sexually aggressive behaviour in children, as young people become exposed to sexual and pornographic images.<sup>60</sup>

The national classification scheme has failed to halt or even slow the proliferation of images through publications, films, television, billboards, mobile phones and the internet, and words through all these media as well as radio and music recordings, that demean women, reduce them to sexual objects, foster a culture which condones sexual violence and pressures young girls to act in prematurely sexual ways.

It is time for a serious overhaul of the scheme. The primary goal of such an overhaul needs to be to significantly reduce the wall-to-wall saturation with sexual and sexualised imagery of women and of anything that contributes to the sexualisation of children.

### ***Recommendation 10***

***Collective Shout recommends that the national classification scheme be subject to a major overhaul with the primary goal of making it more effective in reducing the prevalence and availability of material in all media which contains images or words which reduce women to sex objects, which condone or celebrate sexual violence against women or which promote the sexualisation of children.***

## **11. Broadcast standards for television and Internet content**

Collective Shout supports the introduction of mandatory filtering of internet content by internet service providers to exclude (or at least make more difficult to access) material that in other media forms, such as films and television, is not allowed to be distributed in Australia. Such material includes child pornography, rape pornography and bestiality.

Those who oppose filtering on the grounds of free speech, civil liberties or an alleged right of adults to see anything they want are best described as sexual assault or child porn libertarians rather than 'civil' libertarians. There is nothing 'civil' about the material that gets Refused Classification under the national classification scheme.

The character of the 'all the porn we want' lobby was revealed when they launched 'Operation Titstorm' in February 2010, declaring that: 'The Australian Government will learn that one does not mess with our porn. No one messes with our access to perfectly legal (or illegal) content for any reason.' For three days hackers calling themselves 'Anonymous' disabled the Australian Parliament House computer system. They also hacked the PM's site, plastering it with porn in a protest against the Government's internet filtering plans. Parliament House staff also received porn spam emails.<sup>66</sup>

### ***Recommendation 12***

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<sup>60</sup> 'Sexual imagery contributing to a rise of child-on-child sexual assault', Melinda Tankard Reist, 6 August, 2010, <http://melindatankardreist.com/2010/08/sexual-imagery-contributing-to-rise-of-child-on-child-sexual-assault/>

<sup>66</sup> See <http://melindatankardreist.com/2010/02/looking-for-love-on-valentine%e2%80%99s-day-you-won%e2%80%99t-find-it-here/>

***Collective Shout recommends that the proposed mandatory filtering scheme at internet service provider level of content that would be Refused Classification be implemented as soon as possible.***

### **13. Mobile phones**

The mandatory internet filtering scheme should also apply to content delivered through mobile phone networks. The medium or platform used should not make a difference to the nature of the content permitted or prohibited. The problems with sexting and bullying using mobile phones need to be addressed with penalties sufficient to dissuade teenagers and others from misusing this technology to abuse women and girls. In particular it should be a serious offence to capture or transmit child pornography on a mobile phone.

#### ***Recommendation 13***

***Collective Shout recommends that the mandatory filtering scheme for internet content apply also to content delivered by the mobile phone networks and that there be appropriate penalties for using a mobile phone to capture or transmit images containing (i) child pornography, (ii) sexual assault or (iii) intimate sexual acts or nudity involving adults without the consent of each of the participants.***

### **14. Refused Classification**

Collective Shout supports the current categories that attract a Refused Classification. There should be no weakening of any of the current categories. Further to this though, Collective Shout believes that much material that is presently given a Category 2 Restricted classification for publications; X18+ or R18+ for films and Level 3 warning for music lyrics should instead be Refused Classification.

In particular, all pornography depicting actual sex acts or simulations or animations of explicit sex acts should be Refused Classification. This material overwhelmingly depicts women as sex objects to be exploited to satisfy men's desires. It characterises women as enjoying demeaning and degrading treatment by men. It has no socially redeeming features.

#### ***Recommendation 14***

***Collective Shout recommends that the Refused Classification categories not be weakened in any way but that material currently classified Category 2 Restricted (publications); X18+ (films); R18+ (films which are solely designed for sexual arousal); or Level 3 warning (music lyrics for sexual violence, violence against women) also be Refused Classification.***

### **15. Other matters – the right to a workplace free from sexually offensive images**

As noted above, sexualised representations of women and girls displayed in a workplace constitute sexual harassment under anti-discrimination law.<sup>67</sup> Collective Shout has received complaints from women employed in convenience stores, service stations and video stores who have been required to handle sexually offensive publications or videos in the course of their employment. Many men would also object to handling such material.

There should be a general right of conscientious objection for all employees to handling, selling or otherwise dealing with sexually explicit material in the course of their employment. This could be incorporated into the *Fair Work Act 2009*. No one should be required to participate in the proliferation in the community of material that demeans, degrades and exploits women.

Some States have exemptions that allow employers to require minors who are employees to handle material that it is otherwise prohibited from sale to a minor.

### ***Recommendation 15***

***Collective Shout recommends that all exemptions for minors handling restricted publications or films be abolished and that an amendment to the Fair Work Act 2009 be introduced that makes it unlawful for an employer to take adverse action against a person who is an employee, or prospective employee, of the employer because the person declines to sell or otherwise handle sexually explicit material or material that has been given a restricted classification.***

[www.collectiveshout.org](http://www.collectiveshout.org)

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<sup>67</sup> For example, see *Horne and McIntosh v Press Clough Joint Venture and Metals and Engineering Workers' Union WA*, Equal Opportunity Tribunal of WA, nos 28 and 30 of 1992, 21 April 1994; and *Hopper v Mount Isa Mines Ltd* [1997] QADT 3 (29 January 1997), and *Mount Isa Mines Ltd v Hopper* [1998] QSC 287.