

Director – Classification Reform Online Safety,
Media and Platforms Division
Department of Infrastructure, Transport, Regional
Development, Communications and the Arts
GPO Box 594 Canberra,
ACT 2601



BY E-MAIL: <https://www.infrastructure.gov.au/have-your-say/>

30 May 2024

Dear Director,

The Australian Christian Lobby (ACL) is grateful for the opportunity to make a submission to the Inquiry into *Modernising Australia's Classification Scheme - Stage 2 Reforms*.

We would appreciate an opportunity to meet with the Committee to discuss our submission.

Thank you for giving the following submission your careful consideration.

Yours Sincerely,

A handwritten signature in blue ink that reads 'MPearse'.

Michelle Pearse
CEO

SUBMISSION:

Modernising Australia's Classification Scheme – Stage 2 Reforms

AUSTRALIAN CHRISTIAN LOBBY

About Australian Christian Lobby

The vision of the Australian Christian Lobby (ACL) is to see Christian principles and ethics influencing the way we are governed, do business, and relate to each other as a community. ACL seeks to see a compassionate, just and moral society through having the public contributions of the Christian faith reflected in the political life of the nation.

With around 250,000 supporters, ACL facilitates professional engagement and dialogue between the Christian constituency and government, allowing the Voice of Christians to be heard in the public square. ACL is neither party-partisan nor denominationally aligned. ACL representatives bring a Christian perspective to policy makers in Federal, State and Territory Parliaments.

acl.org.au

Introduction

Although the questions for this inquiry may range across a broad range of topics, this submission focusses only on the issue of child protection and the need for clearly-defined safeguards to prevent minors being exposed to violent and/or obscene material, including books, magazines, films and advertisements.

The government has committed vast resources to addressing the problem of violence against women and girls. It has recognised the corrosive role of pornography in presenting women and girls as sexual objects and promoting a culture of acceptance around sexualised violence. In many cases, preventative measures would not require new regulation so much as the proper enforcement of existing regulation.

The objectives of this review appear, broadly, in line with what is needed to address the existing problems that ACL supporters are reporting. The establishment of a single national regulator with clearly-defined criteria against which to classify material makes good sense.

However, in order to protect free speech, the category of content to be restricted should be confined to carefully-defined standards of obscenity and violence, not to identity- or feelings-based offence. Restrictions on material that meets the agreed objective standards of obscenity and violence should be rigorously enforced and offenders – particularly repeat offenders – prosecuted.

In answer to the specific items about which this inquiry seeks comment, the ACL is supportive of items #1 (“clarifying the scope and purpose of the Scheme, including the types of content that should be classified”) and #3 (“establishing fit-for-purpose governance and regulatory arrangements for the Scheme, under a single national regulator responsible for media classification”) but has some reservations about item #2 (“ensuring that classification guidelines continue to be aligned with, and responsive to, evolving community standards and expectations”).

Different communities may have very different “standards and expectations”. It is important that, regardless of how these “evolve”, agreed standards are able to resist downward pressure. It is precisely because culture is changing and many portions of the community are becoming inured to sexualised content that robust, unmoving and clearly-defined boundaries are required now, more than ever. The perspectives that should weigh most heavily in the consideration of these issues are not those of the academics or even the community at large but those of parents who have primary responsibility for safeguarding children.

Pornography is a problem

In April 2024, the Prime Minister released a [statement](#) in which he spoke about the problem of violence against women and children in modern Australia. Without supporting all of the government’s messaging on this issue – the sexist demonisation of boys, men and

masculinity as “toxic” has been particularly regrettable – there was a lot in Mr Albanese’s speech that all right-thinking Australians could agree with:

“We need to change the culture. We need to change attitudes. We need to change the legal system. We need to change the approach by all governments - because it's not enough to support victims.

We need to focus on the perpetrators and focus on prevention.”

One very simple way to improve the problem with our culture is to stop the flow of violent pornography and particularly violent sexualised material to children and young people. It is not enough to lament the fact that there are “perpetrators” if we are not prepared to recognise that violent pornography is implicated in normalising violence and sexual assault for men and boys who might otherwise have taken a different course in life.¹

It is true that viewing violent pornography doesn’t turn everyone into a violent criminal. However, it is also true that extensive exposure to violent pornography features in the personal histories of a great many violent criminals. In 1989, Ted Bundy explained this to Dr James Dobson:

“I’m no social scientist and I haven’t done a survey ... but I’ve lived in prison for a long time now and I’ve met a lot of men who were motivated to commit violence just like me and without exception, every one of them was deeply involved in pornography - without question, without exception, deeply influenced and consumed by an addiction to pornography. There’s no question about it. The FBI’s own study on serial homicide shows that the most common interest among serial killers is pornography. And it’s real. It’s true.”

Jon Uhler, a Licensed Professional Counsellor, Certified Clinical Trauma Professional, and Sex Offender Treatment Provider, who has worked with sex offenders in the US prison system for over 11 years, confirms that Bundy’s observation aligns with all the evidence:

The one common denominator underlying 100% of every single sex offence ... [is] that before a guy gets busted for any kind of sex offence, he is deeply steeped in pornography. 100% of the time. You’ll never find an exception. I have looked through thousands of criminal files.

100% of pedophiles are busted with child rape porn ... About 98% are also charged with the distribution or dissemination, meaning they have either produced it or they are passing it along. You will never find an exception.

Bundy was adamant that, we cannot deal with crimes of the type he committed, if we are not first willing to deal with the problem of pornography:

... Society deserves to be protected from me and from others like me ... What I hope will come from our discussion is that I think society deserves to be protected from itself ... Well-meaning, decent people will condemn the behaviour of a Ted

¹ See, Elisabeth Taylor, “[Pornography as a Public Health Issue: Promoting Violence and Exploitation of Children, Youth, and Adults](https://doi.org/10.23860/dignity.2018.03.02.08)”, *Dignity*, vol. 3(2), 2018, <https://doi.org/10.23860/dignity.2018.03.02.08>

Bundy while they are walking past a magazine rack full of the very kinds of things that send young kids down the road to be Ted Bundys. That's the irony.

In 1989, Bundy was worried about the content on cable TV. While the problems associated with traditional media might be dwarfed by those associated with the rise of the internet, broadband and the smart phone, nevertheless the impact of film, magazines, books, games and advertisements should not be neglected.

The need for clearly-defined standards

Given the politically polarised environment, non-specific terms such as “community standards” and “reasonable person” may prove inadequate for the work of defining what the government will, and will not, regard as acceptable reading and viewing material for children and young adults.

Individuals and organisations proposing to represent the views of “the queer community”, for example, repeatedly emphasise the importance of supporting children’s journeys of exploration into niche sexual interests, identities and behaviours which many parents would regard as inappropriate at any age. The question of how authorities with responsibility for safeguarding children can recommend these organisations as appropriate resources for vulnerable children while also claiming to prioritise child safety remains to be answered.

Similarly, those with authority for regulating schools and public libraries may benefit from clear governmental guidance on where “supporting the development of health sexuality in children” becomes “crossing personal boundaries in ways that compromise child protection”. It is not clear, from the reading materials sometimes recommended to children, that this line is always well-understood or respected.

Books carried in public libraries and/or school libraries that ACL supporters have identified as problematic include:

- GENDER QUEER by Maia Kobabe
- THIS IS MY FAMILY by Pat Thomas
- TWAS THE NIGHT BEFORE PRIDE by Joanna McClintock and Juana Medina
- WELCOME TO SEX by Dr Melissa Kany & Yumi Stynes
- RAINBOW PARENTING by Lindz Amer
- THE QUEER BIBLE by various contributors including Elton John
- MY SISTER DAISY, by Adria Karlsson, Linus Curci
- HOLDING THE MAN by Timothy Conigrave
- ABC OF EQUALITY by Chana Ginelle Ewing (Author), Paulina Morgan (Illustrator)
- PRIDE PUPPY by Robin Stevenson and Julie McLaughlin
- THE GENDER FAIRY by Jo Hirst (Author) and Libby Wirt (Illustrator)
- MY UNICORN FARTS GLITTER suzanne Barton (Author) and Shannon Horsfall (Illustrator).
- THE BOY IN A DRESS by Michael Walliams
- SAME-SEX PARENTS by Holly Duhig
- THE DC BOOK OF PRIDE: A CELEBRATION OF DC'S LGBTQIA+ CHARACTERS by Jadzia Axelrod

This last was located in the “junior non-fiction” section (for 5-9 year olds) of a public library, despite the fact that is neither age-appropriate or non-fiction. (For further information see Wendy Francis' blog here: [‘DC Book of Pride’ - An Attack on Children’s Innocence - Australian Christian Lobby \(acl.org.au\)](#)).

Different communities have different standards and expectations

According to Queer Theory, sexual and gender diversity is natural for humanity. Academics who are influenced by this way for thinking are inclined to promote acceptance of all forms of “diversity” without necessarily taking account of the counter-veiling need for child protection. Penni Russon, for example, a senior lecturer in the School of Communication at Monash University wrote supportively in [The Conversation](#) about Maia Kobabe’s book *Gender Queer*:

To me, the aesthetic appeal of Gender Queer lies not in the material details of Kobabe’s personal journey. Instead it is the reverberation between the dynamic figures at play inside and outside the text. Kobabe, the author, gazing benevolently down at her younger self. Maia, Kobabe’s character, gradually realising eir needs can only be met through the imperfect, hope-fueled art of authentic communication. Me the reader, and my own stories of periods, bras, pap-smears, body hair, masturbation, and feeling betrayed by my body.

And sitting outside this frame, the imagined young adult reader who might be the ghost of Maia Kobabe emself, seeing eir experiences mirrored for the very first time in the pages of a book.

Under the title “community impact”, Russon also seems to recognise the connection between books like this and the rising number of children presenting with gender dysphoria to gender clinics:

“It’s difficult to estimate how many trans and non-binary young adults there are in Australia. In 2022, the ABC reported there were just 10 referrals to Melbourne’s Royal Children’s Hospital for gender services in 2011. In 2020, that number was just under 500. In 2021 it was over 800.... Other people’s stories help us find a shape and form for telling our own stories.”

For those who agree with Queer Theory, this rising number is indicative of more young people feeling comfortable to express “who they really are”. For those who are concerned with rising levels of gender-related distress, particularly among young women, the influence of books like this is seen as contributing to dangerous and avoidable confusion which is now proving anything but “life affirming” for many. In the opinion of ACL, the validation of adult sexualities and gender identities should never be allowed to take precedence over the priority need to protect children.

Where publications, games or films contain links to sexually explicit or pornographic websites, consumers should be warned of this fact and the classification rating should reflect the content of the linked website. Such classification (and powers to penalise offenders) should also apply to educational content provided in schools. For example, the

Louden Review of classroom materials produced under the auspices of the Safe Schools program pointed to third-party links as problematic because schools have no control over the contents of such websites and this content can change over time. Nevertheless, the Victorian government continued to allow the promotion of this material, without removing the links to third-party websites.

In her capacity as a school teacher, Moira Deeming sounded the alarm at some of the sexualised materials being introduced to Victorian schools – materials which, she felt, created opportunities for predatory teachers to cross student boundaries that ought to be respected. The Victorian Department of Education and Training did not respond to Mrs Deeming's concerns. The potential for individual teachers to introduce material that contravenes child-safe standards without penalty does not appear to have been addressed. Where activist influence on state governments may be compromising the careful prioritisation of child protection, clear classification of these materials as restricted from the Federal government could have a positive corrective effect.

Advertising standards are non-functional

We note that advertising standards are administered by a different board and so consideration of this matter may fall outside the scope of this particular review. Nevertheless, it is pertinent to the purpose of this review – namely, to ensure that “classification guidelines ... remain responsive to evolving community standards and expectations” – to observe that the current system for ensuring compliance with advertising standards is not fit for purpose. The [official figures for 2024](#) speak for themselves:



May 2024

We're pleased to announce the release of our annual [Review of Operations](#) showcasing our work and achievements in 2023.

Key statistics:

- 3,764 complaints received (45% more than 2022)
- 259 ads assessed by the Ad Standards Community Panel
- 81 ads found in breach of one or more of the advertising codes
- The top issue of concern was sex, sexuality and nudity, followed by violence, then health and safety

In addition to our core activities, last year saw the rollout of an impactful [public awareness campaign](#) and a celebration of our 25 years of operation.

You can view the [2023 Review of Operations in full here](#).

Celebrations seem misplaced when the Australian Association of National Advertisers (AANA) is clearly failing to respond to escalating numbers of complaints. A better system is needed, that:

- does not rely on the advertising industry and its representatives acting contrary to their own commercial interests;
- allows members of the Australian public to know their complaints do not fall on deaf ears and will be investigated;
- establishes a clear pathway for authorities who fail in this duty to be held to account for such failure; and,
- produces consequences for repeat offenders sufficient to disincentivise the production of advertisements that push clearly-defined boundaries.

Australia's National Classification Scheme must be reformed so that publishers are required to submit pornographic publications for assessment and face significant penalties for refusing to do so.

A mechanism to complain about the casual promotion of sex to the general public without consideration for the ways that this can affect children is also needed. Honey Burdette

stores, presenting highly sexualised window displays in shopping malls are one example. The image below, taken on a recent Qantas flight, displaying the words “How to have Sex” at eye-level for small children would seem to be another example of regrettable exposure that could be avoided given sufficient care. Advertising in public spaces frequented by children and families should be “G-rated”.



The need to prevent over-regulation

In conclusion, ACL agrees that better regulation of these media forms is needed – and not just regulation but proper enforcement of established minimum standards.

On the other hand, recent events have highlighted the potential for discretionary powers (such as those granted to the e-Safety Commissioner under the Online Safety Act) to be applied asymmetrically in support of particular political or ideological perspectives. This points to the need for clearly-established limits to regulatory authority and clear definitions of the material to be restricted.

A revised code will need to specify clear parameters for classification categories. Terms that are open to subjective interpretation such as “age-appropriate” and “consistent with community values” will need to be nailed down. It is necessary that definitions of what constitutes “inappropriate” content are not the subject of doubt or conjecture.