

:

32nd MEETING

19 -20 OCTOBER 2000

23-33 MARY STREET

SURRY HILLS NSW

**PRESENT:** Ms Barbara Biggins (Convenor)  
Mr Jonathan O'Dea (Deputy Convenor)  
Ms Joan Yardley  
Ms Glenda Banks  
Ms Robin Harvey  
Mr Ross Tzannes

**APPLICANT:** Searchlight Publications Pty Ltd

**BUSINESS:** To review the decision of the Classification Board to assign the classification "RC" (Refused Classification) under the *Classification (Publications, Films and Computer Games) Act 1995* to Searchlight No 87.

**DECISION AND REASONS FOR DECISION**

**1. Decision**

The Classification Review Board confirmed the decision of the Classification Board to classify the publication, **Searchlight No 87** "RC" (Refused Classification).

## 2. **Legislative provisions**

The *Classification (Publications, Film and Computer Games) Act 1995* (the Act) governs the classification of publications and the review of classification decisions. The Act provides that publications be classified in accordance with the National Classification Code and the classification guidelines. Relevantly, publications will be classified "RC" that:

- (a)
- (b) describe, depict, express or otherwise deal with matters of sex, drug misuse or addiction, crime, cruelty, violence or revolting or abhorrent phenomena in such a way that they offend against the standards of morality, decency and propriety generally accepted by reasonable adults to the extent that they should not be classified;
- (c) promote, incite or instruct in matters of crime or violence.

## 3. **Procedure**

- 3.1 Six members of the Review Board reviewed the publication **Searchlight No 87** at the meeting on 19-20 October 2000.

## 4. **Matters taken into account**

**In reaching its decision the Review Board had regard to the following:**

- (a) the application for review, lodged by Searchlight Publications Pty Ltd
- (b) **Searchlight No 87** (Publication), and associated submission
- (c) the relevant provisions in the Act
- (d) the relevant provisions in the National Classification Code as amended in accordance with Section 6 of the Act, and as endorsed by the State and Territory Ministers responsible for censorship matters.
- (e) the current Guidelines for the Classification of Publications determined under Section 12 of the Act.

## **5. Findings on material questions of fact**

### **The content**

- 5.1 The sex review (newspaper format) **Searchlight No. 87** contains text and photographs depicting male and female nudity, implied sexual activity, advertisements etc. The emphasis of the magazine is on highly sexualised portrayals of women.

### **The text cited by the Classification Board as problematic**

- 5.2 The Review Board examined the article on page 8, column 4, cited by the Classification Board as describing a sexual encounter by a female with a male in which sexual violence is used.

In the encounter, the female clearly does not want to have sex with the male, and tells him she wants to leave. The male stops her from doing so, threatens her with violence and forces her to have sex with him. Excerpts from the text read: "He ordered me to strip ... I refused and started to leave"; "I tried to get away from him but he slapped me so hard I fell on my back on the bed. Then he told me he was going to take me and I'd better respond or I'd get the hell beat out of me"; "It was terrific!"

The Review Board found that this constituted an exploitative description of sexual violence, and therefore the publication was appropriately classified "RC" Refused Classification.

- 5.3 The Review Board also examined an advertisement on page 24 (second advertisement) entitled "Sydney", which describes in detail the sexual preferences of an adult male. The Review Board did not find that this constituted an exploitative fantasy, nor that it was likely to promote paedophile activity.

## **6. Reasons for the Decision**

- 6.1 The Review Board based its decision to classify the publication Searchlight #87 RC on the content described in 5.1 above.
- 6.2 The Review Board found that the description on page 8, column four, clearly endorsed the "rape myth" that "after the rape she'll like it". The Review Board concluded that this constituted an exploitative description of sexual violence in a sexual context as described above (2. Legislative Provisions), and additionally could incite violence against women. The impact was increased by the general context of a magazine devoted to

exploitative descriptions of sexual activity.

However, the Review Board rejected the Classification Board's view of the advertisement outlined above (5.2). In the view of the Review Board, the advertisement clearly indicated this was an adult male who liked to dress up and be treated like a child. The Review Board concluded that this did not constitute an incest fantasy as such, but was an advertisement for others who wanted to act like a parent to an adult who wanted to act like a child. While this fantasy would undoubtedly be offensive to some sections of the community, the Review Board considered it was not offensive to the extent that it should be refused classification.

Further, the Review Board concluded that this advertisement did not fall into the category of material that would promote paedophilia nor did it constitute an exploitative or offensive description involving a person who is, or who looks like, a child under the age of 16.

The Review Board took the view that content of this type would be clearly signalled by a 'Category 1 restricted' classification.

6.3 The applicant argued in part that:

- a) the stories in Searchlight were always of the "fantasy" type, and that the readers of Searchlight were used to fantasies of this type. No reasonable adult would conceive of this as reality.
- b) while the sexual encounter involves rough sex and the threat of violence, it is not a depiction that is so offensive that it should not be classified
- c) the "rape fantasy" has been clearly identified as a common female fantasy
- d) in relation to the advertisement, that ads of this type had been published in Searchlight for years, and that Searchlight never involves itself matters to do with children or animals.

6.4 The Review Board took the view that

- a) Category 1 Restricted publications may not include exploitative descriptions of violence in a sexual context regardless of whether such descriptions may be described as fantasy
- b) Publications which contain exploitative descriptions of violence in a sexual context are required to be Refused Classification

- c) The Review Board is not aware of any evidence which supports this argument, and is aware of much concern in the community that such a belief persists
- d) The Review Board has only reviewed the example of advertisement which appeared in this issue

## **7. Conclusion**

The Review Board's decision is to confirm the decision of the Classification Board to classify the publication **Searchlight No 87** "Refused Classification".

This decision is taken after full consideration of the applicant's submission, and after assessing the publication as a whole against the relevant legislative criteria, including those contained in the Code, and in the current *Guidelines for the classification of publications* determined under Section 12 of the Act.

Barbara Biggins  
Convenor