



Australian Government
Classification Review Board

19, 20, 23 June and 3 & 5 July 2006

23-33 MARY STREET
SURRY HILLS, NSW

MEMBERS: Ms Maureen Shelley (Convenor)
The Hon Trevor Griffin (Deputy Convenor)
Mr Rob Shilkin
Mrs Kathryn Smith
Mrs Gillian Groom
Ms Ann Stark
Mr Anthony Hetrih

APPLICANT: Commonwealth Attorney General, the Hon Philip Ruddock
MP, not represented.

INTERESTED PARTIES: NSW Council for Civil Liberties.

BUSINESS: To review the Classification Board's decision to classify the publication *The Ideological Attack* 'Unrestricted'.

DECISION AND REASONS FOR DECISION

1. Decision

The Classification Review Board (the Review Board) in a unanimous decision classified the publication *The Ideological Attack* 'Unrestricted'.

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. Section 9 of the Act provides that publications are to be classified in accordance with the National Classification Code (the Code) and the classification guidelines.

Section 11 of the Classification Act requires that the matters to be taken into account in making a decision on classification include:

- (a) the standards of morality, decency and propriety generally accepted by reasonable adults; and
- (b) the literary, artistic or educational merit (if any) of the publication or film; and
- (c) the general character of the publication or film, including whether it is of a medical, legal or scientific character; and
- (d) the persons or class of persons to or amongst whom it is published or is intended or likely to be published.

Three essential principles underlie the *2005 Guidelines for the Classification of Publications* (the Publication Guidelines), determined under s.12 of the Act:

1. The importance of context;
2. Assessing impact; and
3. Six classifiable elements – themes, violence, sex, language, drug use and nudity.

3. Procedure

The Review Board convened on 19 June 2006 in response an application dated 5 June 2006 from the Attorney General, the Hon Philip Ruddock MP (the Applicant).

The original application for classification of the publication was lodged by the Australian Federal Police on 15 December 2005 (application reference L05/1456). The Classification Board classified the publication as ‘Unrestricted’ on 22 December 2005.

Seven members of the Review Board read the publication and received both oral and written submissions from Mr Drew Kovacs representing the New South Wales Council for Civil Liberties.

The Review Board then deliberated ‘in camera’ on 20 and 23 June 2006 and again on 3 July 2006 before convening a final time on 5 July 2006 and determining that the publication be classified ‘Unrestricted’.

4. Evidence and other material taken into account

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

- (i) The Attorney General’s application for review;
- (ii) The NSW Council of Civil Liberties’ written and oral submissions;
- (iii) The Publication *The Ideological Attack* (L05/1456);
- (iv) The relevant provisions in the Act;
- (v) The relevant provisions in the Code, as amended in accordance with s.6 of the Act;
- (vi) The Classification Board’s report; and

(vii) *The 2005 Guidelines for the Classification of Publications.*

5. Synopsis

An historical text of 84 pages that examines perceived attacks on the Islamic faith by various ideological forces. The publication is about threats to Islam and not from it.

6. Findings on material questions of fact

Classifiable elements

The Review Board found that there were no depictions or descriptions of sex, nudity, drug use or coarse language in the book. There were no depictions of violence in the book and the descriptions of violence were fleeting and of low impact. The treatment of themes did not have a high impact and - although undoubtedly rejected by most Australians - was not “offensive”, as that term is defined in the Guidelines.

This is a book which explains the author’s interpretation of the alleged “ideological attack” by the West on Islamic values. The book contains extensive quotations from the Koran and discusses how Muslims are subject to the serious and severe ideological attacks by “Christian crusaders”, “Zionists” and “Communists and atheists”.

The book largely deals with historical matters and the author’s interpretation of why these groups are supposedly attacking Islam. The book notes that the means by which the West engages in the “ideological attack” are as follows:

- infusing Muslims with Western values and concepts;
- enabling Muslims to migrate to their country and then return to their Islamic countries infused with Western values;
- the promotion of Western languages;
- the development of Western universities and schools in Muslim countries;
- the large number of Jews and Christians who have studied Islam and who therefore create an ideological turmoil among educated Muslims.

Although most Australians would reject the contents of the publication, the Review Board is required to be conservative in its interpretation of the Code and Guidelines.

Promotion, incitement or instruction in matters of crime or violence

The rhetoric in the book is undeniably hostile and often aggressive. However, it does not call for any particular acts of violence or criminal activity.

The Review Board considered that the objective purpose of the publication was to generate feelings of anger at the West. The objective purpose of the book was not to promote any acts of violence or crime by Muslims.

The only reference that the book makes to any modern situation or to any obligation on Muslims to fight is the “peace between the Palestinian Liberation Organisation and the Jews” (i.e. a reference to the Oslo peace accord of the mid 1990s). The book notes that:

“the peace between the Muslim leaders of Palestine and the Jews does not mean that the Jews will permanently possess the land that they possess now. Rather it only means that they will be in possession of them for a period of time until either the truce expires or until the Muslims become strong enough to force them out of the Muslim lands...when one does have the ability to wage Jihad against them, then what is required is to call them to enter into Islam, or to be fought against...so in this case it is not permissible to seek peace with them, nor to abandon fighting”.

The comments in the context of the Israel - PLO situation are non-specific as to what particular type of fighting should take place, where or when.

7. Reasons for the decision

Much of the tenor of this publication is “conspiratorial” and may be considered by many to be “far fetched” however, it concerns itself with ideology and theory rather than their practical application. There is no “call to arms” as such – even of a general nature.

Although some unsavoury political comment is made, the Review Board must take a conservative approach in its interpretation of whether a particular publication promotes, incites or instructs as a crime. As such, the publication could not be considered to promote, incite or instruct in matters of crime or violence in the sense required by the Code.

8. Summary

The Review Board decided that the publication should be classified “Unrestricted”. The decision of the Review Board was unanimous.