



Australian Government
Classification Review Board

19 & 20 June 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 Criminal West* 'Unrestricted'.

DECISION AND REASONS FOR DECISION

1. Decision

The Classification Review Board (the Review Board) in a unanimous decision classified the publication *The Criminal West* '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. The 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 L05/1460). 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. At its meeting on 19 June 2006 the Review Board found it was not yet able to reach a determination and adjourned.

The Review Board reconvened on 20 June 2006 to consider the substance of the application and, after careful consideration of all of the issues, determined 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 Criminal West* (L05/1460);
- (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

This self-published book of 217 pages is an account of the Muslim author's "experiences" of racial, religious discrimination and prejudice in Australia. It details the "failings" of Western culture as it relates to the Islamic faith.

The author does not suggest taking action such as civil disobedience or acts of violence. Rather, he explains how Muslims should adhere to their faith and culture in the face of Western cultural influences.

6. Findings on material questions of fact

Classifiable elements

The book contains no depictions or descriptions of violence, coarse language, nudity, sex or drug use.

The predominant themes in the book are the denigration of Australian society and the superiority of Islam as a way of life. The themes are not handled with any subtlety.

The publication would have a mild impact although many Australians would disagree with it and find the claims outlandish and absurd. Whilst badly written and containing a number of "conspiracy theories" – many of which circulate on the internet – it is not "offensive" and it would not cause "outrage or extreme disgust", as outlined under the Guidelines.

For example, the author laments "bills, bills, bills and more bills even after you die" (page 9), a sentiment with which many may agree. However, his construction that the need to pay bills for housing, schooling, travel etc as being discriminatory towards Muslims rather than being a fact that most experience exemplifies his attitude to much of his experience in Australia. Chapter titles such as "Arriving to Australia: Speak English, or you will die" (page 11) exemplify the tenor of the publication.

The book calls for the practice of Islam as a universal code to stop the deterioration and denigration of society.

Promotion, incitement or instruction in matters of crime or violence

The book did not in any way promote, condone or incite crime or violence. No crimes or acts of violence or reprisal are discussed or suggested.

7. Reasons for the decision

This book is apparently self published. Parts of it are difficult to understand and the author's English is not easy to comprehend. The book comprises a 217-page "rant" against Australian society, criticising all aspects including the police, schools, autopsies, drugs, music (although referencing Pink Floyd's *The Wall* with the chapter "Government, leave the kids alone"

"they don't need no discrimination, they don't need no more controls
governments, leave the kids alone
all they are is just another a kid going to fall')

immigration policies, lax moral values along with a number of apparently outlandish conspiracy theories involving the West.

Whilst others may have had similar unhappy immigration experiences they have managed without resorting to hundreds of pages of turgid “prose”. The Review Board considered that there would be a limited audience for the publication.

The Review Board noted the fundamental principle in the Code that “adults should be able read, hear and see what they want”. The Review Board considers that the book would not harm or disturb children – it would likely be incomprehensible and meaningless to most children.

8. Summary

Whilst some may consider that badly written books containing unsubstantiated and outlandish conspiracy theories should be banned for reasons of good taste, it is a fundamental principle of the National Classification Code that adult Australians should be able to read, hear and see what they want.

In light of this and the factors outlined above, the Review Board determined that the book should be classified “Unrestricted”. The decision of the Review Board was unanimous.