

of sophisticated methods and techniques'. However, most of the media attention over the tapes affair has not been about the circumstances in which they came to be made and leaked. Rather it is about their contents. Some proponents of the tapes have justified what has happened with arguments about ends justifying means or about the need to deal with problems which have been uncovered regardless of how they came to be uncovered. But most have simply not bothered. The titillation of being a voyeur on intendedly private conversations, especially those of well known and powerful people about matters of wide interest, lends its own momentum. Most have been too fascinated by the view to question or review the journey which brought them to it. The episode shows the propensity there is for privacy invasive material which is titillating and damaging to reputations to come out, even when privacy is protected by laws. It shows the need to be especially careful before permitting such material to be collected in the first place. These issues were considered by the Australian Law Reform Commission in its Report: *Privacy* (ALRC 22) tabled earlier this year.

video nasties

Nine tenths of the appeal of pornography is due to the indecent feelings concerning sex which moralists inculcate in the young, the other tenth is physiological and will occur in one way or another whatever the state of the law may be.

Bertrand Russell, 'The Taboo on Sex Knowledge'
Marriage and Morals (1929)

strange bedfellows. Pornography makes for strange bedfellows. Recently, debate on the question of video censorship has seen feminist anti-pornographers lie down with their one-time opponents, the conservative moralists. On the other side, civil libertarians appear to be allied with pedlars of pornography.

- A public meeting in Canberra, early in August, called on Attorney General Senator Evans to design new legislation banning X-rated videos. Speakers claimed that the present law relating to the distribution of such videos was not being adequately policed in the ACT at

the point of sale. Among those formally addressing the meeting was feminist Dr. Jocelyn Scutt who maintained that pornography was central in creating and maintaining women's inferior social status. She called on the Government to include a section on pornography in the Sex Discrimination Act 1984 which would allow women to take legal action if coerced into performing for pornographic material to seek damages and for women as a group to be able to bring a complaint. Another speaker, Mr. Brian Peachey from Western Australia who was involved in the successful campaign there to have X-rated videos banned claimed his concern rested on the well being of his nine children, but noted that the reason why the W.A. Government had changed the law was 'not based on a concern for the moral welfare of people or even children. The reason they banned X-rated material was because sufficient numbers of people became concerned'.

- Mrs Mary Whitehouse, well known for her role as a moral crusader in Britain made a twelve day tour of Australia, speaking on TV shows and radio talk backs. She maintained that world trade in pornographic videos is now so great that only an international treaty is going to stem the tide. She wants the pedlars pursued across national borders in the same way as drug smugglers. Mrs Whitehouse led the first High Court prosecution against blasphemy in 50 years and was a driving force behind the stringent video censorship laws introduced in Britain earlier this year. But she believes the video revolution is creating a new dimension 'It has become an international problem, and as the laws tighten up in Britain and Europe, the pressure will become even greater on Australia', she said. Mrs Whitehouse appeared in a polite, though tense confrontation with the Chief Film Censor Janet Strickland on the ABC's program,

Pressure Point. Both shared the same concern about public access to extreme pornographic material, but Mrs Strickland was at pains to emphasise her belief that the institution of point of sale control would substantially diminish this risk. 'Mrs Whitehouse and I don't share the same view at all,' Mrs. Strickland said later 'don't you dare put me in the same bedroom as Mary Whitehouse'.

- Coming 'to the defence of a bit of hard core' was legal correspondent Crispin Hull of the Canberra Times. He declared that this is the first time in Australian history when we have had a clear cut system of classifications and a clear system of penalties to protect children. No more are the law courts vexed with the ephemeral test of 'community standards' or 'obscenity'. Properly policed, it is quite simple now: display an X video cover to a child and an offence is committed; hire an R movie to a child — an offence is committed. 'The fact is, he stated 'the anti-porn people are a yapping minority trying to impose their view on the listening and watching majority who either want to watch porn or who acknowledge the right of others to watch what they like, or just don't care less what other people do harmlessly (on balance) in their own homes.' Subsequently, a number of correspondents to the Canberra Times criticised Hull for his views. One asked 'How could anyone describe X-rated videos as "harmless" when by definition (by the Film Censorship Board) these include "depictions of use of hard drugs which might be construed as advocacy".'

select committee. Acknowledging the widespread community concern about control of pornographic videotapes, Attorney General Gareth Evans announced a parliamentary inquiry to see if the new Federal legislation on video censorship is working. The joint select committee will consider whether the classifica-

tion system for videos is adequate and if video retailers are observing restrictions on selling videos with the new X rating. It will also study the likely effect of violent, pornographic or obscene material on children and whether people are adequately protected by existing law from pressure to act in films with an X classification. Senator Evans said he did not believe the basic principle of the legislation which governs the importation, sale and hire of videos in the ACT was misconceived. But, he said, there could be a need for 'some tuning of the legislation to ensure its effective enforcement'. The enquiry should help to relieve a number of 'obviously widespread misunderstandings' about the legislation. He said the inquiry should make it clear that:

- Present customs regulations do not 'open floodgates' to imported videos but replace what was a legislative vacuum.
- The new legislation prohibits the importation of the so-called video 'nasties' including those depicting child pornography, gratuitous violence and sexual violence and bestiality.
- The domestic classification and point of sale controls legislation not only bans the sale or hire locally of video 'nasties', but introduces limitation on access to X-rated material.

Senator Evans said there had been sufficient practical experience of the legislation to make the inquiry useful and productive.

ban in nsw. Meanwhile, the NSW Government is to outlaw the sale, hire and reproduction of all X-rated videos following discussions between the Premier and the Women's Advisory Council. Legislation to amend the NSW Indecent Articles and Obscene Publications Act is expected to be introduced during this Parliamentary session. It will ban the supply of any videos, including any private distribution of X-rated videos, which portray explicit and gratuitous sexual violence against women and children. Penalties for the sale, hire, reproduc-

tion, or supply of X-rated videos will be \$4000 and a maximum sentence of two years jail. The Premier, Mr. Wran, said the Government recognised that 'community standards demand that such videos be prohibited. The community can do without violent material which debases women and children. There are plenty of explicit videos which are almost a guide to pack rape and we can do without it. My feeling is that a lot of what is rated X for censorship purposes should not be available at all'.

no ban in vic. Victoria does not plan to go as far as New South Wales and ban pornographic material that carries an X certificate. The Premier, Mr Cain said the Government has tried to achieve a balance between the right of adults to which whatever they choose and the risk of children having access to unsuitable material. The *Age*, in an editorial commented 'It is a pity that Mr Cain has chosen not to go as far as Mr Wran. What we now have is a situation where some States want only unclassified video material banned and others both unclassified and X-rated material. It is a confusing situation — confusing for the retailers and confusing for the public. It is also a situation which is ripe for commercial exploitation. Before he frames his proposed legislation, Mr Cain should have a word with Mr Wran and with the other Premiers to see if they can achieve more than a measure of uniformity.'

sex discrimination and law reform

Advances in legal methods in dealing with sex discrimination have recently been made by both the Commonwealth and Victorian Governments.

commonwealth. On 1 August the Commonwealth Government proclaimed the Sex Discrimination Act. The Act was promoted by means of a newspaper advertising campaign and a 24 page booklet entitled '*Putting the Sex Discrimination Act into Practice*' compiled by the Human Rights Commission and an advertising agency. The Act renders it unlawful to discriminate on the basis of sex, marital status, or pregnancy in the areas of:

- work, including employment, partnerships, commission agents, contract agents, the granting of professional qualifications, membership of organisations registered under the Conciliation and Arbitration Act and employment agencies;
- education;
- provision of goods, services, and facilities;
- provision of accommodation;
- disposal of estates or interests in land;
- membership of clubs;
- administration of Commonwealth laws and programmes;
- application forms.

sexual harrassment. The Act also makes sexual harrassment in employment or education unlawful.

sex discrimination commissioner. The Act provides for the appointment of a sex discrimination Commissioner. The first Commissioner is former Northern Territory MP Pamela O'Neil. Ms O'Neil said that it was her job to make a man's world more of an equal world. The Commissioner has the power to call compulsory conferences of parties. If a matter is not solved satisfactorily by conciliation, it can be referred to the Human Rights Commission, which has the power to make a determination and to initiate Federal Court proceedings to enforce such determinations.

reactions to the sex discrimination act. In the main, reaction to the Act appears to have been muted, but favourable. The *Age* hailed it as a 'legislative milestone' and added that, whilst there was some appeal in the argument that the preferable approaches are education and persuasion, some Australians are 'crudely intolerant', and will remain that way unless forced by law to change their prejudices. The *Australian Financial Review* claimed that legislation for social attitudes was always undesirable and objectionable. Nonetheless it conceded that there is some basis for such legislation, and it added that 'behaviour of some males towards females in employment is of a grossness diffi-