

objectives of reform in Australia. The focus of reform must be the establishment of a national system which achieves the following objectives:

- uniformity within Australia
- compatibility internationally
- certainty
- accessibility
- simplicity.

Reform in Australia would need to involve the removal of the provisions for registration of company charges from the companies legislation (whether state or federal); the integration of Commonwealth systems which are focussed on the nature of the property such as aircraft, ships, intellectual property and insurance; the abolition of separate state regimes for the registration of bills of sale, motor vehicle securities, consumer credit securities and securities over crops and stock.

Provided the register were computer based, it could be accessible as both a 'name' register and a 'unit' register. Searches could readily establish both the exposure of borrowers and the loan assets of lenders and could identify security interests in particular items of property where the property is capable of carrying an identifying number such as vehicles, insurance policies, trademarks, ships and aircraft.

Further, such a single computerised register could be readily accessed through existing departments dealing with the particular type of property or party thus avoiding multiple registers without causing disproportionate administrative inconvenience. Registration and search facilities could even be more widely available through a multiple function single register utilising established registries for the registration of, and access to, securities over diverse types of property.

conclusion. The reform of the law in Australia relating to security interests in personal property will address the issues raised by the proposed New Zealand Bill with the

addition of provisions relating to enforcement and remedies. The question of the effect of non-registration on third parties also needs to be examined, as does the question of whether registration of a financing statement constitutes constructive notice of knowledge of its existence or contents to third parties. ■

censorship

You can wrap it up in ribbons,
You can slip it in your sock,
But don't take it out in public,
Or they will stick you in the dock,
And you won't come back.

Monty Python's *The Meaning of Life*
Part VI — The Autumn Years

new reference. The federal Attorney-General, with the agreement of State and Territory censorship Ministeries, recently gave the ALRC a reference on film and literature censorship procedure. The terms of reference require the Commission to examine how the laws relating to the censorship of imported and locally produced film (including videos) for public exhibition and sale or hire, related advertising material and imported and local printed matter can be simplified and made more uniform and efficient.

The reference does not include a review of censorship policy.

divided responsibilities. Censorship laws throughout Australia are complicated, inefficient and lack uniformity. This is largely due to the fact that censorship is an area in which Commonwealth, State and Territory Governments each have responsibilities. The Commonwealth is responsible for the registration of films imported for public exhibition under the Customs (Cinematograph Films) Regulations, the determination of prohibited imports under the Customs (Prohibited Imports) Regulations and the classification of material for the Australian

Capital Territory (classification powers have been expressly retained by the Commonwealth despite ACT self government). The States and Territories are responsible for classifying material and regulating its exhibition, sale and hire.

Consequently, censorship laws vary from State to State. In the interests of having a national uniform system of classification for film and video the States and the Northern Territory have made arrangements whereby the Film Censorship Board (FCB), a Commonwealth body whose decisions are reviewable by the Film and Literature Board of Review, classifies material on behalf of the States and the Northern Territory. The FCB's classification determinations automatically operate in the ACT.

current censorship scheme. Following discussions in 1983 between federal and State Ministers responsible for censorship matters, a new Commonwealth scheme for the censorship of publications and videos came into operation on 1 February 1984 by way of the Classification of Publications Ordinance (ACT) and amendments to the Customs (Cinematograph Films) Regulations and the Customs (Prohibited Imports) Regulations. This legislative package was designed to give effect to the principle that adults should be entitled to read, hear and see what they wish in private and in public as long as they are protected from unsolicited offensive material and children are not exploited. Since 1985 every State and Territory has enacted legislation or made amendments to their existing legislation which, to varying degrees, imitates the ACT Ordinance which was intended to serve as model legislation. As the changes were neither uniform nor comprehensive they did not significantly improve or streamline the complicated and varied censorship procedures throughout the country.

a solution. The major procedural problem with the current system in which each State has its own legislation is that any amendments to

the 'uniform system' must be passed in eight Parliaments before national uniformity is reached. A possible way of avoiding this delay is for State and Territory legislation to provide that any amendments to the Commonwealth legislation, as long as they are made after consultation with the State and Territory Ministers, are to be automatically adopted by the States and Northern Territory unless expressly rejected. Such an arrangement would not involve an expansion of federal powers but would avoid delayed uniform implementation of decisions.

Some specific issues to be addressed:

registration of films imported for public exhibition. The Customs (Cinematograph Films) Regulations require all films imported for public exhibition to be registered. This requirement originated when film was dutiable and the Customs Service consequently had an interest in maintaining strict controls over such films. As no duty has been payable for many years now and imported films must be classified in any case, the need for registration will be reviewed.

literature. Unlike that of film and video, classification of literature is neither compulsory nor uniform. Classification officers at the Office of Film and Literature Classification (OFLC), appointed by the Attorney-General, classify literature for the ACT and the States which have made arrangement with the Commonwealth (New South Wales, South Australia, Victoria and the Northern Territory). Other states operate their own schemes. State and Territory Ministers responsible for censorship have recently, however, given their support in principle to a uniform classification scheme for literature.

status of guidelines. State and Territory legislation does not detail standards for classifying material. The only criteria specified are those for refusing to classify material. To make the task of classifying easier and to provide for consistency in decisions, the OFLC,

in consultation with the Censorship Ministers, prepared a set of classification guidelines which specify which classification is appropriate for particular content and which are reviewed and updated from time to time. The guidelines do not have legal status so decisions made in accordance with them are open to appeal. It has been suggested that the guidelines could be given legislative recognition by providing in State and Territory legislation that classifications must be determined in accordance with the guidelines as fixed from time to time.

classification fees. The OFLC does not have power to levy fees for its services. The States and Territories can levy fees and a composite fee of \$280 (\$35 per State/Territory) is payable for each classification and is collected by the OFLC. \$120 of that fee is retained by the Commonwealth and \$160 is divided amongst the States and Territories. Applicants wanting a classification for an X-rated video are required to pay the full \$280 even though only wanting a classification for the Territories (because they can only sell X rated material in the Territories). The validity of this arrangement has been questioned but any problems seem to have been overcome by s 23(3) of the Classification of Publications Ordinance 1983 (effective from 1 February 1990), which provides that the OFLC shall not accept an application for classification of a film unless the application is made under the corresponding law in each state and territory.

exemptions. Ministers agreed on 29 June 1990 that the Chief Censor should have the power to exempt certain films and videos from classification fees where appropriate in the public interest. The drafting of appropriate amendments is to be incorporated into this reference.

It is hoped this reference will result in a national, uniform classification scheme for film and literature and uniform censorship laws throughout Australia. ■

aborigines and the police

What I saw up there would put a shock into anyone. . . . It was most unexpected that the police would begin to belt up the women. They punched them, knocked them to the ground and then jumped on their guts. I couldn't believe my eyes. All this was taking place right outside Parliament House, that great white building where I was told the laws were made and the country is governed.

Mum Shirl, Australia Day, Canberra, 1972

report released. In May the Race Commissioner, Irene Moss, released the Human Rights and Equal Opportunities Commission report Aboriginal-Police relations in Redfern: with special reference to the 'police raid' of 8 February 1990. What became known as the 'Redfern raid' involved 135 officers from the Tactical Response Group, the Anti-Theft Squad, the Rescue squad and local police, and resulted in at most ten arrests on minor charges. This report, by consultant Chris Cunneen, was commissioned by the National Inquiry into Racist Violence. Much of the material in it was provided by the National Aboriginal and Islander Legal Services Secretariat (NAILSS) whose staff interviewed residents and other witnesses. The author considers residents' complaints about the police operation, many of which concerned the degree of force used in gaining entry to premises and conducting searches. Although, as Ms Moss said, the report is couched in 'deliberately dispassionate language' (*Sydney Morning Herald* 21 May 90) the raid was obviously a harrowing experience for many. The statement of a 67-year-old woman recalls:

The first thing that I knew was that my bedroom door was open and six or so men were standing in my room. I got that much of a shock that I fell off the bed because I didn't recognise them as police on account of the fact that I had been fast asleep. These police were carrying batons and guns and they had helmet things on their heads and bullet proof vests on too.