

CI 270 T Chappell

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Q1:

I think the latter is sufficient. The National Classification Code itself, apart from a couple of points, sets out a perfectly good standard for a classification framework. The issue, from my perspective, is that the existing Classification Act does not adequately meet the guidelines set out in the Code, especially the most important one: a. adults should be able to read, hear and see what they want

Q2:

A national classification scheme should assume an informative role. It should allow people to make decisions, either as parents (in terms of determining material suited for their children), as distributors or vendors (in terms of determining the kinds of material they want to stock) or as consumers (in terms of determining whether they want to view a piece of media.) It should not be used to censor material (prevent independent adults from viewing material they want to view) or to provide an unnecessarily high barrier for entry into distribution.

Q3:

No. The broad manner in which the content is distributed should matter but the medium should not. Typical video stores / rental places, cinemas and video game stores where unsupervised children are likely to frequent should probably have much of the content classified. In addition, everything shown on free-to-air terrestrial TV in daytime hours should definitely be classified with the exception of news, current affairs and certain live events.

On the other hand, the Internet (where young children should have adult supervision most of the time as the vast majority of the content cannot be feasibly classified or blocked) and Internet transactions (which should not be performed by children at all) as well as things like iPhone apps should not be classified as:

- 1) These are all activities where children should be supervised in the first place
- 2) The cost of classification would provide a barrier to publication that is too high for enthusiast content creators

Q4:

Yes: literature, comic books and similar materials available in libraries, bookstores and the sorts of places minors are likely to frequent.

Q5:

Yes, although this is mostly covered by my answer to Q3.

Q6:

Yes, although this is mostly covered by my answer to Q3.

Q7:

Artwork should generally not be classified unless:

- 1) The place of exhibition is an area where unaccompanied children are likely to visit (e.g. public areas that are not art galleries)
- 2) The nature of the artwork is something that is considered likely to be inappropriate for children

Q8:

Yes, though once again depending on how the material is sold and performed. Audio that is played on e.g. an in-store stereo system in a store likely to be frequented by unaccompanied minors should be classified if it is of a nature that is likely to be deemed inappropriate.

Q9:

Yes, although this is mostly covered by my answer to Q3.

Q10:

Yes. Public content should almost always be classified if it is of a nature that is likely to be unsuitable for minors. Private content will depend on how it is distributed.

Q11:

Essentially, if a piece of content is something

1) that may be inappropriate content and is likely to be inadvertently consumed by unaccompanied minors

or

2) is displayed publicly and is something that a reasonable person would find offensive

it should be classified. Otherwise, not necessarily, although any piece of applicable media should be available for classification on request

Q12:

Guardian supervision is the most effective method of blocking access to content that may be inappropriate for minors. No restrictions should be placed upon adults that they do not themselves request- this is censorship.

Q13:

Through guardian supervision, which may include (but not be replaced by) software created to aid this task (like 'net nanny' software) - the guardian supervision is the most important component of this.

Q14:

For content that is truly explicit, restriction of sale to unaccompanied minors is the best way of going about this, although I must stress that this be a guideline or advisory, not a legal restriction.

Q15:

When it is available to the public and unaccompanied minors would be capable of obtaining it.

Q16:

Government agencies should, ideally, have limited or no role in the regulation of content. Industry bodies would be best off self-regulating as this is an approach that works in many other countries that do not have national government classification systems. Users have a role in:

- 1) preventing minors in their care from accessing material inappropriate for them
- 2) not consuming material that is unsuitable for themselves

To do this, in many cases they will need the assistance of industry regulation, but they should not rely on it, particularly in the case of content from other nations.

Q17:

Yes, although I question the need of government assistance unless the industry is unable to establish a regulatory code themselves.

Q18:

All content if the likely classification is obvious. It may be worth having different markings for industry-classified and government-classified if a coregulatory model is adopted.

Q19:

The classification of independent films, independent games etc. generally shouldn't be required at all unless they achieve a degree of mainstream success, in which classification need not be subsidised.

Q20:

M tends to cause some confusion, especially compared to the similarly named MA15+
RC causes a lot of confusion, largely because the category itself is a lot broader than most people think and covers a lot of content that is acceptable in overseas countries. I believe RC itself needs to be scaled back, made an advisory rating with no legal clout or removed entirely (and replaced with a standard 18+ rating- the existing R18+ would suffice)

Q21:

Perhaps a new RC that does not limit legal distribution, but provides a strong message that the content should not be exhibited for public viewing.

Q22:

I believe that the classification criteria for films and television programming are suitable for video games and other media that are applicable for classification.

Q23:

Q24:

Nothing - content prohibition online should left up to parents or guardians. A different system would run the risk of voiding (at least in principle, if not in practice) part A of the Classification Code: adults should be able to read, hear and see what they want.

Q25:

It does not.

1) Content online should not be prohibited in the first place, as answered in Q24

2) RC is a flawed and inconsistent category in its current state and, for many people, will both block a lot of content that would normally seem quite unoffensive and also not block content they find very offensive.

Q26:

Given the unrestricted state of shipping, it makes sense to use a national system instead of a state system. With the exception of special cases (like communities where certain content is restricted under the NT Intervention) classification should be consistently applied.

Q27:

If a national, legally enforced classification scheme is kept, the best solution would be to leave the role of determining the laws behind classification to the federal government and simply delegate enforcement to the states and territories.

Q28:

If a national, legally enforced classification scheme is kept, yes.

Q29:

Removing the restrictions to RC content that extend beyond advisory restrictions. While it is not necessarily problematic to have a national classification scheme, there should be no problems with creating RC content (in other words, simply anything that the classification scheme cannot classify under a less restrictive category) and selling it to individuals who are happy to buy RC content and consume it privately without forcing others to inadvertently consume it. The production and distribution of material that is by definition harmful is already illegal - RC is not necessary.

Other comments:

In general, a lighter touch in terms of regulation works better than rigid enforcement. The appropriateness of material for different age groups is and will continue to be a moving target. This makes government - which is by nature slow and inflexible - an unsuitable institution for the classification of content according to appropriateness.

1) Among minors, maturity, perception and intelligence can deviate dramatically. This means that the existing function to determine whether content is appropriate, which does this based on only two variables- age of the consumer and the nature of the content- an insufficient and inflexible measure. It would be best to leave determining the appropriateness of content up to parents or guardians.

2) The job of parents to do 1 will be nigh impossible if content that would be inappropriate for a large portion of children is available to these same children in an area where they could be expected to appear. In this case, industry should be capable of self-enforcement when it comes to retail, cinemas etc.

3) However, in other cases (e.g. someone using a portable projector to project an adult film on the side of a building) where content is forced upon people it may not be appropriate for, especially in public spaces, it would certainly be appropriate for the law to act.

To analyse the current Classification Code:

a. adults should be able to read, hear and see what they want

b. minors should be protected from material likely to harm or disturb them

These two points are important and should be the cornerstone of any classification scheme.

c. everyone should be protected from exposure to unsolicited material that they find offensive

This is not. People cannot be protected from exposure to unsolicited material that they find offensive - this is not possible and it is not up to the government to do this even if it was possible. You can't protect everyone from unsolicited material they might find offensive without also protecting some people from solicited material that they don't find offensive - which is censorship.