

CI 316 A Hodge

Dear Sirs/Mesdames/Mss

I have taken the liberty of pasting your questions as is into this email.

Approach to the Inquiry

Question 1. In this Inquiry, should the ALRC focus on developing a new framework for classification, or improving key elements of the existing framework?

Just because there is an existing framework does not automatically qualify it for revamp or for fiddling at the edges. The Commission has an opportunity to significantly improve the situation – in many instances by creating new rules.

Why classify and regulate content?

Question 2. What should be the primary objectives of a national classification scheme?

1. It should reflect community standards. Although this appears obvious, the classifications applied in the past have appeared to **set** community standards in response to the squeaky wheels of the ‘liberal, free sex’ lobby, or those who demand to have everything based on a supposed infringement of their personal rights, or those who enjoy violence, drugs and persecution for their own sake, etc
2. Community standards should be objectively known and not based on submissions (like this one!) to an inquiry where those with vested interests can monopolise the input. Wider consultation will conform to the desires of the real, often silent, majority, and protect the real, vulnerable individuals who access public media products.
3. A Classification Scheme should provide transparent and consistent guidelines. As a parent I have been offended by an inappropriate G rating, but not offended by an appropriate M rating. The Scheme is not asked to be perfect, nor to please all of the people all of the time, but reducing the amount of offence should be a basic goal.
4. The Scheme should protect the vulnerable eg the mentally ill, the sociopath, the child – from unsuitable material. This may sound difficult and it is – but such standards should be fundamental to a Classification system and because of the potential for great harm, political correctness and pussyfooting must be set aside.
5. Distributors should not be able to circumvent the standards set by the Scheme and for example, should get proof of age and/or identity before making classified products available.

What content should be classified and regulated?

Question 3. Should the technology or platform used to access content affect whether content should be classified, and, if so, why?

1. Passive viewing of entertaining material is a quantum leap from active participation in it. Watching TV or a movie requires a peripheral spectator-style presence; playing some interactive games on a PC invites/requires the individual to participate in

activities that in reality are illegal eg rape, violence of all kinds, murders and killings, etc. For the vulnerable individual such activities have been shown to become acceptable and even the norm. Therefore the classification of interactive gaming should be treated more conservatively than 'passive' classification.

2. Content that is more readily available has an habituating effect eg if a gamer needs to go to a store and pay for the privilege of owning a game, he may think twice; if a gamer, sociopath or child merely has to access a website and download material using an ISP account that is prepaid, it is too easy to do.

Question 4. Should some content only be required to be classified if the content has been the subject of a complaint?

Bearing in mind that complaints (for liberalisation of content, and for restriction of content) come from interest groups, complaints are a very soft means of gauging the community norm. The Commission may feel that it does not have the resources to accurately measure community attitudes to specific issues, especially moral ones. Obviously the Scheme becomes irrelevant if it ignores Community norms, and it is not in the Scheme's interests to do so. Therefore the attitudes of the whole community on specific issues should be obtained in order for the Scheme to be relevant to the community it purports to serve, rather than 'complaint groups' who squeak. There would then be less uncertainty and fewer complaints.

Question 5. Should the potential impact of content affect whether it should be classified? Should content designed for children be classified across all media?

1. There are multiple reputable studies which assess the potential outcomes of exposure to various materials. These must not be disregarded either for political correctness or for the 'infringement of personal rights' of a libertarian.
2. The second part of this question appears to be redundant. If a child is classified as vulnerable to be harmed by certain material, then it should not be available to that child in any media under any preventable circumstance.

Question 6. Should the size or market position of particular content producers and distributors, or the potential mass market reach of the material, affect whether content should be classified?

If the Scheme is to be relevant to its Community, then protecting the vulnerable from harm should include all situations in which that harm may occur. Therefore adult-only material should not be on TV in children's programmes or at prime times when children would reasonably be expected to be viewing; pornographic or adult-only print or gaming media should not be available in stores where children can see or access it.

Question 7. Should some artworks be required to be classified before exhibition for the purpose of restricting access or providing consumer advice?

I wonder if any indigenous viewers turn off their TVs when advised that "The following footage contains images of indigenous people that are now deceased"? The point being that providing consumer advice of that kind is generally useless in modifying behaviour. Providing consumer advice in similar form for the child pornography recently shown in a gallery as art, did, in my view, merely increase the level of custom and voyeurism in that gallery. Access should be restricted in order to harm-minimise (for adults as well as children

and sociopaths).

Artwork thought to be art by its perpetrators but which is clearly illegal must be prevented from being exhibited. Artwork that is not illegal but which by a community-accepted moral norm would be offensive to some, should be classified and advertised as such, so that responsible individuals may be appropriately informed. Some 'art' for example which is anti-religion or homophobic or drug related remain unclassified and become unwittingly offensive because viewers are not forewarned.

Question 8. Should music and other sound recordings (such as audio books) be classified or regulated in the same way as other content?

Yes. Why not? The words of some books and the lyrics of some songs are profoundly offensive – they can promote drug use, violence (especially against women), antisocial behaviour; there is probably no harmful activity that some publicly-available words do not promote.

Question 9. Should the potential size and composition of the audience affect whether content should be classified?

In my view, accusations of "Nanny State" should fall on deaf ears. If something is known to be harmful to a potential audience and could be prevented, who in their right mind would not do it?

Question 10. Should the fact that content is accessed in public or at home affect whether it should be classified?

In my view, no. Harm is harm irrespective of place. The argument that "I should be able to do anything in the privacy of my own home" is a furphy when it comes to distorting normal perceptions of reality, changing the norms of behaviour, or inciting to illegal acts as mentioned above. Behaviours learned at home have a habit of spilling into the community.

Question 11. In addition to the factors considered above, what other factors should influence whether content should be classified?

The Scheme appears to equate 'vulnerable' with 'children'. This is to ignore the other vulnerable individuals who have access to harmful material - for example, the sociopath who feasts on violence, the sexually-deprived who devour pornography, the mentally ill who have difficulties in determining what is an acceptable society norm. The fact that it is difficult to harm-minimise these groups does not mean the Scheme should marginalise them, ignore them or not attempt to assist them at all.

How should access to content be controlled?

Question 12. What are the most effective methods of controlling access to online content, access to which would be restricted under the National Classification Scheme?

Primarily at the ISP level. This is the most important because it is the most effective. Again, consumer complaint and 'infringement of rights' and 'can't' from ISPs should also fall on deaf ears. Harm is harm however it may be dressed up and should be prevented if possible.

Secondarily at a consumer-determined level ie with options for greater or lesser prevention of undesired content, more effective if working from an already-reduced offensive internet content. This principle also applies to adult print media where parental control is far easier if the magazine is not accessible by the child.

Question 13. How can children's access to potentially inappropriate content be better controlled online?

1. Effective parental controls as mentioned above.
2. Require a visual or mental age-appropriate test before allowing webpage access (already in common use)
3. Require a payment before allowing webpage access. This would necessitate the involvement of a responsible person

Question 14. How can access to restricted offline content, such as sexually explicit magazines, be better controlled?

If the 'vulnerable' are not to have access to this material then it should be physically out of their way, possibly in a place that has to be specifically accessed by permission of the store owner, who would confirm eligibility (eg proof of age). Store owners who wish to sell this material should be under a legal obligation to provide such areas, with penalties for non-compliance.

Question 15. When should content be required to display classification markings, warnings or consumer advice?

At all times and in all places. Otherwise, what is the point of any Scheme at all? Whose sensibilities would this offend?

Who should classify and regulate content?

Question 16. What should be the respective roles of government agencies, industry bodies and users in the regulation of content?

In general terms, industry self-regulation is less than adequate.

Users have a vested interest in using, therefore there is no credence to their input.

The general populace who wish to avoid being exposed to harmful material are grateful for 'heads-up' transparent information readily available to them, and in my view are those who should be listened to. As an elected institution, the Government should reflect the views of its electors. Which emphasises the essential of the Scheme being aware of the objective standards that the community as a whole accepts.

Question 17. Would co-regulatory models under which industry itself is responsible for classifying content, and government works with industry on a suitable code, be more effective and practical than current arrangements?

No, for the reasons stated above.

Question 18. What content, if any, should industry classify because the likely classification is obvious and straightforward?

My experience confirms that even in the most obvious of decisions, vested interest skews outcomes. Self-regulation is unsatisfactory.

Classification fees

Question 19. In what circumstances should the Government subsidise the classification of content? For example, should the classification of small independent films be subsidised?

If by ‘subsidy’ is meant that an NGO is paid to do the Government’s work, then standards will inevitably slip. In principle this is a bad step.

Pragmatically, if the Government takes full responsibility for an NGO’s decisions (which because of the nature of this question appears **not** to be the case) then an adequate outcome may result. I do not favour this approach.

Classification categories and criteria

Question 20. Are the existing classification categories understood in the community? Which classification categories, if any, cause confusion?

One wonders why E is exempt

If G rates a child’s cartoon, then it is confusing when that cartoon displays gratuitous violence. (Children seem to enjoy this. Does that make it right? An objective community norm would help)

M and M15+ are confusing, even when the various sub-categories are listed (although I do find these categories generally helpful)

With experience of the system, one becomes aware of what ‘mild’, ‘moderate’ and ‘strong’ might mean, but ‘Adult Themes’ and ‘Drug use’ and ‘Nudity’ are wide open to interpretation.

Question 21. Is there a need for new classification categories and, if so, what are they? Should any existing classification categories be removed or merged?

The Scheme has at least taught me that MA and above must be avoided for I will be offended at the content. Therefore I cannot offer an opinion about these.

There is a need to distinguish between M and M 15+ perhaps by being more descriptive of the content, or by creating a separate category.

PG and G are generally satisfactory (with the exceptions mentioned above)

Question 22. How can classification markings, criteria and guidelines be made more consistent across different types of content in order to recognise greater convergence between media formats?

Just because media formats ‘converge’ does not make it imperative that all formats should be ‘equally’ rated. As noted above, some formats eg gaming require different approaches to minimise harm. It may be proper for example to rate a movie M but its associated PC game should be something more restrictive eg R 18+.

Question 23. Should the classification criteria in the *Classification (Publications, Films and Computer Games) Act 1995* (Cth), National Classification Code, Guidelines for the Classification of Publications and Guidelines for the Classification of Films and Computer Games be consolidated?

If by ‘consolidated’ is meant ‘brought down to a common compromise’ then No. If the best of all these classifications can be welded into one, then perhaps Yes, with the proviso that the end result still achieves a maximum harm-minimisation. It makes sense to minimise bureaucracy, but not at the expense of the intended result.

Refused Classification (RC) category

Question 24. Access to what content, if any, should be entirely prohibited online?

1. Everything currently illegal eg murder, killings, rape, property destruction, drug use, violence, use of firearms and explosives, etc (“Impossible!” I hear; “Harmful!” is proven by Law. “It’s just a game!”; no, it isn’t – see above)
2. Everything shown to cause harm by reputable scientific studies (therefore in my view this would include pornography, sexual abuse, marked or extreme violence, drug use)

Question 25. Does the current scope of the Refused Classification (RC) category reflect the content that should be prohibited online?

I cannot offer an opinion on this.

Reform of the cooperative scheme

Question 26. Is consistency of state and territory classification laws important, and, if so, how should it be promoted?

Clearly important as a customer in one State may circumvent strict laws by purchasing in another state.

The internet makes State boundaries redundant

Bureaucracy would be better served by a national consistency.

Promotion is what the Government is good at.

Question 27. If the current Commonwealth, state and territory cooperative scheme for classification should be replaced, what legislative scheme should be introduced?

As one who is ignorant of such matters my only reply can be “one that works”. The populace depend on some sort of Classification to accurately inform their purchases or their viewing. We have to trust the Commission to get it right.

Question 28. Should the states refer powers to the Commonwealth to enable the introduction of legislation establishing a new framework for the classification of media content in Australia?

In my view, this is one of the few areas where the Federal centralisation of power is probably a good thing.

Other issues

Question 29. In what other ways might the framework for the classification of media content in Australia be improved?

At present there appears to be little in the way of ‘teeth’ to charge and convict those who deliberately harm the vulnerable for profit. There are already laws against some crimes eg paedophilia which are perpetrated through the internet, but most internet harm goes undetected and unpunished. We can surely do better by not only alerting the populace to the dangers of classifiable content, but also by increasing the conservatism of classifications according to community norms.

Having participated in this questionnaire, I am disquieted about the following:

1. The Government does not currently take harm-minimisation seriously
2. The Commission has ineffective means of promoting adequate harm-minimisation
3. The Government is officially unaware of what objective Community Norms are, and is reluctant to make the effort to find out

It may require legislative reforms and political will to make effective changes that protect those in the population at risk. I pray that such may be found.

A Concerned Citizen

Yours Sincerely

Andrew Hodge