

## Classification - online submission

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## QUESTIONS

Please answer as many or as few of these questions as you wish. There is a space at the bottom of this page to provide any additional comments, and/or upload supporting files or a pre-prepared submission.

**Q1:**

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

A new framework

**Q2:**

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

To inform people of the type of content present in individual media items, so that they can make an educated decision on whether it is suitable for them or their dependents. It should aim to operate with minimal financial burden on the content producer, so that it is easy and affordable for anybody to offer their content for classification.

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

No. However only items that are a discrete piece of content should be classified e.g. a movie, game or book. Highly dynamic content like websites should not be subject to any classification scheme - it would place too much of a burden on the content producer to keep their classification up to date, and could be too punishing if their content inadvertently exceeded their initial classification.

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

No. All content in applicable media should be classified. Content providers should be self-regulating and able to submit their own rating based upon set guidelines. However, multiple complaints about the content could lead to an investigation by the regulatory body, and heavy fines if the self-provided classification was wrong.

**Q5:**

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

Impact should not affect whether content is classified. All content across all applicable media should be classified following the same rules, regardless of whether it's targeted to children or not.

**Q6:**

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?

No

Yes. Artworks/exhibitions are discrete content that could be classified to inform potential viewers or restrict access to minors. However, this classification should not be used to prevent public display, even when the content is controversial or offensive. Adults should be allowed to make their own informed decision and view what they like, and not have content withheld from them by government.

**Q8:**

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

Yes, provided that nothing is banned from consumption by adults on the basis of the rating.

No

**Q10:**

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

No.

**Q11:**

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

Only items that are a discrete piece of content should be classified e.g. a movie, game or book. Highly dynamic content like websites should not be subject to any classification scheme - it would place too much of a burden on the content producer to keep their classification up to date, and could be too punishing if their content inadvertently exceeds their current classification.

**Q12:**

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

Scheme?  
Online content should not be restricted. The demands of keeping rating correct would be too onerous on the site producer, and may not even be possible with user-generated comments and content.

Through a combination of parental supervision and communication, and client-side filtering.

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**Q15:**

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

All media items covered by these classification guidelines should require markings, even at the lowest level, to ensure uniformity.

**Q16:**

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

Industry bodies should work with content producers to self-regulate, following government-provided guidelines.

Users should have clearly communicated options to complain if they believe that a classification is incorrect.

Government agencies should provide the initial guidelines, then be required to investigate when sufficient user complaints have been received to indicate that a classification is probably incorrect. They should then be able to levy heavy fines if fault is found and compel the content-producer to re-classify.

**Q17:**

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?

Definitely. It would allow for a wider range of content to be classified, and reduce the current cost burdens on producers.

**Q18:**

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

Most, if not all, discrete pieces of content should be subject to industry classification. Highly dynamic content like websites should not be subject to any classification scheme - it would place too much of a burden on the content producer to keep their classification up to date, and could be too punishing if their content inadvertently exceeds their current classification.

**Q19:**

In what circumstances should the Government subsidise the classification of content? For example, should the classification of small independent

films be subsidised?  
There would no need to subsidise if the classification cost was minimal e.g. \$20 for individuals, \$100 for companies. It should still be possible to support a regulatory body anyway if a higher volume of content was subject to self-regulated classification at this low price.

**Q20:**

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

M15 and MA15+ are too similar.

**Q21:**

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

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**Q22:**

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?  
The exact same classification guidelines should be applied across all media, and therefore the same markings should be applied.

**Q23:**

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?  
Yes. Classification guidelines should become consistent across all media.

**Q24:**

Material that details high-impact, illegal activity should be illegal online. However, it should not be classified and/or filtered - the content should be removed by pursuing the producers and hosting party through legal channels.

Q25:

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

Content should not be prohibited online unless it is actually illegal, in which case the content should be removed by pursuing the producers and hosting party through legal channels.

It should be an aim to produce all-encompassing national guidelines.

Q27:

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

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Q28:

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?

Yes.

Q29:

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

I think that there are three key things that need to be considered in any new classification regime:

- It should be self-regulated, so that it possible to classify more content than is possible under the current setup, at an affordable price for content producers.
- It should be consistent across all media that are subject to classification. There should not be different rules regarding how classifications are assigned, or what levels are applicable.
- The highest impact levels of the classification scheme should be used to inform adults, not to prevent them from accessing the content. If content is legal, then any adult should be allowed to access it if they wish to do so.

A new classification scheme is definitely required, to ensure that there is scope to classify all pieces of discrete content. The current regulatory approach is too resource intensive, and therefore is expensive for content producers and only has limited bandwidth. It would become cheaper and wider-reaching if industries were self-regulating. Classification needs to be uniform across all media and all states. The scheme should be used to protect children, but to inform adults who should be free to access any legal media they desire.

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