

CI 138 D Jennens

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Q1:

I would like to see either a new framework or large scale changes to the current one.

Q2:

A national classification scheme should have two objectives. The most important is the informing of parents and guardians as to the suitability of material contained in some media. This will allow parents to assess whether material is appropriate for their children. The secondary objective is to frustrate attempts of children to access such material without the consent of a parent or guardian. This secondary objective should only stop a parent showing their child something they deem appropriate where the child would suffer demonstrable harm (in such cases where a court would find such a guardian guilty of some form of child abuse).

Q3:

Yes. Content should be classified evenly across all platforms *except* where such classification is prohibitively expensive. There should be a set of properties which are of concern (nudity, strong language, violence, sexual content) An extreme example of a prohibitively expensive classification is the Internet, which should not be classified as government resources would be stretched to examine even a fraction of its content. A more realistic example is that of mobile phone gaming platforms. It is ridiculous to spend thousands of dollars reviewing an application that a provider intends to sell for a few dollars. I would recommend in such cases that classification is left to the content provider or an industry body and random checks by the government (or possibly simply consumer feedback) are used to keep all parties honest.

Q4:

Perhaps. Either this or some content should only have examples randomly checked. See my answer to Question 3 above.

Q5:

Where the impact of a type of content has a clear scientific consensus that impact should be taken into account in classification. Content designed for children should be classified where possible (see Q3) but ultimately it is the responsibility of parents or guardians to ensure their child only views material they deem appropriate.

Q6:

No. The size of the market position should not affect whether content should be classified. Content designed but large studios and independent teams should be classified equally. The market reach of a product should be similarly irrelevant as only estimates of this can be made before some products are launched and with the advent of the internet even small distributors can potentially reach a massive audience.

Q7:

Perhaps. If the consensus is that a piece of work is art (and there are no related criminal charges) then there is no need to classify it. It may be that exhibitions could seek classification of their material

in order to advertise a "child friendly experience" or guarantee the content with the rubber stamp of an official body.

Q8:

Music should be subject to a similar classification as books unless someone can think of a way they could have extra effect. For instance strong language would be equivalent in music and book form, whereas nudity is not an issue in either (though may be in magazines).

Q9:

No. Though perhaps greater scrutiny is necessary where the audience is dominated by children as this is most likely to be the source of complaints.

Q10:

No. What people do in their own homes is largely their business and public displays must already abide by common decency laws.

Q11:

The ability of the classification board to actually process content in a timely manner (it would be swamped on some platforms) and the ability of creators to pay classification fees (I would propose that there should be *no* fees and the cost of classification be absorbed by the government). In case that doesn't appeal then perhaps, if content was only randomly checked and industry was relied upon for the majority of classification then the fee could stand and creators could pay some form of small fee to a group body which paid for individual classifications. Of course in a system which relied on industry classification there would be fines for poorly classified content.

Q12:

I do not believe there are effective methods that do not involve a prohibitive drain on the public purse. Of course criminal content should still be investigated by police, but I can see no effective method from preventing a 13 year old from accessing an MA restricted site. One would have to rely on parents to monitor their children's internet access. Perhaps a public awareness campaign teaching parents how to dig into the history of browsers on their computers would be most effective...

Q13:

I answered this in question 12 largely because I don't think there is content on the internet that needs adult access controlled short of illegal content which is a matter for the police.

Q14:

I believe it already is well controlled. The only ways children can gain access to this content is by the illegal action of a store clerk or the carelessness of an elder friend or family member. I say carelessness because it will be that and people buying inappropriate content for their children, but the intention behind that will be quite difficult to prove.

Q15:

Content should be required to display consumer advice when it has content which would have given it an M rating under the current system. It should display classification markings when the classification carries legal weight (for example MA material *cannot* be viewed by children under 15) in the new system.

Q16:

I believe I have already discussed this at length but I shall summarize. Ideally it would be the task of government agencies to set guidelines for the classification of content by industry bodies. The

government would then carry out random checks (to be paid for either by industry or the government) and respond to complaints. Companies found in breach of the classification guidelines should be fined. The R 18+ rating should also continue to hold legal weight, fines should be given to distributors found to sell or give this content to children under the age of 18. If MA or a similar lower level is kept (I don't have a strong opinion on this) similar fines should apply (although perhaps of a lesser amount). It is then the role of parents to decide what content their child could view in the privacy of their own home. A parent should be allowed to purchase R 18 material and show their child provided that the showing does not constitute a crime (such as child abuse). There should also be ratings which do not carry legal weight simply to inform parents of content although the nature of this content (nudity, strong language, violence, etc.) should be given more prominence than an arbitrary age range determined by the government so that parents can make up their own minds. This is how it largely works now anyway, an M means less than the categories it is labelled M for.

Q17:

Yes. See above.

Q18:

As much as possible. While it is the role of government to inform parents and restrict access to criminal material this should be undertaken using a minimum drain on tax payer funds. This could be accomplished by charge content providers to have all material classified (which stifles creativity and start-up companies) or by only checking 1 in 100 examples of a given media for irregularities and responding to complaints (I picked those numbers out of thin air).

Q19:

Hopefully under my proposed scheme it would not need to be. The government would only charge a film maker if their film was randomly selected. I would like to see the system open enough that an industry body develops which assists creators in deciding on a rating and takes the flack when that rating is incorrect (for a small fee from multiple creators perhaps). Similar to the ESRB in the USA (http://en.wikipedia.org/wiki/Entertainment_Software_Rating_Board#Rating_process).

Q20:

The existing categories are well understood with the possible exception of the difference between M and MA. In a new scheme I would ensure that the labels are significantly different...

Q21:

I am comfortable with the current categories although I find the age ranges supplied for the non-legal ratings irrelevant. It is nice to have three ratings which tell parents the severity of content their child can access by themselves as well as a few ratings which are legally enforceable.

Q22:

I have seen good progress towards this in recent years with standardized logos and colours.

Q23:

I believe so, yes. Although the range of categories which apply to some content will be different consistent terms should be used. Infrequent Coarse Language, Nudity, etc..

Q24:

Only such content that directly violates criminal law. Pornography involving minors, films in which someone is killed or mutilated on camera, etc. Even then I feel this is a matter for the police rather

than a classification board. I also don't feel that there is an effective way of blocking access to this content, let criminals access it and then the police can arrest them.

Q25:

I do not approve of the RC category except where it bans criminal material. In that sense I approve of RC material being prohibited even if I don't agree with the current definition of what is RC.

Q26:

Yes. Ideally classification should be consistent across cultures. If we believe that Australians share a similar set of cultural values then we should have a common set of classification guidelines and laws. That's actually a neat way to promote it too.

Q27:

I do not feel I have the legal experience to answer this question properly. Hopefully the bulk of it is addressed in the answers I have left above.

Q28:

Yes, although the breach of these laws need not be enforced only by national police.

Q29:

I believe only content which is criminal in nature should be outright banned. The legislation adding pornography involving small breasted women to the RC list is ridiculous. It is not only insulting to performers but indeed to any woman with small breasts who is now being told she looks like a child. We are constantly being told that there should be no pressure to change our external appearance when on the other hand we encourage women to get breast implants before they can be considered real women. The rest of the world evidently agrees (http://www.cracked.com/article_19192_6-things-you-wonE28099t-believe-got-banned-by-modern-governments_p2.html). This said I do think videos which "Promote, incite or instruct in matters of crime or violence" should be criminal in more extreme cases.

Other comments:

Hopefully submission of links is okay inside these answers as I don't know if I can provide the effort required to go to those pages, take screenshots and upload as supporting documents. Not after all that typing I did.