

CI 229 A Avila

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Q1:

Yes. The current framework is completely outdated, and does not provide appropriate terms of reference with which to classify new forms of interactive and electronic media, as well as new ways of presenting forms of media previously considered not electronic (e.g. books as e-books, PDFs etc)

Q2:

The primary objective of a classification scheme should be strictly based upon classification to inform. Censorship in line with societal values should not form a consideration in regards to the objectives of the scheme so long as the content which is being classified is legal. The primary objective of providing a framework by which responsible individuals can make informed choices as to the media they expose themselves, or their families/children to, with this framework encompassing a standardised and uniform approach which does not currently exist across all forms of available media. As long as content is not illegal, it should be the decision of each adult member of society as to what legal content they or their children can access and on what terms.

Q3:

In some ways, technology will actually thwart the ability of the scheme to classify content. The Classification Board will not have the resources to classify individual websites as they are created, nor individual content contributions (e.g. videos on YouTube etc) to certain electronic media outlets. In such cases where such a classification scheme can not be practically applied, there should be scope within the scheme to rely on regulation provided by that service provider's Terms of Service (be it a website, online content provider or ISP), much of which falls under the law of the country from which that provider operates, and provides a legal framework for that content to thus reside in. All other practically classifiable content, such as movies, books, games, etc can and should be classified - again not to perform a censorship role (as if something is not illegal, the free choice of consumption of that content should lie with the reasonable and responsible adult) but to provide information so that informed safe choices around content can be made.

Q4:

This could be an approach taken with some electronic media that would otherwise be difficult to classify due to it's scope. It should be noted however that in these cases, such media will often fall under individual Terms of Service, and if found vexatious or offensive, may well be removed by the host of that content.

Q5:

The UK has a system Exempting classification of certain children's media across all platforms. I see no reason why the same can't be done here.

Q6:

In many overseas countries, classification is actually partially provided by industry to allow the consumers of its products the right information, as it exists within a government provided framework. Such an approach could also be successful here, so long as the framework created by government and passed on to industry was well defined and well constructed.

Q7:

Yes. If an artwork is illegal, it should not be viewable. If it is legal, classification of the artwork could take place to allow informed choice. Restricted Classifications could apply to ensure material is not viewable by Children under 15 or 18 depending on the nature of the artwork displayed and the classification it would fall into.

Q8:

Music, Sound Recordings and Audio Books could indeed be classified, however care would need to be taken to ensure that Restricted Classifications (such as R18+ and MA15+) apply where possible to allow informed choice by adults, or persons who are not restricted by those classifications - this would support the primary goal of the classifications scheme to inform, whilst ensuring freedom of choice for adults but also for children and teens who can consume media which is not unduly restricted or censored, but which still via its classification, relays information to parents about what media their children are consuming.

Q9:

Whilst such considerations may impact on concerns of the import of classification due to scope of exposure, this consideration goes to the primary goal of classification of media - is it to inform, or to restrict? If it is to inform to allow choice to consume certain content or not, surely it is the type of content which primarily drives the need for classification, not the scope of consumption. If it is legal content, and classification allows for informed choice, then the scope of the consumption of that content becomes largely irrelevant, as long as the classification has provided information accurately. The composition of the audience becomes an issue only where Restricted Classifications may have been breached, or if the Restricted Classifications in place are inadequate.

Q10:

No. It is not the responsibility of government to monitor what legal content is viewed in the privacy of one's own home. If a responsible adult allows their children to whilst supervised watch a DVD which has been rated MA15+, that's an individual choice which is not in the realm of government responsibility. The content should be classified in any case to provide information so that that responsible adult can make the appropriate decision. Such classifications also allow responsible choices to be made in what is shown publicly (noting of course that public display of some types of media violates terms of use in any case).

Q11:

Other than the primary goal to inform (with a secondary goal to restrict certain age groups being provided solely by the MA15 and R18 classifications) responsible and reasonable adults, government

should be working with industry to allow scope for industry to allow it to classify content when that content is released as long as that classification complies with government classification frameworks. Lobby groups which are not representative of the wider Australian population as indicated by previous government surveys (such as those on R18 for computer games) should not receive undue influence.

Q12:

Provide effective opt-in parental control tools for parents to allow them to actively and individually restrict access to content viewable by their children. The government previous to this one did so with a measure of success. A blanket filter over content whilst effective in eliminating access to horrendous and unconscionable content arbitrarily dictates what can and can't be viewed if any content arises which is not illegal, but does not nicely and neatly fall into a classification. Such arbitrary measures are also open to abuse, error and technical difficulties as demonstrated by several ISPs within Australia. Provide the tools for adults to restrict legal content for their families as they see fit.

Q13:

See Question 12.

Q14:

Access to sexually explicit magazines is already quite tightly regulated.

Q15:

The classification mark could be displayed or distributed in a number of ways depending on the content; such displays/information should be present whenever appropriate to perform the primary goal of classification of legal content - that being to inform.

Q16:

Government should provide the framework and criteria by which content is classified, and should provide legislation on the reasonable judgement of legality of content. If content is found to be legal, a mix of government and industry self-regulation should take the main role in classifying content. Once classified, users should in the vast majority of circumstances be left to consume content as per the information provided by the classification.

Q17:

Definitely, yes. It is in the Producer's best interests to ensure their content is classified appropriately to inform their markets (the consumers of the content) on the nature of their content, as this allows them to sell their product in the first place.

Q18:

Artworks, Books and Audio recordings are likely simple enough to classify for industry to self-regulate. Movies/DVDs, TV, Computer Games etc may require government or co-regulation.

Q19:

Government could and should subsidise media created in those industries where it has already been

identified that government support is needed for the development of that industry.

Q20:

Existing classifications are understood to a point. However greater enforcement, education and criteria clarification is required for the Restricted classifications, especially MA15+, and the gulf that exists between MA15+ and R18+ in certain types of media, notably computer games.

Q21:

The current model of G, PG12, M15, MA15+, R18+ provides a reasonable model with a sound coverage of the types of media available. R18+ needs to be added for computer games as soon as possible as a lack of classification in this area does not allow responsible adults and parents to make informed decisions about what they themselves and what their children should or should not expose themselves to.

Q22:

There will be certain criteria which will need to refer specifically to the content being classified due to the fact that not all content is the same in it's nature. But regardless, there must be some level at which guidelines and criteria become uniformly applied and consistent (i.e. Whilst a book and a movie might deal with the same language or concepts, one is delivered visually, while the other is delivered literally. Thus certain weightings may need to be applied for certain delivery methods of content as opposed to defining it by the type of content itself. Another example would be that a computer game and a DVD are different in that one is more interactive than another, they are more similar to one another than a DVD is to an online book.... neither of which may be considered particularly interactive, but one is very much considered visual media, where the other is literary)

Q23:

Consolidation can certainly occur but should not override or compromise criteria which will be specifically necessary for classifying a particular type of content with the foremost primary goal of informing the Australian Public in mind.

Q24:

Content which is illegal.

Q25:

No. Refused Classification content does not necessarily only reflect illegal content, and can conceivably reflect content which would otherwise be available, if the Classification scheme was not identifiably, and acknowledged as, woefully out of date. Instead, that RC content should be re-classified once the new classification framework is in place, with online content to then have prohibitions placed upon it if it is illegal.

Q26:

Consistency of state and territory classification legislation should be as uniform as possible, and over time the state Attorneys General should negotiate and work to form a collective and uniform approach

- it need not be an instant, all-or-nothing requirement; indeed it is something which can be developed over a course of time, quite separate from the development of a National Classification Scheme which more adequately covers all classifications required for all types of content.

Q27:

A Co-Regulatory model as suggested in Q16 and Q17 should be the preferred model.

Q28:

In order to facilitate the most efficient, most effective and most responsive re-implementation of the National Classification scheme, yes - States should be prepared to cede some authority to the Commonwealth to introduce the necessary framework, although consultation with the States should remain a priority. Individual state legislation can be collaboratively reviewed and re-negotiated to suit States needs

Q29:

Nothing I can think of that hasn't already been mentioned.

Other comments:

None.