

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? *Improve the current one.*

Why classify and regulate content?

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

1. *To enable people to judge whether content is something that is suitable for them or people they are responsible for to have interaction with.*
2. *To ensure that content that is too extreme is not 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? *The technology should NOT be a factor. This allows for a uniform code in application to content and allows people to know what to expect across all media.*

Question 4. Should some content only be required to be classified if the content has been the subject of a complaint? *No. If a complaint has been made, the content has already been released and hence is available and unable to be recalled, it would already have potentially caused distress. The purpose of classification is to prevent this.*

Question 5. Should the potential impact of content affect whether it should be classified? Should content designed for children be classified across all media? *See answers to Question 3 and 4.*

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? *No. Once content is released, there is potentially no control over it.*

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

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

Question 9. Should the potential size and composition of the audience affect whether content should be classified? *No.*

Question 10. Should the fact that content is accessed in public or at home affect whether it should be classified? *No. In both places people need guidance as to what is in the content before*

accessing it. There is still danger of, e.g. children, accessing content in the home. Extreme content should not be allowed no matter where it is being accessed.

Question 11. In addition to the factors considered above, what other factors should influence whether content should be classified? *Freedom of speech and discussion is a genuine reason to allow content that might be considered offensive to some to be accessible. However, this should only be applied to genuine discussion of ideas, not images! Artistic merit is not of itself a factor. Genuine use of material for educational purposes might influence how material was classified.*

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?

Filtering by ISPs seems to be the only available method, despite its problems. Allowing customers to select levels of blocking, including blocking based on classification of material would be helpful. This could be based on supplying a password or optionally be time based to protect children. ISPs themselves, optionally involving industry bodies, should apply the publicly available standards rather than government issuing black lists.

Question 13. How can children's access to potentially inappropriate content be better controlled online?
See answer to Question 12.

Question 14. How can access to restricted offline content, such as sexually explicit magazines, be better controlled?
It should not be on public display.

Question 15. When should content be required to display classification markings, warnings or consumer advice?
When it contains material other than G.

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?
Government agencies should set the standards. Industry bodies and content producers could then apply those standards, and government agencies should apply audits and act on complaints. For this to work, the government agencies would need to actually have some teeth and be able to apply real penalties.

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?
See answer to Question 16.

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

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?
None. Self classification wouldn't add too great a burden.

Classification categories and criteria

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?
Content that is currently available is already too violent and sexually explicit. Content that complies with existing and proposed 18+ categories needs to instead be classified RC.

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?
Yes.

Refused Classification (RC) category

Question 24. Access to what content, if any, should be entirely prohibited online?
Content that is too violent, too sexually explicit, promotes or aids suicide or murder.

Reform of the cooperative scheme

Question 26. Is consistency of state and territory classification laws important, and, if so, how should it be promoted?
Absolutely. Uniform codes right across Australia are required. The Commonwealth government has the power to get Territories to comply.

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?

Yes.

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regards,
Andrew Amos