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Q1:

Australia needs a radical rethink of its media classification laws and processes. Technological and social change makes the existing system inadequate at providing Australians with information about the media they wish to access.

Q2:

I see two objectives:

- 1) To inform consumers about the qualities of the media they choose to access
- 2) To provide a rigorous policy for making some media inaccessible to minors.

What the classification scheme shouldn't do is provide a mechanism for banning media. The classification system should be based entirely on censorship, whereas the existing system also features a censoring component in the form of Refused Classification.

In a liberal democratic society like ours, there should be no reason for a classification scheme to be used to stop adults from accessing material. Material that is deemed so harmful that it requires censorship should be done through a legislative procedure, such as the criminal code or terrorism offenses act.

Q3:

This decision should be based on empirical evidence. It is likely that visual material has the potential for a greater impact on young people than mediums such as audio or words. Therefore it makes sense to have a more rigorous classification system for films and computer games rather than books (without images) and music.

Whatever choices are made in this regard they must be supported by empirical evidence instead of hunches or existing practices.

Q4:

Yes, this would limit the regulatory burden especially for things like music and books

Q5:

The "potential impact" (as supported by principles developed from empirical research) should be the basis for classification decisions, rather than whether or not something needs to be classified at all.

Content for children should need to be classified, even in a very general sense e.g. acceptable or not.

Q6:

No. All material should be classified through the same process whether it is a small Australian computer games developer or a multinational media conglomerate wishing to distribute a Hollywood film.

Q7:

I think this would be an excessive burden. Art works presented in art galleries should be self regulated. Art galleries should simply decide if a particular exhibition should be "Adults Only" which should enable them to only allow adults to attend.

Q8:

There are good reasons to suspect that audio content is less likely to have an effect (and affect) than image based media. Therefore it should not need to be subjected to the same degree of regulation as films, computer games, or pornographic magazines.

Remember, I am making a distinction between regulation and censorship. Of course audio recordings that breach the criminal code, or encourage terrorist activity should be censored using specific laws, but there is no reason to censor audio material that doesn't break any of these laws. At most, there should be a mechanism for people to make complains that could then result in a warning being placed on the material.

Q9:

No, there should be consistency

Q10:

No, there should be consistency.

Q11:

Q12:

- 1) Industry self regulation, such as the way some Australian ISPs such as Telstra Bigpond have voluntarily blocked certain sites that have received Interpol complaints
- 2) The federal government should provide internet filtering software for free
- 3) The federal government and ISPs should collaborate to provide education programs for parents so they understand the benefits and risks of using the internet (including social networking) so they can pass these lessons on to their children.
- 4) The federal government should spend more money on specialised law enforcement so that there are police with the computer skills to find people breaking the law

Q13:

People should be able to opt in to a voluntary ISP level filtering system that blocks adult content.

Q14:

Require presentation of photographic ID for the purchase of such material

Q15:

For films and DVDs the current system is appropriate having it on the poster or cover art.

Q16:

This is an area where I propose a radical change to existing practices.

I propose that the classification of media should be done by an industry body comprised of media companies, distributors and exhibitors.

The Government should determine the different classification categories, but then each film, TV show, computer game, should be classified by the industry body by applying an code agreed to by the industry.

The classification decisions for the R18+ category should be backed up by legislation to ensure there are significant fines for giving a minor access to such material.

The classification body should not have the power to refuse classification of material, as it would be a classification organisation simply with the power to apply, at most the X18+ classification for pornographic material.

Q17:

Yes, this is to be encouraged. A deficiency in the existing code is that it relies too much on subjective rather than empirical based judgements. For example, the Refused Classification designation features the language that material that causes "offense" can be banned. But a better system would concentrate on "harm", which must be empirically supported. There is a great deal of content that could harm someone, somewhere in Australia, but being part of a cohesive society means accepting that some people are interested in certain things that others may find offensive or just boring. It is not the role of a classification scheme to make determinations of the relative artistic merits of a piece of media. If politicians honestly think something is so abhorrent and harmful, even for adults, then that should be banned through statute, rather than providing a mechanism to do that in the classification code.

Q18:

An industry classification body should classify all films, television programs, computer games. Music should be classified based on lyrical content, but it should just be warnings based on language.

Q19:

No. An independent producer should be able to submit their film to the same industry classification body that classifies big Hollywood films backed by big distributors, their film should be treated in the same way.

Q20:

I don't think people understand the distinction between M and MA, even though MA requires accompaniment of an adult

Generally the different categories are fine, but it is who does the classifying that needs to be changed.

Q21:

Follow the empirical evidence. If there is evidence that the R classification should be 19 to ensure the maturity of the people accessing that content, then it should be changed. There is no reason why X18+ content shouldn't be available to purchase for adults that want to do so in all states and territories. The ban on such material simply has resulted in the illegal sale of such material in sex shops.

Q22:

There are implicit differences that exist in the existing code. If a character in a film describes a violent or sexual act, that is treated less harshly than if the same act is shown rather than simply described. It will always be hard to produce a perfectly uniform classification code, because there is evidence to suggest that simply reading something is a different experience than seeing it depicted as still or moving images.

It is more important to make sensible classification decisions rather than trying to have consistency across different media.

Q23:

There are good reasons to suggest that the classification of films and computer games should be more consistent. There should definitely be an R18+ category and even an X category for pornographic games.

Q24:

Material that breaches the criminal code, such as threats of violence against another person, or the record of a criminal act against another person (sexual abuse), or material that breaches terrorism offenses, e.g. incitement to violence or terrorist acts.

There should be no reason to censor content simply because it fails classification guidelines. Banning something must be done by statute not by classification.

Q25:

No, it is far too broad and is based on too many subjective judgements about Australian community standards that are left undefined. The Refused Classification criteria sounds like a circular argument; the things that are Refused Classification are the things that Australians think should be Refused Classification. This is not a logical basis for classifying material, "offense" and "abhorrence" should have absolutely nothing to do with censoring material. Censoring something in a democratic society requires an extremely high burden of proof that the material will undoubtedly cause harm, or that the material is itself a document of harm, e.g. material of sexual abuse. But the decisions of what does and doesn't constitute this material is not a matter for classification, it is a matter for statutory law that should be debated by parliament and enforced by the federal police, not by people who spend a lot of their time classifying Hollywood films.

I have no interest in seeing the films Salo, or even The Human Centipede. I have a rough idea what they are about, and frankly I find just the ideas behind them disgusting. But that isn't a reason to ban those films, because what I do or don't find offensive shouldn't be the basis for stopping other adults to choose what they want to see.

Q26:

Yes. There should be one national classification scheme. It is a complete contradiction to say that the classification scheme is designed to reflect community standards, but then not have it apply consistently to all of the country

Q27:

There should be federal legislation that simply enforces the classification decisions made by the industry classification body.

Q28:

Yes. The ideal solution is to have a scheme set up by the federal government so we have uniform laws and so changes to state governments can not alter the operation of those laws.

Q29:

Rely more on empirical evidence scientific studies of how people respond to different types of violent and sexual material - instead of basing the system on assertions of community standards that are ultimately never defined in any meaningful way. Relying on community standards just makes application of the classification code more subjective which makes it open to interference from pressure groups.

Other comments:

Australia's classification scheme should be guided by our history as a liberal democratic country that prides itself on free expression. The existing classification scheme is greatly flawed because it also features a censorship component. The time has come to separate these two components, by sending classification to an industry body, and referring the application of censorship to the parliament.

Politicians already censor some types of media when it is a threat of criminal activities (e.g. terrorism manuals) or is itself a record of a criminal act being committed against a person (e.g. child pornography). The parliament is perfectly right exercising its power to make such material illegal.

But at the same time, material that politicians are unwilling to make criminal, even if it is violent or erotic, should not be banned simply because it offends against a theoretical set of "community standards". To be a truly open liberal democracy, we must respect the fact that some people may wish to access types of media that would offend others. I propose the best way to achieve this is to let industry, rather than a government agency apply an industry agreed classification code that should be developed with public input and reviewed perhaps every five years or so. There should be a mechanism for public complaints, but again, this process should be resolved via the industry classification body, not by government interference