

# ***Response to the Australian Law Reform Commission's National Classification Scheme Review***

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## **Qualifications & Background**

Cathy Cupitt has a Doctorate in Creative Arts and has been working as a creative artist and university lecturer for over a decade. She is currently a Course Coordinator in the Faculty of Humanities at Curtin University, teaching both undergraduate and postgraduate creative arts students. Her interest in the classification of the arts and the regulation of internet content relates to both her academic and creative work.

Jess Bridges has a Masters in Information Management and currently works as a Library Technician at St Hilda's Anglican School for Girls. Her interest is in the conjunction of online information technologies and information being freely available to those who seek it.

Elaine Kemp teaches communication skills at Murdoch University. Between semesters, she works for the Department of Premier and Cabinet, Western Australia, as an electorate officer. She has published seven novels.

The ability to communicate ideas, and access those of others, is central to the process of our creative practice and research, and an integral part of our students' learning.

## **Why classify and regulate content?**

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

The primary objectives of a national classification scheme should be:

- to allow adults to make informed decisions about what content they want to interact with, and
- to allow adults to make informed decisions about what content the children in their care can interact with.

The responsibility for the choice about what online content is viewed and created should rest with the individual, in keeping with the principle of freedom of expression, albeit balanced with community needs.

In the online environment, freedom of expression is flourishing in new and rich ways, especially through user-generated content. Grassroots groups such as the Organization for Transformative Works (OTW) are engaged in encouraging arts practice amongst peoples who have been traditionally marginalised, resulting in a reinvigorated and growing arts scene, and bringing new ideas to explorations of important topics such as ability, gender and race. For instance, the OTW's Archive of Our Own project hosts collections of fiction exploring characters of colour (Chromatic Vision, Awesome POC), women (The Chamber, Half a Moon), queerness (Queer Fest, Trans Stories) and racial identities (Islam and Muslim in Eid ka Chand, Jewish in Days of Awesome).

These kinds of fora are especially valuable for students who are engaging with different perspectives and taking part in political debates in order to develop online and cultural literacies, practice their crafts, and network with future colleagues. Yet these are the kinds of spaces which are particularly vulnerable to inappropriate filtering, classification, and censorship under the current system.

A new classification system must not stifle these strengths; it must allow not only for active consumption, but the active production of content, which is engaged, questioning, and playful. This is the milieu in which our future artists, scholars and politicians are learning to be citizens, and supporting their freedom to do so should be carefully balanced against other concerns. Protecting the community from offensive content should not come at the expense of censoring valuable works and already marginalised voices. Our objective should be to give people the information they need in order to choose online content safely, rather than focusing on censorship.

## **Classification, regulation and access**

**Questions 3 to 18** cover various issues relating to how and when material should be classified or controlled.

Given the amount and changeability of online content, speed of creation, and convergence of platforms, it is impractical to attempt to classify all such content.

In particular, the imposition of top-down regulatory infrastructure, such as the proposed ISP filter, is undesirable for many reasons:

- Its effectiveness has been widely debated, especially its potential to block valuable sites.
- It takes freedom of choice away from individual consumers, and discourages the development of digital literacy.
- It is likely to have negative economic outcomes, in terms of being expensive to introduce, maintain and run; stifling existing filtering products and the development of alternative products; and

- It will likely reduce internet speed.
- There are better alternatives – for instance, more targeted approaches to the issue, such as offering free filters for those who wish to implement them on their own devices.

Due to the sprawling nature of the internet, a more devolved system is better suited to the oversight of classification. Developing codes of practice for self-regulation has already proven to be an effective approach, particularly those codes focussing on informing people of the characteristics of the content they will be engaging with in particular environments, combined with methods for dealing with complaints when such codes are breached.

Because such codes of practice are based on community expectations, classifications can be modified to suit differing genres, platforms, audiences and creators, without requiring an onerous government infrastructure. Many codes of practice are already in effect, such as the community guidelines linked to Terms of Service at the Organization for Transformative Works, YouTube, and Wikipedia.

Finally, we support the Arts Law Centre of Australia, the Australian Society of Authors, and Arts Access Australia's further discussions of these issues in their separate submissions.

## **Conclusion**

The internet offers rich opportunities for freedom of expression, both for consumers and producers, amateur and professional artists, and all those in between. A new classification system should be flexible enough to work across the differing platforms, content-types and communities online, while ensuring both enough information for people to make informed and safe choices, and the widest possibilities for freedom of expression.