

CI 1500 J Doninquez

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Q1:

There are two answers to this question: what I think should be done, and the best plausible outcome considering the current political climate. Ideally, Australia needs an entirely new classification system. Our old system was designed for films and publications, and the classification and review frameworks are woefully inadequate for assessing video games and internet content.

It is because of this system that independently made content cannot be sold in Australia through many channels, because the cost of classification makes it unprofitable. Even some content that would be rated G or PG is never released here because of the time and cost involved.

A system of rigorously documented self-classification is far more sensible, with the government acting only to investigate and penalise breaches of this code. Clearly, this won't be happening in 2011, but at the very least we need an R18+ rating for games which has comparable guidelines to the R18+ rating for film. Putting an R18+ rating in place for games and then making it much more restrictive than the same rating for film.

Q2:

I think the most important job of media classification is information. If a consumer can see the rating on a product, be it a computer game, a DVD movie, or a TV show, they can make an informed choice about whether that media is suitable for them or their family. I welcomed the addition of ratings advice text in rating stickers, as I believe more information for consumers is always good. This information can only be useful, though, if it is consistent. When one game is refused classification when another with very similar content is granted an MA15+, this makes the board look indecisive and capricious, neither of which does anything to bolster its reputation in the community.

Q3:

Absolutely. The simple matter is that internet content changes constantly. Our classification guidelines are based on static media that stay the same from submission through to release and do not change after release. In this digital age, everything changes constantly. A video game is usually classified in an incomplete state. Before it is released, it is completed, and then after release it will be patched and updated. Web pages and other online content change even more rapidly. It is simply impossible for our current classification infrastructure to cope with this rapid change. Besides, differing systems are already used: board members are not expected to play a video game from start to finish before classifying it, but instead are given a presentation summarising the game. This is already an admission that some media types require a different approach.

Q4:

I believe that all classification should be self-regulated and that the classification review board should only get involved after it receives a credible complaint. This should certainly be the case for small,

downloadable, low profit margin products, such as add-on songs for music-based video games (some of these are unavailable in Australia because of classification issues), independently-produced downloadable games on services such as Xbox Live Arcade Community Channel (this entire service is unavailable in Australia because of classification issues), and downloadable games for mobile phones and other handheld devices. Such systems are already in place for print media, after all.

In order to prevent abuse of a self-regulating system, the review board should have rigorous powers to investigate deliberately misclassified content and levy significant fines. At the same time, media producers should be protected against vexatious and nuisance complainants by a thorough system that would weed out such abuse of the law, and also have access to a fair appeals system.

Q5:

If a self-classification system is put in place, then by all means, all media should be classified to the best of the producer's ability, regardless of its intended audience. If a system of paid submission and review is retained, however, then this is simply unfeasible. For example, how would the providers of a free website with interactive games for children be expected to afford the expense of classification? What about a one-person game studio that is trying to raise its profile by releasing free games on mobile phone platforms? Expecting all media producers to pay for classification and wait for the lengthy process to be carried out is simply unrealistic.

Q6:

I don't think so. In terms of media such as mobile phone games, there is no way of really knowing how popular a game will be, or how many copies it will sell. Again, self-classification with allowances for complaints, reviews, and appeals is the only practical solution for this kind of media.

Q7:

Absolutely not. Art galleries and artists are seldom hugely profitable, and expecting them to put exhibits on hold while they wait for the result of an expensive classification board decision is unreasonable. Once again, if a system of self-classification were put in place, with exhibitors provided with detailed and consistent guidelines to reduce their risk of complaint and review, then this would be the most practical way to inform the public.

Q8:

If no crime is being committed in the production of a recording, such as incitement to commit a crime or harming people for the purpose of the recording, then no. If production of a recording does break laws, then this should be a police matter, not classification or censorship.

Q9:

No, but the likely profitability of a medium certainly should. If the cost of classification would consume most or all of a product's likely profit, or if the wait for classification would cause a content producer undue hardship, then classification in its current form should not be enforced. A self-classification system would be ideal in this case.

Q10:

Not at all. It should be the responsibility of a public venue to regulate behaviour within its boundaries. On the other hand, it is quite reasonable for a classification scheme to prohibit the public exhibition of media if it has been classified at or above a certain rating, indicating that it is unsuitable for children. Such restrictions are already in place and make perfect sense.

Q11:

The primary concern about the fairness of imposing classification upon any industry or type of media is how much of a burden it will place on media producers, and whether that burden will make it impossible for many law-abiding media producers to continue to run a profitable business. The cost of classification is one obvious burden, as is the cost of any reviews that may take place after an unfavourable decision. Time is also an important consideration. Large companies that take many months or even years to develop their media products have the luxury of submitting an incomplete product for classification. A small company producing content quickly and cheaply and surviving on only a slim profit margin could be financially ruined by a significant delay. If a classification system makes it impossible for a company to operate profitably within the law, then it is a bad system.

Q12:

Online content of all kinds should be freely accessible by all responsible adults, unless the production of that content constitutes a crime, such as the production of child pornography. Children should have their internet usage supervised by their parents, teachers, or other adult carers. If parents choose to make use of internet filtering software within their home, then that should be their decision. If a child is being allowed to access harmful media, then that is a matter for child protection services, not a classification body.

Q13:

As per my answer to question 13, children's access to the internet should be supervised and regulated by their carers, be they parents, teachers, or other guardians. If parents are so uncaring as to allow their children to access harmful media, then this is a matter for child protection services, not a classification body.

Q14:

I see no reason for the current system to become more restrictive. The only things that can be regulated in regard to publications is what is in it and who may buy it. Once it is sold, the government is powerless to stop distribution of publications. The only way to stop children getting their hands on inappropriate print media is by outright banning that media, which is not a reasonable option.

Q15:

If content has been classified under any system, I think it is reasonable to require that classification to be clearly displayed on the packaging, in advertising, in catalogues and online stores, and so on. As I stated earlier, the classification board's most important job is informing the public so they can make educated decisions about the media they consume, so requiring the display of all ratings advice is a reasonable step, and one which is already in place for the most part.

Q16:

As per my answer to question 4, I think all media classification should be decided upon by the media producer, with public and government oversight.

The government would still have several important functions in this system. First, the government would decide upon classification guidelines, preferably in consultation with relevant industry bodies. Second, the government would provide thorough, clear, and consistent guidelines to media producers, allowing them to feel confident that their honest self-classification will be accurate. Third, the government would monitor the self-classification system and make changes to the guidelines as

required - no system could be perfect immediately, and some fine tuning would no doubt be required as weaknesses in the scheme become apparent. Fourth, the government would be a point of contact for any complaints alleging that a media product has been misclassified, assessing these complaints for credibility and taking action on credible complaints.

This system should only cost media producers money if they are found to have clearly misclassified a product, otherwise vexatious complaints, especially from well-organised special interest groups, could be used to damage blameless companies.

Q17:

This is my preferred model. Please refer to my answers to questions 4 and 16 for details. This is a particularly good model for game classification, because game companies are far better equipped to judge the entire content of their own games than classification board members being presented with only an overview of those games.

Q18:

As stated above, I think all content should be industry classified under guidelines from the government. At the very least, however, content expected to be rated PG or below should be self-classified. This would greatly reduce the administrative load on the classification board. For example, in financial year 2010-2011, 455 computer games were rated G, and 269 rated PG, compared to 117 rated M and 75 rated MA15+. Allowing computer game companies to classify their own content G or PG would have reduced the number of classification submissions from 916 to 192, an almost 80% reduction. This would have saved millions of dollars and thousands of hours.

Q19:

The government paying itself money is an undesirably convoluted process and should be avoided. If any classification system put in place requires pre-classification that costs the media producer money, then a reasonable system of fee waivers would be far more sensible, based on pre-agreed tests of financial hardship. As stated above, though, I don't think a board classification system is feasible long-term, and we should move to a self-classification system.

Q20:

I think all categories are understood, except perhaps MA15+. A lot of parents seem to think that if content is not rated R18+ or X18+, then it is suitable for children, and many of them are shocked when they see what is currently allowed in MA15+ rated games, films, and TV programmes. This is one of many reasons why I think an R18+ rating for computer games is desirable, as it will mark some games very clearly as being totally unsuitable for children.

Q21:

A completely new system of categories would require a huge amount of time and expense for government and business, as all content would need to be reclassified and relabelled. I think it makes much more sense to simply apply recognised ratings to all media - games, film, print, television, and so on - and ensure that each rating has as close as possible to identical guidelines in all media. Introducing an R18+ rating for computer games and then giving it substantially different guidelines from the R18+ rating for film would be counterproductive, in my opinion.

Q22:

To prevent confusion, I believe that all media types should be classified with the familiar range of film ratings: E, G, PG, M, MA15+, R18+, and X18+, with all ratings in all media legally available to Australians of appropriate ages. A single system would be easier for consumers to understand.

Q23:

Absolutely, as per my answer to question 22.

Q24:

None. If otherwise prohibited content appears on a website, it is a matter for Australian and international police, as such content usually involves the criminal activity, particularly paedophilia.

Q25:

Not even remotely. RC games, for example, often include content that would be rated no higher than MA15+ in non-interactive film form. Blocking access to video footage of an RC game is simply ludicrous when the same kinds of violence or sex involving real people rather than virtual ones would be legally available with an MA15+ or R18+ rating.

Q26:

I believe that any classification system should be national. If individual states wish to place additional restrictions on media within their borders, then should be allowed to do so, but the beliefs of one attorney general must no longer be allowed to affect the freedom of Australians living outside that state.

Q27:

Please refer to my answers to questions 4, 16, 17, and 22 for details, but in summary I would like a system that:

- uses the same ratings across all media types, including games, film, print, and television;
- allows media producers to classify their own products based on detailed and consistent guidelines provided by the government;
- gives the government the power to review self-applied classifications in response to their own monitoring (proactive) or to complaints (reactive); and
- gives the government the power to change incorrect classifications, and to substantially fine any media producer if it is found that the incorrect classification was seriously negligent or calculated.

Q28:

Yes. A state-based classification system in a global media environment is outmoded and inadequate. A centralised system will be more rapidly adaptable and more democratically representative.

Q29:

There needs to be a shift in public perception away from government regulation of media and toward more personal responsibility, especially for parents. The idea of government censors protecting us from harmful media is, frankly, old-fashioned and silly, a product of a puritanical past that we have thankfully left behind. These references in the legislation to some kind of "public decency" are just appalling. Countless examples of worthy, important media are clearly indecent and offensive, such as films like Taxi Driver, TV series like Oz, and books like The Girl the Dragon Tattoo. These are all "indecent" works, violent and sexual, and Australian adults are quite rightly allowed to legally consume them, free from judgement or impediment.

There should be a shift away from this abstract and subjective notion of "decency" toward a much

clearer and more objective notion of "harm". If content can be proven to be not just offensive but actually harmful, then this is when government regulation becomes important. On the other hand, if a work causes no harm but is simply considered offensive by some in the community, then it should not be the government's job to prevent adults accessing that media. The government should be working to prevent harm, not to uphold someone's very subjective morality.

Other comments:

Please consider the freedom of Australian citizens when deciding upon a new classification system. please devise a new system that is easy for consumers to understand, that reduces as much as possible the burden on media producers, and is as fair as possible to everyone.