

CI 1927 J Morgan

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Q1:

Whilst I believe that no redevelopment should be necessary to accommodate items which are currently 'beyond classification', if the entire system must be redesigned to shift and expand upon paradigms related to graphic or 'obscene' material, then the framework must be redeveloped. If, for instance, the introduction of a new R18+ classification for video games containing adult material were to be introduced and no unnecessary wasteful expenditure is conducted in order to reclassify said material, I can see no need for the entire classification system to be redesigned (eg: G, PG, M and so on all remaining under their current definitions). However, if the extent of the current system affords no leeway in classification (e.g.: "Obscene Material" is too broadly defined and vague) then redesigning the entire system should be the action taken by the ALRC.

Q2:

To ensure the preservation of modern social standards including: seeking freedom of consumption and information; restricting adult material from children and those others who it is not created for; restricting specially designed materials from those who should not normally seek to view it when in the public domain (e.g: pornographic materials); enabling users of tools and materials which can be publicly or privately consumed to accurately determine the precise nature of what they are consuming or are saving for the consumption of others -including minors; informing the public about what is determined obscene or inappropriate in our modern media; restricting materials which either directly or indirectly involve misappropriated or uncalled for malice, extreme sadism or masochism, or other inhumane practices to only those in the community who seek to deconstruct it or those who can understand its unrealistic and socially (and/or legally) unacceptable nature (e.g: adults, academics, professionals, etc. depending on circumstance); seek to define the border between 'art' and obscene.

Q3:

No. If the system is designed to censor specific and extreme types of obscenity or inappropriate behavior depiction, then all platforms of communication should be fairly and equitably judged and labeled.

Q4:

Whilst it is expected that 'all' content created and imported within the bounds of Australian economy should be classified, it is understandable that some material may escape classification due to sheer depth, breadth, lack of availability, rarity or obscurity of its content. In this case, yes, content should be subject to classification- but classification should only be done once a publicly consulted consensus decides upon the matter of its content.

Q5:

Content should be investigated on a case-by-case basis. Perceived potential offence to certain privately consumed materials by certain constituents of our society should not affect its classification as is implied by freedom of speech. It is their choice to either pay for or take and consume classified content that may offend them (as the censorship system should warn).

Q6:

No. All content should be assessed individually and without regard to potential market penetration. 'Obscene is obscene in any language.' However, this does not also mean that the system should be in any way 'tighter' in its restrictions of certain materials. On a case-by-case basis, material that conforms to specific definitions of obscenity must be censored to smaller portions of society, but others which are not seen to be on par with a specific 'high-level' of obscenity must simply be restricted from a smaller pool of consumers.

Q7:

Yes. All materials which are publicly consumable should be classified. However, in the case of public materials considered potentially obscene, community consensus of 'what is art' must be considered before classification is enacted, as in a case-by-case basis.

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Q10:

No. It remains the choice of those attending or participating in the exposure of such material to leave or remove the 'offensive material' from their own proximity.

Q11:

Q12:

Systems designed to interfere with consumer's connections at all times are undesirable and not considered appropriate. I do not condone a 'real-time, always on' internet filter. However if, in some way, a set of specific web addresses containing specific obscene content are disconnected or removed from ISP access by the government (i.e: it isn't the consumer's being filtered, it's the Internet Service Providers) in a non-real-time, non-discriminatory way, then there may be room for this type of filtering to be conducted. However, the consumer should not be monitored for participation in the open and free dialogue between themselves and the internet, at all and it should in no way impinge upon connection standards or reliability to the rest of the internet connection world beyond Australia's bounds.

Q13:

Improved education to parents and guardians of minors so that they may make their own choices and take their own measures to protect their children from potentially inappropriate materials. Other elements of the system currently work well, if conducted in conjunction with due parental/guardian care.

Q14:

Q15:

When the consumer is preparing to purchase or consume the content so that they may be directed to actively engage with and understand the classification level of the material. However, once this

stage has been passed, classification should not interfere with the contents of the physical media labelled by the NCS.

Q16:

Governments define what is offensive, industry bodies orchestrate the labeling and physical restriction of materials, users autonomously enforce the classification and restriction of privately consumable materials, and legal practitioners and agents enforce those publicly consumable.

Q17:

No. As a publicly elected body, the government is at the whim of our society to create a strong and uniform classification system which it itself can understand and act upon. Individual agendas of corporations must be considered when allowing individuals to classify their own material. It would incur too many resources to enact widespread, constant monitoring of privately moderated classification systems than simple publicly-moderated, case-by-case monitoring, conducted by the government.

Q18:

Obscene materials depicting inhumane acts to any other human or animal.

Q19:

Projects and materials that are considered by community definition as art, or for the development of society as a whole such as independent films, independent games, independent musicians, independent/self-publishing authors, media of an educational nature, etc.

Q20:

Almost all classifications are generally understood, apart from (in my opinion) explicit classifications of material beyond R18+ classification. These should proffer more information about the reasons for these types of classification.

Q21:

Q22:

Material is assessed on an intellectual property basis, regardless of the format they are to be delivered to the consumer on. Thus if the material is produced in multiple formats, every iteration of the product holds the same classification rating. An exception to this is if the same intellectual property is developed by multiple entities for different formats (e.g.: a film and a video game released of the same title and story receive individual classification).

Q23:

Yes. In order to accommodate a new R18+ rating, the classification criteria should be reassessed and consolidated as per the answer given to Q.1.

Q24:

Material directly or indirectly depicting illegal activities such as rape, murder, intentional and motivated grievous bodily harm, etc. and those activities which are conducted beyond the bounds of decency and morality generally reflected by the wider social milieu.

Q25:

Yes. However, some materials which have been refused classification may rightfully stand in the R18+ classification were it to exist, such as in the classification guidelines of the video games industry. The R18+ classification should be introduced within the classification guidelines for the video game industry.

Q26:

Yes. National ubiquity in classification law should be introduced, perhaps warranting the reconstructing of the classification framework. Simply replacing the older system with the newer system whilst creating public address space such as television advertisements should be effective in educating the public about the reform.

Q27:

A federally mandated, managed and operated classification scheme.

Q28:

Yes, if required by proposed legislation.

Q29:

Other comments: