

CI 1013 A Russell

First name: Anders

Last name: Russell

Q1:

A new framework for classification. The current diversity of classification frameworks is both unwieldy and lends some formats greater legitimacy than others. For example books and other publications fit into very broad categories and are not required to display classification information, but may have restrictions on their sale within Australia. It is my belief that individual/parental responsibility should be the key consideration for any new framework. With an increasing diversity of media types and ways to access it, maintaining the strict, granular control which the current framework requires is both unwieldy and unlikely to be successful.

Q2:

To create a unified classification framework with a simple and enforceable structure. Identifying and classifying works according to objective, quantifiable measures should be a priority. This is not to say "use the MPAA rules where you can say f--k twice in a given classification", but instead look at the product as a whole and assess its impact alongside its intent and broader context with standards reflecting the actual community, not just vocal, politically expedient minorities. An assumption of "G" rating with voluntary higher classification by creators/publishers and a fair and transparent complaints process would be the foundation of a reasonable system. After all, we do not have big green/blue/yellow/red labels on books, but somehow this is not seen as an issue. Why can this same system not be applied to other media?

Q3:

There should be no difference between the standards of classification applied to a video game, a pornographic movie viewed online or to the collected works of Shakespeare. Otherwise the point of a unified system has been lost.

Q4:

I believe all content should be subject to voluntary classification - if a work is deemed by its creator or publisher to potentially fall within a higher classification rating than G or PG (or their equivalents) then they can request a higher rating. Complaints about classification should be investigated, but again with a view to determining whether or not it is a reasonable complaint that reflects a failure of classification or a merely a vocal minority.

Q5:

Content designed for children is a dangerous phrase. Many people view video games as "for kids" despite demographics clearly showing that they are not. The same can be said for other media such as comics. The potential impact of content is widely varying - children who are exposed to imagery/concepts may be disturbed, others confused or oblivious and some may be intellectually stimulated or intrigued and wish to learn more in an effort to place the image/concept into context. Parental responsibility should be the driving force for classification of media aimed at children as the broad range of children's ability to deal with new or confronting experiences is not something that a generalised classification can deal with.

Q6:

In theory, no - regardless of size, market position or social acceptance all content should be subject to classification in some way. However, in reality, classifying the internet would be an exercise in frustration and lost causes. However this is the most broadly reaching source of media available and may comprise text, still images, video or interactive material. It may be viewed by a small group or by tens of millions. However due to the speed at which content can be created, duplicated and relocated across a variety of systems (HTTP/HTML content, Peer2Peer, Usenet, IRC and more) it is impossible to control with any existing method of classification. Size of a market and method or distribution are significant considerations - attempting to control content on high volume, mostly self-regulated online retail venues such as iTunes, Google Marketplace or Amazon would face similar issues. Controlled online marketplaces such as Steam or Xbox Live Marketplace offer much tighter existing controls that would allow for easier implementation.

Q7:

No. Define "art". Is artistic merit a defence? Where is the line between art and entertainment drawn? If a movie is in French and only showing at a movie festival, does that by definition make it art, while a Michael Bay movie is entertainment? It would be more reasonable to seek an exemption from classification on the grounds that it is "art" should a creator or displayer of the artwork believe that it may be too offensive/provocative than to try and establish a definition for art as part of this legislation. Should some exhibitions be restricted/subject to consumer advice? Yes. But again this should be a voluntary process or relate to a complaint rather than trying to impose classification on every piece of media created.

Q8:

Yes. Again, voluntary submission or rating would be the most effective method here - if an creator or publisher feels that it mightn't be suitable for general release, then they can state why and apply for a higher rating. Many online marketplaces are self-regulating already in this regard with content warnings present on download pages and often in disclaimers played prior to the start of content.

Q9:

No. As with the "content for children" question, this is a dangerous question to ask. The intended size and composition of an audience for a work may be vastly different to the actual size and composition. And both will likely be different to the size and composition perceived by someone who is not the creator or consumer.

Q10:

No. Portability of media has rendered conventional wisdom regarding it's consumption moot. People can now view any conceivable content via a mobile device. New gaming systems intend to allow remote play of a home-based system to a mobile controller. People can read the Herald Sun on a train, which is frankly far more offensive than if they were to have a centrefold spread out across 3 seats. There is no definition anymore between what is viewed at home or in public and seeking to classify content on these grounds would be idiotic.

Q11:

All content should be subject to classification, but not all content requires classification. Voluntary submission to classification and review of classification based on complaints should provide a reasonable method of determining classification without creating an unwieldy, overly complex system.

Q12:

Policing. There is no amount of money that could be spent on filters or other blocking mechanisms that would not be better spent on supporting law enforcement agencies in dealing with the creators and consumers of illegal content such as child pornography. Any arbitrary filtering or blocking system would be circumvented within hours (at most) of being put in place, if such a circumvention was even necessary to begin with.

Q13:

Parental supervision/competence.

Q14:

Parental supervision/competence.

Q15:

No. We don't require it of the vast majority of content (books, newspapers, magazines, internet). Voluntary display of classification warnings/markings and point of sale warnings/advice should be sufficient. And again, perhaps parents should pay attention to what they're actually putting in their child's hands.

Q16:

Industry bodies would play the most effective role in providing self-regulation of content with publishers and distributors having a vested interest in maintaining a good public image and ensuring that marketing is targeting the correct audience with the correct message. However, the Government should retain oversight and control of the regulating bodies and complaints procedures.

Q17:

Yes.

Q18:

The classic "I know pornography when I see it" argument can be used here. Pornography should be classified as such, but at what point on the spectrum does it move from "smut" to "pornography" and then on to "banned"? Australia already has some of the most ridiculous and obscure classification guidelines regarding these subjects as a result of well intentioned, but terrible legislation and policy. Small breasts should not immediately be seen as a child pornography analogue, yet that is how Australian law looks at the matter. So even an "obvious" case like pornography has such immense variation in content and reactions to it as to render any attempt at blanket classification pointless.

Q19:

The government should subsidise classification of Australian, or majority Australian produced content as well as the costs of complaints/appeal processes for all media. A well structured, simple voluntary/industry supported classification system should reduce costs significantly however as the processes involved in gaining classification would be greatly streamlined.

Q20:

I would say that they are understood, but are frequently ignored.

Q21:

I would say that a simple set of 5 ratings would be appropriate: G - General, PG - Parental Guidance, M - Mature, R - Restricted (possibly age 16+) and then a X - Restricted (18+). It minimises duplication of ratings (for example having both R and X as 18+ but with different provisions for display) and removes "half-step" ratings like the PG to M to MA spectrum.

Q22:

Some media has classification markings built into their product design (DVD and game cover art for example), but books and music do not. Are we intending to start applying classification stickers to all books in the library, or to stop putting classification markings on movies and games? I see no problem with a small, discrete marking, even on the back cover of an item. Because if a parent is going to expose their kid to something woefully inappropriate, it should be clear to everyone by now that a big colourful sticker isn't changing that behaviour one little bit. As for electronic content - would all websites require a mark of classification somewhere? An age gate or similar page in front of every site online? Should someone buy an MP3 would a warning be played before the track each time, be an indelible part of it's filename or merely in it's ID3 tag? Individual/parental responsibility to research and know something about the item being purchased/viewed/obtained should be the determining factor here, not whether there is an acceptable logo displayed across all forms of media.

Q23:

There should be no special treatment (be it favourable or otherwise) of any form of media. All items should be subject to the same classification guidelines regardless of format.

Q24:

Illegal content should be prohibited, but with Australia not being in a position to demand that every other nation censor the internet on our behalf, we are left with the previously raised issue of is it better to try and block it and pretend it isn't there or be proactive in policing illegal content. If we are talking about prohibiting access to this content are we discussing the blocking of it by a government filter to prevent intentional or inadvertant access or merely the act of accessing it being prohibited? As there is a significant difference in how to approach each of these situations, but again policing of this issue rather than a reliance on a technical solution will provide the most effective outcome for dealing with prohibited content and it's blocking/removal/access to it by Australian residents/citizens.

Q25:

No. As I have previously stated, Australia's policy with regards to RC material is a hodgepodge of well intentioned but terribly implemented layers of interpretation on top of policy on top of legislation. The implementation of some of the decisions to do with RC material range from buffoonish to downright idiotic. Child pornography is bad. No one is going to argue that point, but small breasted porn stars do not child pornography make. Similarly violence in pornography, even low level violence (such as one might see in a G or PG rated TV show or movie) which takes place in a non-sexual setting leads to a RC rating as there is the blanket ruling that any violence in pornography is worthy of RC. Non-consensual acts and things involving animals or minors - that's a good starting point and probably as far as you need to push it. I'm not sure how all these people who complain about it are browsing the web, but in 15 plus years of using it, I've never stumbled onto anything close to hardcore pornography unless I've set out to find it.

Q26:

Simple: there should be a Federal law. States and territories should not have control of classification in any way.

Q27:

Input from the states should be a factor, but allowing a single individual (be they a representative of a state or otherwise) to hold an effective veto power is unreasonable. The past five years with the

debacles of Attorney General's meetings and the toxic behaviour and legacy of Atkinson should make it abundantly clear that the current system is not functional.

Q28:

Yes. There should be a single unified policy for Australia, not a series of state policies which may undermine or replace Federal guidelines.

Q29:

Assumption of the consumer's competence and intelligence would be a nice start. Not every single person is a ticking timebomb waiting for some piece of violent media to turn them into a spree killer. Not every person who views pornography is turned into a depraved, rape hungry predator. Such individuals are in a statistically insignificant minority. Lower level reactions such as correlations between aggression and playing violent games (I say correlation, because it's the experience of myself and my acquaintances that we release aggression through playing violent games, not games causing aggression) and the more measurable causation between watching pornography and sexual arousal are not really disputable. But to make classification decisions according to the very lowest of common denominator values is to do a disservice to the Australian public

Other comments:

I am a 29 year old male, husband and father who currently works for the Australian Public Service. I have written and published works, produced and presented radio programs and been President of a radio station's board of management. I have grown up reading books, playing video games, reading comics, watching TV and movies and using the internet. I am sure that when I'm 60, there'll be something new that I can indulge in a moral panic about like every generation does. But having grown up exposed to all these things I have never been damaged by them. Sure, I have seen repugnant things online which have disturbed me, but I've also seen gruesome road accidents in real life and been subject to street violence - things which have had a far greater impact on me. Exposure to confronting and challenging images, ideas and concepts are what develops us - both personally and as part of a broader "culture". I do not let my 19 month old son watch HBO dramas, because that's clearly inappropriate for him, but when he's older I'll make the decision with my wife and probably him as well as to whether he wants to see these things and is ready for them. Classification makes these things easier as it gives me a guide, but as responsible parent I will always see it as my responsibility to educate myself and my wife in what my son's interests and hobbies are and to maintain a reasonable level of scrutiny and control to ensure that I am being responsible and am able to assist and support him in dealing with challenging content should it be necessary.

File 1:

File 2:

The results of this submission may be viewed at: <http://www.alrc.gov.au/node/3642/submission/1602>