

CI 1025 G King

First name: Grant

Last name: King

Q1: In this Inquiry, should the ALRC focus on developing a new framework for classification, or improving key elements of the existing framework?
To truly align the classification scheme with the the way Australians access information and art in the modern era, a new framework must be openly considered, drawing from the goals of the existing framework.

Q2: What should be the primary objectives of a national classification scheme?
Provide open access to published works with clear guidelines on the suitability of the material for different audiences

Q3: Should the technology or platform used to access content affect whether content should be classified, and, if so, why?
No, only the content and method of publishing, for example for-profit content vs. work in the public domain or freely distributed. Where licensing is required (eg. television broadcast), this is also a valid method of differentiation. The technology or platform of access should not affect how the content is classified - multimedia and the nature of art and published works in the modern era transcend simple definitions of platform and technology

Q4: Should some content only be required to be classified if the content has been the subject of a complaint?
Yes, in the case where freedom of access to the information would be hindered by the classification process, eg. freely-available smartphone games.

Q5: Should the potential impact of content affect whether it should be classified? Should content designed for children be classified across all media?
This is impossible to safely define as per Q3 (Should the technology or platform used to access content affect whether content should be classified). The safest way to, for example, protect children from harmful material would be to require classification not on the type of content, but on the act of interacting with the children - be it through advertising material to children or providing content to children. In the case where the audience is impossible to define (eg. openly published work on the Internet), parental intervention is the only way to successfully protect the children from content that is essentially public speech.

Q6: Should the size or market position of particular content producers and distributors, or the potential mass market reach of the material, affect whether content should be classified?
Not directly - the size of the producer/distributor should only affect the policing and prosecution of breaches, not the rules for classification. The impact to individual and small publishers should be considered with Q4 (Should some content only be required to be classified if the content has been the subject of a complaint?), ie. if imposing classification would harm the Australian people's access to a type of content, it would be unfair to require classification for larger producers.

Q7: Should some artworks be required to be classified before exhibition for the purpose of restricting access or providing consumer advice?

No, only the method of publishing. For this to be effective, I would support a voluntary system of classification. For example, a cinema or museum may be classified as adults-only or parental-discretion-required in terms of consumer advice, unless they voluntarily apply for a standard classification that guarantees the material published is of a certain level of impact.

Q8: Should music and other sound recordings (such as audio books) be classified or regulated in the same way as other content?

Yes, there is no reason to treat one media format differently from others, especially where the media format isn't clearly defined (eg. an interactive text book with a built-in supplemental audio device). The current voluntary "parental discretion" scheme for audio discs (which stems from international classification schemes) works well, and would be a good candidate for other media.

Q9: Should the potential size and composition of the audience affect whether content should be classified?

Again, not for specific items of content, but for types of publishing. For example, a video freely published digitally within an organisation may have different classification requirements to the same video broadcast on free-to-air television.

Q10: Should the fact that content is accessed in public or at home affect whether it should be classified?

Yes - the home is where parental guidance would be more valuable for published works for access by children. Content accessed in public requires constant parental judgement to be suitable for children.

Q11: In addition to the factors considered above, what other factors should influence whether content should be classified?

The Classification Scheme should be targeted to providing useful information to parents and people who wish to consume content at varying levels of impact. Where a piece of content is not required to be classified (eg. a piece of art in a museum that is advised to be adults-only due to lack of classification otherwise), it should be able to be voluntarily classified, for instance if it is to be studied in schools.

Q12: What are the most effective methods of controlling access to online content, access to which would be restricted under the National Classification Scheme?

Education and tools for parents and end-users. Any technical measure applied nationally is easily circumvented or abused, and the Internet (like the telephone system) is a medium for free communication, not just published works. Access to the Internet by children and people wishing to view content at less than free public levels of impact must be policed in the home by parents. Tools to assist this by whitelisting content at an equivalent classification level would be the most use to parents, but such a system operated nationally must be controlled by parents at the home, who must be free to use it or ignore it and implement their own controls.

Q13: How can children's access to potentially inappropriate content be better controlled online?

It can only be better controlled by parents, specifically by empowering parents to restrict access with tools and education. As mentioned above, the

Internet is a medium for published works, and also analogous to the telephone system, which is policed by parents in the home. Just as a parent would not allow their child to use the telephone with any stranger or company, they must be the ones to restrict a child's access to the free communication allowed by the Internet.

Q14: How can access to restricted offline content, such as sexually explicit magazines, be better controlled?

Access can be controlled only to the point of sale, at which point the work falls into the same category as publicly-exhibited art.

Restrictions on sale are already in place, and as per Q5, this is perhaps better dealt with laws that directly affect interaction with and protection of children.

Q15: When should content be required to display classification markings, warnings or consumer advice?

Content should be required to display classification when it is offered for sale in a venue that is not already considered a public, and therefore adults-only place.

Q16: What should be the respective roles of government agencies, industry bodies and users in the regulation of content?

Government agencies should provide an understandable classification scheme that is mandatorily applied in some cases and voluntarily applied freely in others. Industry bodies (and eg. churches or social groups) may wish to apply their own classification schemes or provide input to the government agencies. Users should have a clear understanding of the type of content they are consuming where it is not through an unregulated public channel.

Q17: Would co-regulatory models under which industry itself is responsible for classifying content, and government works with industry on a suitable code, be more effective and practical than current arrangements?

No more effective, but perhaps more practical or economical. It would not matter as long as the code is understandable and relevant to Australian standards.

Q18: What content, if any, should industry classify because the likely classification is obvious and straightforward?

Content where a standard international code is present may be suited to industry classification.

Q19: In what circumstances should the Government subsidise the classification of content? For example, should the classification of small independent films be subsidised?

Classification should not hinder the production or sharing of content. Where classification is difficult practically or economically, the classification should be voluntary if there is an incentive to present the work as suitable for children or with an impact less than that requiring adult maturity.

Q20: Are the existing classification categories understood in the community? Which classification categories, if any, cause confusion?

Classification of video games especially is inconsistent with community standards and other classifications. The lack of an R18+ category in the current classification system for games forces potentially unsuitable content into lower categories and excludes a large portion of the industry completely.

Q21: Is there a need for new classification categories and, if so, what are they? Should any existing classification categories be removed or merged? There should be no major distinction between "adults-only" categories, eg. R18+ and X18+ in the current classification system. Detailed sub-classification is of course welcome, but the major classifications are restrictive. Sub-classifications that currently qualify a work to be Refused Classification should be reviewed and removed where modern standards allow, for example fictitious forms of violent erotica and fictitious depictions of illegal acts.

Q22: How can classification markings, criteria and guidelines be made more consistent across different types of content in order to recognise greater convergence between media formats?

By doing exactly that - standardising the classification criteria regardless of the type of content. See Q21 for the example of classification of video games and the lack of an R18+ classification.

Q23: Should the classification criteria in the Classification (Publications, Films and Computer Games) Act 1995 (Cth), National Classification Code, Guidelines for the Classification of Publications and Guidelines for the Classification of Films and Computer Games be consolidated?

See question 23, the convergence of media types forces this for classification to remain relevant and useful.

Q24: Access to what content, if any, should be entirely prohibited online? Since the Internet is a medium for personal communication as much as published works, no content should be prohibited using technical means on the Internet. Illegal activity on the Internet should be policed in the same way as other criminal activity, and parents should have the tools and education to protect children from what is essentially the general public on the Internet.

Q25: Does the current scope of the Refused Classification (RC) category reflect the content that should be prohibited online?

No. As in Q24, private communication should generally be unrestricted, but published works still show valid commercial interest for content that would currently be Refused Classification. In the spirit of consistency, this should be considered with the guidelines for RC content elsewhere, and reviewed as being acceptable in the mature adults-only category of modern times.

Q26: Is consistency of state and territory classification laws important, and, if so, how should it be promoted?

Given the national and indeed global nature of modern content, consistency in classification across regions is essential for communication of the standards to the public. There should be a national or international code of classification for labelling purposes, even if there are additional regional or state codes applied to media.

Q27: If the current Commonwealth, state and territory cooperative scheme for classification should be replaced, what legislative scheme should be introduced?

The scheme should be standardised from the input and cooperation of all states and territories. If this occurs the legislative scheme should not matter, but failing that, referral to the Commonwealth would provide the best consistency.

Q28: Should the states refer powers to the Commonwealth to enable the introduction of legislation establishing a new framework for the classification of media content in Australia?
As in Q27, they must refer power to the Commonwealth failing the consistency of any other approach.

Q29: In what other ways might the framework for the classification of media content in Australia be improved?
The Classification Scheme would be more relevant by focussing on the parental advisory aspect of classification, rather than the regulatory aspect. By arming Australians with the information and advice they need to select content, no one need be excluded.

Other comments:

It is difficult to fathom information or fiction that is inherently dangerous or damaging to a mature adult in this day and age, but there are certainly aspects of real life that we wish to protect our children from. By classifying artistic content as we would real life, that is, everything is acceptable for adults only, except that which a parent provides their child, we will reach a fairer and more useful scheme that helps us raise Australian children. We will also protect ourselves from unnecessary discomfort when selecting media to consume, either by avoiding certain content or through acceptance of truly mature content.