

**SUBMISSION to the INQUIRY
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National Classification Scheme Review**

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Approach to the Inquiry

Question 1. In this Inquiry, should the ALRC focus on developing a new framework for classification, or improving key elements of the existing framework?

ALRC plans to classify a broad range of publications, films and computer games (regulated by the NCS and or The Classification Review Board) plus broadcasting services and online content (primarily regulated under *Broadcasting Services Act*) and has stated that even with changes some content might still need to be subject to multiple forms of regulation anyway. Classification needs to be improved along the lines of visual imagery, text and sound. Online content needs to be managed along the same lines as other media.

Given that the government has abandoned the provision of a mandatory filtering system the ALRC must deal with the online environment. Online content should not be made available to the public without classification.

Why classify and regulate content?

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

- Protect children from harmful and disturbing materials
- Discourage materials that are dehumanizing, condone or incite violence of an kind
- Protect everyone from exposure to unsolicited materials
- Restrict the sale, distribution and advertising of classified material
- Remove explicit materials (eg. materials of a sexual nature or violent nature) from the family market place

- Give Australians information about content they might choose to view, hear or play

What content should be classified and regulated?

Question 3. Should the technology or platform used to access content affect whether content should be classified, and, if so, why?

The technology or platform used to deliver content is irrelevant to the question of whether the content should be classified. If films on DVD must be classified, then so too should films delivered via the internet. Print-media of an explicit nature delivered by the internet needs to be classified in the same way as sexually explicit or violently explicit magazines. Online content should not be treated any differently, children are technologically savvy. It only takes a simple typing error or even an innocent word to take them places they don't want to go.

Question 4. Should some content only be required to be classified if the content has been the subject of a complaint? That would depend on the nature of the content and the nature of the complaint. The number of complaints that are made would only equal the tip of an ice-burg as people realize that complaints are rarely taken seriously and the offender gets nothing more than a slap on the wrist.

Question 5. Should the potential impact of content affect whether it should be classified? Should content designed for children be classified across all media?

There needs to be clear guidelines, to determine whether content is safe for a general audience.

Industries producing children's media must be qualified to produce such material.

Question 6. 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?

No.

Question 7. Should some artworks be required to be classified before exhibition for the purpose of restricting access or providing consumer advice?

Yes. Potentially contentious artwork should be classified before exhibition. Artwork depicting children in an exploitative or offensive way should be refused classification.

Question 8. Should music and other sound recordings (such as audio books) be classified or regulated in the same way as other content?

Yes. Music with lyrics which, demeans women, are sexually explicit or use coarse language should definitely be submitted for classification.

Audio books would presumably be classified according to regular book classifications as in any library catalogue system. Access to audio books would be in accordance with age appropriateness.

Question 9. Should the potential size and composition of the audience affect whether content should be classified?
No.

Question 10. Should the fact that content is accessed in public or at home affect whether it should be classified?
No.

Question 12. What are the most effective methods of controlling access to online content, access to which would be restricted under the National Classification Scheme?

- Filtering systems such as [Bsecure](#)
- Passwords which prevent the access of children and employees on work computers
- Providing a list of safe sites which are regularly monitored.

Question 13. How can children's access to potentially inappropriate content be better controlled online?

- Install a filtering systems such as Bsecure on library, home and school computers
- Providing a list of safe sites which are regularly monitored

Question 14. How can access to restricted offline content, such as sexually explicit magazines, be better controlled?

- Content needs to be properly classified
- Remove all explicit magazines from the family market
- Require that all explicit magazines be sold in opaque plastic

- Prosecution for those who expose children to sexually explicit magazines
- Find and prosecute those responsible for the illegally production and sale of sexually explicit magazines and films
- Bring the Territories laws in line with the States

Question 15. When should content be required to display classification markings, warnings or consumer advice?
The question should not be when. All content should be classified and marked accordingly. Content which is not G rated needs to be further classified with warnings. Consumer advice would vary according to the purpose and age for which the content is intended.

Who should classify and regulate content?

The classification and regulation of pornography should not be made by people who are users of pornography. Industries which produce pornography have a vested interest in rating their content at a lower classification. We have sexually explicit content being classified as Unrestricted and this is unacceptable. There should perhaps be a jury type system for classifying content to avoid the problems of desensitization and familiarity with the content. People serving on the jury should only serve for short periods and be debrief if necessary after their time of service. Perhaps the classification system needs to be streamlined but the Government must have guidelines in place for every form of media. Guidelines, built-in checks, safeguards and training should assist classifiers in doing their job. Regulations are necessary in upholding the interests of society and individuals, protecting people from unsolicited content and assault, and preventing the exploitation of minor and other people.

Question 18. What content, if any, should industry classify because the likely classification is obvious and straightforward?

If the content is clearly G rated then it should not require government or independent body classification unless a complaint is made. Complaints should always be properly investigated by an independent or government body.

Classification fees

Question 19. In what circumstances should the Government subsidise the classification of content? For example, should the classification of small independent films be subsidised?

Industries should not be subsidised simply because they are small. The Government should rarely need to subsidise the classification of content and only if it is not demeaning or harmful.

Classification categories and criteria

Question 20. Are the existing classification categories understood in the community? Which classification categories, if any, cause confusion?

Generally classifications are understood but one wonders whether broadcasters understand them when they advertise adult shows during family viewing time slots.

Question 21. Is there a need for new classification categories and, if so, what are they? Should any existing classification categories be removed or merged?

Films containing explicit depictions of sexual acts should be Refused Classification. Sexually explicit films result in violent sexual abuse and the sexualisation of children.

No R18+ classification should be permitted for computer games. Violence in computer games leads to violent attitudes and behaviour.

Question 22. 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?

The Internet needs to be subject to the same classifications as all other media formats given that it covers everything from films and games, to print media and still pictures, to music and sound.

Question 23. 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?

Yes, if it would not reduce the effectiveness of the classification process.

Refused Classification (RC) category

Question 24. Access to what content, if any, should be entirely prohibited online?

- Pornography, violence, incitement to cause destruction, violence or terrorism
- All materials classified RC, X18+ or R18+ should be prohibited online

Question 25. Does the current scope of the Refused Classification (RC) category reflect the content that should be prohibited online?

No. X18+ and R18+ as well as RC content should be prohibited online. Films containing child abuse are abhorrent. Films of this nature should be prohibited.

Reform of the cooperative scheme

Question 26. Is consistency of state and territory classification laws important, and, if so, how should it be promoted?

The Territory laws are inadequate. They promote violence against children and women and should be brought in line with the states.

Question 27. If the current Commonwealth, state and territory cooperative scheme for classification should be replaced, what legislative scheme should be introduced?

Consolidating the various schemes may make classification more effective. There seems no point in starting over.

Question 28. 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?

The most protective rather than the least protective system should be adopted.

Other issues

Question 29. In what other ways might the framework for the classification of media content in Australia be improved?

Make the possession of unclassified films illegal.