

CI 1111 S K

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Q1:

Classification system should be changed to be a voluntary industry operated system such as is used in the United States.

Classification is not a proper function of the government, it is a form of prior restraint against publication. Prior restraint should only be used in exceptional circumstances, and should be a judicial function - not an administrative/bureaucratic function.

Industry self-regulation should be relied on in the first instance to protect minors. It seems to work reasonably well in the US; it has never it seems been tried here, not in recent history anyway. It should be given a fair go. As to material available to adults, while certain extreme material will need to be dealt with, that should be a judicial rather than bureaucratic function.

Q2:

There should not be a national classification scheme. Relevant industry groups should adopt their own self-regulatory schemes, responding to market demand. The assumption should be that all material should be freely available to adults, except for obviously prohibited material (such as child pornography). The prohibition of material should be a function for the courts, police, prosecutors, etc. (criminal prosecution, injunctions, etc.), not a special government bureaucracy.

Q3:

Each sector of the content industry has its own needs and pressures, and faces differing sets of consumer demands. It makes sense for each sector of the industry (film, television, video games, etc.) to adopt their own self-regulatory scheme, rather than a single scheme applying across rather different media sectors.

Q4:

Voluntary self-regulation should be adopted for each sector of the content industry. It should be up to industry bodies to choose the most appropriate system of classification for their industry, whether that be referral to a central industry body for classification, or self-classification by the publisher.

Q5:

Each sector of the content industry should have the freedom to adopt its own system of voluntary classification, in response to market needs. Imposition of a centralised one-size-fits-all model, such as we currently have in Australia, is an improper government function, and infringes the right to free speech recognized by international law. We should adopt the US model of voluntary industry self-regulation.

Q6:

These are relevant factors which each sector of industry should consider in adopting a voluntary system to best meet its own needs.

Q7:

Art galleries, etc., already do provide content warnings before displaying sensitive content. There is no demonstrated need for a change from the status quo. If there is such a need, it is best addressed by industry self-regulation than by further intrusive government regulation.

Q8:

There is a lack of demonstrated consumer demand for such classification. If there was consumer demand, industry would provide it itself, on a self-regulation model (such as the film industry in the United States does)

Q9:

These are relevant factors which each sector of industry should consider in adopting a voluntary system to best meet its own needs.

Q10:

These are relevant factors which each sector of industry should consider in adopting a voluntary system to best meet its own needs.

Q11:

We should let each sector of the content industry voluntarily self-regulate, and it should be free to consider whatever factors its members think relevant.

Q12:

The most effective method of controlling access to online content is commercially available Internet filtering software. Parents are already able to purchase this software on the free market; if they don't, that is their problem, not something requiring government intervention. It is not the role of the government to protect children from somewhat bad parenting, only from seriously bad parenting (abuse/neglect). To say otherwise is to threaten the freedom of individual families, and to excessively expand the power and authority of the government to a totalitarian degree.

Q13:

Through education of parents and more parental responsibility. Government action is not required.

Q14:

There is not a demonstrated need for action in this area.

Q15:

It should be a voluntary industry decision as to whether such warnings are necessary. In a free market, it is in the commercial interest of companies to provide such warnings if there is genuine consumer demand for them.

Q16:

The primary responsibility should lie with industry bodies and with users. Government intervention should be limited to only serious illegal material (such as child pornography), and should be through the existing mechanisms of the criminal law. Prior restraint, as currently practiced by the Classification Board, is a violation of the right of free speech and should be discontinued.

Q17:

Yes, they would be. However, the industry itself should be the ultimate authority for determining the content of any such code. The government can be consulted by industry, but industry should not be bound by the government's views. Any such code should be voluntary and not legally binding.

Q18:

Industry should classify all content. Content classification is not a proper government function.

Q19:

Classification should be a voluntary industry-based process. Small/independent films should not be required to participate in such a process. Alternatively, they could band together to create a separate process could be created especially for them, or else a common industry process could provide appropriate allowances for their special situation. Government subsidisation of such a process should not be required.

Alternatively, if the current government-operated classification system is to be retained - despite its inappropriateness - then the government should pay the entire cost of its operation, not content-producers forced to participate in it.

Q20:

The existing classification categories are a product of government fiat, and are unlikely to meet consumer demand well. A market-based approach, where industry decides on the categories to use itself, is much more likely to respond accurately to consumer demand.

Q21:

All the existing classification categories should be abolished, and should be replaced with multiple systems of voluntary industry-based self-classification.

Q22:

Each sector of the industry should be free to adopt its own classification system, and system of markings, in response to its meet needs. As content convergence increasingly becomes a reality, industry self-regulation will respond appropriately. An attempt to design, ahead of time, by a government fiat, a particular system, is unlikely to produce as good an outcome.

Q23:

They should be abolished.

Q24:

Child pornography, etc. The constitutional law in the United States (First Amendment, etc.) strikes a good balance between what needs to be prohibited and what should not be, and Australia should copy the US example.

Q25:

It is excessively broad, a form of censorship in violation of free speech. It should be abolished. Illegal material such as child pornography will remain illegal, since its legality is not dependent on the classification system.

Q26:

State and territory classification laws should be abolished, in which case consistency of them becomes a non-issue.

Q27:

It should be abolished completely and replaced by voluntary industry self-regulation

Q28:

There is no need for any referral of powers from the states; the current system should be abolished and not replaced by any legislative system. Instead, it should be replaced by voluntary industry self-regulation

Q29:

Abolishing prior restraint as a violation of the right to free speech; abolishing the OFLC as an improper government function

Other comments:

Other countries, such as the United States, survive fine without any government-operated classification system, but with private, voluntary, industry-operated and industry-controlled systems.

We should adopt the US model:

- 1) No government-operated classification system - this is an unjustifiable system of prior restraint
- 2) Prior restraint should only be possible in extreme circumstances, and should in every case require a court injunction rather than a decision by a bureaucratic board like the Classification Board
- 3) Voluntary industry-based systems of classification should be established. The nature and scope of these systems should be up to industry to decide for themselves.
- 4) Extreme/illegal material should be dealt with through the criminal law (e.g. child pornography and obscenity prosecutions) rather than a system of prior restraint - this is the US model which we should adopt here
- 5) Protection of children from harmful content is a responsibility of parents, not the government. The free market already provides many useful tools that parents can use to this end. If some parents are not responsible, it is not up to the government to intervene.

(Government intervention in parenting should be restricted to serious cases of abuse and neglect; it is not a proper purpose of the government to make everyone be a perfect parent, or to make up for the irresponsibility of moderately bad parents, only to intervene in cases of seriously bad parenting.)