CI   1147 C Pardy

List of Questions

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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?

The national classification scheme should NOT be used as a means to censor or restrict information access for adult Australians. The purpose should be to provide a guide to consumers regarding the content of media (much like the current scheme) but should not in any way impose legal restrictions on adults. Industry participation should be voluntary. The refused classification (RC) label should be abolished and replaced with a label indicative of the 'highest level' of 'adult themes'.

Why classify and regulate content?

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

The national classification scheme should NOT be used as a means to censor or restrict information access for adult Australians. The purpose should be to provide a guide to consumers regarding the content of media (much like the current scheme) but should not in any way impose legal restrictions on adults. Industry participation should be voluntary. The refused classification (RC) label should be abolished and replaced with a label indicative of the 'highest level' of 'adult themes'.

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?

It is unreasonable to expect the classification board to review all material available electronically (i.e., on the Internet). The only way to stop children from viewing distasteful content on the Internet is for parent to take an active roll in their child's on-line behaviour, and to monitor it personally.

Question 4. Should some content only be required to be classified if the content has been the subject of a complaint?

There is no reason why it should be necessary in a free society to have a classification / censorship board to receive such complaints. The proper response for an adult to viewing non-illegal content that they dislike is to discontinue viewing it. The proper response for an adult to discovering their child viewing such content is parenting.

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

'Potential impact' is not enough, and can be defined by anyone for whatever censorship purpose they intend. Actual harm must be demonstrated to justify the restriction of media for adults and children alike. Even if harm is established adults should be able to decide to engage in harmful behaviours providing they hurt no one but themselves.

Content designed for children should be classified as an aide to parents, however parents should be ultimately responsible for deciding what their children see.

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?

Classification requires resources which must be spent where they are most useful. Thus, for example, it is more important to classify popular films.

However these consideration should not be used as a justification for censoring content from adults who should never be restricted from access to any information they choose.

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

Classification of artworks may be useful for providing consumer advice, although I fell it is almost certain that produces of art of an extreme nature would make this clear without legal coercion. Classification should never be used to restrict access for adults. The access of children should be decided by their parents alone.

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

Music and sound recording are much close to 'speech' as it is commonly understood than other media, for example film. There is also very little reason to believe that such content could be considered 'harmful', particularly to adults. Censorship of sound recordings should not exist regardless of content.

Question 9. Should the potential size and composition of the audience affect whether content should be classified?

Only pragmatically as a function of resources available to the classification board. The size and composition of an audience should not be used as an excuse for censorship. If a work is intended for children classification for the purpose of consumer advice is more important than otherwise, but only as advice to parents who may choose to ignore the classification.

Question 10. Should the fact that content is accessed in public or at home affect whether it should be classified?

Non-illegal content accessible at home should never be censored.

Question 11.   In addition to the factors considered above, what other factors should influence whether content should be classified?

How should access to content be controlled?

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?

There are no effective methods to control access to on-line content. The people who built the Internet are smarter than you and will easily bypass any censorship scheme you intend to impose.

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

Children should be only allowed to use the computer in a public area of the house when their parents are present. There is no other effective way.

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

There is no need to restrict access to off-line content such as sexual imagery. The only people who want to see this content are people who want to see this content. Once again, if they are children then only their parents can choose how to approach this issue.

Question 15.   When should content be required to display classification markings, warnings or consumer advice?

Who should classify and regulate content?

Question 16.   What should be the respective roles of government agencies, industry bodies and users in the regulation of content?

There is no reason why it should be necessary in a free society to have a

classification / censorship board. If one must exist it must only be for the purpose of providing consumer advice and have no legal authority. Industry bodies are free to implement their own voluntary standards (such as the video game industry in the U.S.). Users of content have the responsibility to decide what is appropriate for themselves and their children, not to impose their mores upon others.

Question 17.   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?

As long as the government has no legal force to restrict access of information to consenting adults.

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

None. If it is obvious what the content is there is no need for classification. There is never any need for censorship.

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?

Classification categories and criteria

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

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?

There is a pressing need for an R18+ level of classification for video games. The average age of game users is well above 18. The current state of our video game rating system is a disgrace and an international laughing stock. There is never any need in a free society to restrict the access of adults to whatever information they choose.

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?

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?

Refused Classification (RC) category

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

Absolutely none whatsoever.

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

No. The RC category should not exist and no content whatsoever should be prohibited on-line.

Reform of the cooperative scheme

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

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

scheme should be introduced?

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?

Other issues

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

There should be no category of material that is restricted to adults. Australia should not have a government-mandated censorship scheme.