From: Danny

List of Questions

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Approach to the Inquiry

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

5.4 Develop a new framework. The current system does not account for new technologies.

Why classify and regulate content?

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

5.6 Education of end users so that an informed choice can be made by the end user as to whether they want to view the content.

5.7 To protect children from consuming content where it is inappropriate for them to make an informed decision due to their age.

5.8 What content should be classified and regulated?

5.9 Content should only be regulated to protect children.

5.10 Content products for sale within Australia should be classified. Content available online within Australia should have a voluntary classification.

5.11 If content becomes too regulated the system will become obsolete and consumers will simply use online sources. This then prevents any classification advice they will get.

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

5.13 Yes. It would be impossible to classify all information available by devices connected to the internet.

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

5.15 No.

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

5.17 Physical content sold in Australia should be classified. For electronic content, a government website listing material that has been classified, the actual classification and the location of the content should be developed. This classification should be voluntary and the list promoted to the public.

5.18   **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?

5.19   No

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

5.21   Yes

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

5.23   No.

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

5.25   No.

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

5.27   No. Classification is useful for families to determine if content is suitable.

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

5.29   Availability.

5.30

How should access to content be controlled?

5.31   **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?

5.32   Access to online content should not be controlled.

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

5.34   By parents or guardians. A government maintained list of appropriate material would be more useful than blocking inappropriate content. List should be open for all content producers who obtain classifications for all the material on their site.

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

5.36   Control is adequate. By placing additional controls people will source their content from other sources.

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

5.38   When is has been submitted for a voluntary classification or where it is available at retail outlets within Australia.

Who should classify and regulate content?

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

5.40   Government should develop, maintain & police classification and regulation standards in line with current community views. It should give adults the information they need to make an informed choice as to whether they want to consume particular content, while protecting children from content that is seen as inappropriate by the wider community.
Industry bodies should provide feedback to government on what content the community want to consume and have the ability to question classifications of their content. Industry should submit their online work for classification on a voluntary basis. Industry should also be able to give a recommended classification to their work based on government policy.

5.41   **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?

5.42   Industry is too corrupt to operate in a model that allows it to make decisions in relation to its own or competitor's content. A model where industry can produce a recommended classification that can be reviewed and overruled by government would work better.

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

5.44   Industry should not be able to use the same classification model as government, but should instead use a similar but standardised system to recommend the classification. Should this be reviewed by government, the government classification be used exclusively.

Classification fees

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

5.46   Where large complaints from the public have occurred in relation to an Industry classification, that the content producer has not responded to public complaints and this content is found to be similar to the government classification.

Classification categories and criteria

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

5.48   Except for refused classification material it is fine. This content should be made "illegal content".

5.49   **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?

5.50   G and PG classifications could be merged to make a simpler system of classification.

5.51   Content that would be illegal to produce in Australia should be given the classification of "Illegal". Content that is currently not illegal to produce but currently refused classification should be classified "X".

5.52   **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?

5.53   **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?

5.54   Yes

Refused Classification (RC) category

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

5.56   The RC category should only contain material that is illegal. In this case steps should be taken with law enforcement to have the content removed or, if hosted in a country that permits the content, prosecute individuals accessing the material.

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

5.58   No. RC should only contain material that is illegal to produce.

Reform of the cooperative scheme

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

5.60   Classification needs to be uniform nationally.

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

5.62   Federal Government Scheme

5.63   **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?

5.64   Yes

Other issues

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

5.66   Government should understand that restricting information online is not appropriate. It should instead work on promoting content that is classified and where possible hosted within Australia. It should also work towards removing illegal & harmful material through diplomatic relations with hosting countries.