

Rachel Williams' Submission for ALRC Review

Response to Issues' Paper

This review and the review of 1991 are both part of a legislative arc towards simplicity, flexibility, and enforceability with regards to content classification in Australia. This review offers a chance to assess and change the current approach to classification in Australia to a new framework that better suits audience members and content makers.

The Australian Law Reform Commission is to be lauded for undertaking this review process.

I am a professional television classifier who has worked in different parts of the industry classifying content across a range of delivery platforms. I have served an extended term on the Classification Board and this term included a secondment to the New Zealand Office of Film and Literature Classification. My submission is not intended to and does not attempt to reflect the views or opinions of my current employer, past employers, or bodies or individuals with whom I have a professional association. Any views or ideas expressed in this submission are my own and are submitted by me as an individual.

The ALRC should focus on developing a new framework for classification in Australia. The primary objectives of a national classification scheme should be

- That adults should be able to see, read, and hear what they want in balance with the protection of children from harmful content.
- Fairness

The technology or platform used to access content affects whether content can be classified. There are logistic difficulties with classifying volumes of content as large as, for example, user-generated content on social media. While not all content can be classified, it is iniquitous that it be mandatory to classify some content.

In order for the new framework to be equitable I encourage the ALRC to develop a voluntary co-regulatory scheme.

I propose that the scheme itself be one set up in co-operation with all of the States' and Territory governments and the Commonwealth government. Classification and censorship issues can be politicised, and this requirement for consensus assists in off-setting the potential for any government to impose restrictions or remove restrictions in a controversial and extreme manner.

I propose that the scheme involve the development of a set of over-arching principles, and that industry bodies be able to then develop specific codes interpreting these principles that meet the needs of their respective audience members and content makers. That these codes be lodged with a co-regulatory government body that can investigate complaints from

audience members, and that includes an independent review process so that industry members can have the co-regulatory body's decisions reviewed on appeal. I propose that the classification complaints' handling and review process be undertaken by senior professionals with extensive classification experience across delivery platforms and the respect of their professional peers as well as the wider community.

I propose that content be classified by professional classifiers. The development of an appropriate accreditation and training program in association with industry bodies will assist in this aspect of the scheme.

In addition, I propose that the scheme removes time zone restrictions across all platforms, and does not include the current MA15+ category, and associated variants, the X18+ category, or the RC category. Also that an 18+ category be adopted across all platforms.

Finally, I propose that the scheme include the development of an ongoing and dynamic community conversation about classification.

In brief:

- A co-operative scheme between all of the States and Territories and the Commonwealth governments
- A set of over-arching principles developed in consultation with the industry and community
- That industry bodies be able to develop specific codes interpreting these principles
- That these codes be lodged with a co-regulatory government body
- That content be classified by professional classifiers
- That the co-regulatory government body be able to investigate complaints
- That the co-regulatory government body's complaint handling and review process be undertaken by those with considerable professional classification expertise across delivery platforms
- The removal of time zone restrictions across all platforms
- The removal of the MA15+ category and variants
- The removal of the X18+ category
- The removal of the RC category
- The adoption of an 18+ category across platforms

- The development of an ongoing and dynamic community conversation about classification

Outside of cinemas where entry can be restricted the MA15+ category and variants are confusing. It is no longer useful to determine classification of content according to platform delivery so removing this category entirely will simplify the scheme and make it easier to understand.

The current X18+ restricted category has failed: it is unable to be enforced equitably. This content is available illegally throughout the country. That this legislation is ignored so widely allows for any enforcement to be perceived as selective and inequitable. Such content can be subsumed instead into an 18+ category.

The adoption of an 18+ category across all platforms enables the first part of the primary principle of the scheme to be taken into consideration with all classification decisions: that adults be able to read, see, and hear what they want. The success of the R18+ category for films to date confirms that this principle can be adopted in balance with the protection of children from harmful content.

With the arrival of the internet much of the recorded gamut of human behaviour is available to most people. Historically in Australia the classification regime has been moving away from censorship towards the classification of content, and changes in technology confirm the need for this shift. It is time now to remove censorship from the classification scheme. Criminal content can be considered under relevant legislation through the criminal justice system, rather than as any part of the classification process.

The most effective methods of controlling access to online content is through

- Education of audience members
- Having a body to whom complaints can be made about criminal content

Children's access to potentially inappropriate online content can be better controlled through education of both children and parents.

The scheme I propose would be simpler, able to be enforced, and would be more fair. It is clear that such a scheme would ensure that adults would be better able to read, hear, and see what they want. Importantly, such a scheme would also ensure that this is balanced with the protection of children from harmful content.

If the classification of content is voluntary, and the classification of content is undertaken by expert professionals, as now with television classification, then it will be relied upon as a credible and valuable resource. Advances in technology include parental lock systems. Content makers who wish to appeal to audience members using such technology will be motivated to classify content.

There will be real value for content makers in having a G rating attached to a children's program, for instance, if they wish to attract an audience of children. The rating will be a

visible and recognisable flag to parents across platforms. Unclassified content may be able to be locked out by concerned parents.

With the advent of new technology it isn't possible to censor all content however producers and creators of content can create reliable sites for audience members through the provision of classification advice and the expert moderation of content.

This should be the emphasis of the new classification system: to inform audience members of the nature of content.

Developing an ongoing and dynamic community conversation about classification should include an education campaign about the meaning and rationale for classifications, and the prohibition contained in the Criminal Code making it an offence to expose intentionally a child under the age of sixteen years to indecent content.

It would be appropriate and beneficial if the co-regulatory government body also held regular conferences and seminars around the country at which the best practice models globally and the latest research into audience behaviour, children's development, and topics of community concern such as violence in the media can be discussed and disseminated.

Other ways that the framework might be improved include by investigating other approaches internationally. Perhaps with broadcast content Australia would be better served by a watershed approach that allows a clear distinction between general family entertainment and content suitable for an adult only audience.

Thank you for the opportunity to participate in this review.

Yours faithfully,

Rachel Williams