ALRC review of national classification scheme

Response by John Kingsmill

List of Questions

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?

Why classify and regulate content?

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

A classification scheme should primarily give consumers, especially parents, accurate information about the nature of classified material, its themes and its content. The classification should reflect community standards and prevent distribution of material contrary to those standards. It should prevent distribution of material likely to stimulate anti-social behaviour.

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 interactive nature of computer games amplifies their effect on players, therefore they should be more restricted than other forms of presentation.

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

The classification should provide accurate guidance to all people even without complaints. Complaints may indicate modification of a classification is required or expose a breach of the code.

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

To provide accurate guidance to all people, especially parents, as to what is the potential impact, classification is needed regardless of what that impact might be.

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?

Content should be classified regardless of size, market position or potential market reach of producers.

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

Artworks that portray violent, sexual or nudity themes should be given a classification independent of any artistic merit, suitably advertised, to at least provide consumer advice. Artworks, regardless of artistic merit, that may be construed as pornographic or exploitative, particularly of children, ought to be classed as 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?

Music should be classified according to the theme and the content of any lyrics, particularly their treatment of violence and sex, especially any demeaning treatment of women. Recordings such as audio books should be classified in a way similar to films.

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. Access to content at home can have a greater impact than in public because of the ease of reinforcement by repetitive exposure.

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?

While it may have some limitations, mandatory filtering of internet content at ISP level appears the best way to exclude material classified R18+ or above. Effectiveness of this would be improved if only suitably classified material could be accessed, with unsuitably classified and unclassified content being blocked. It is too easy for young people to access anything available on the internet.

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

This would require classification and ISP filtering.

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

Such material should be confined to restricted areas, out of sight of children and the general public.

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

All the time on the content's packaging, in its introduction and whenever it is promoted.

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?

Government agencies should do the regulation. Users should have input to but not control of the regulation. Industry bodies may have limited input to the regulation but no control of it.

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?

Due to commercial interests and lack of accountability, the industry self-regulation is too susceptible to being ineffective regulation.

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

Industry could submit proposals for classifications with reasons, but the final classification should be by government agency.

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?

Classification categories should be reduced by removal of R18+ and X18+. R18+ should not be introduced for computer games. Present classifications need to be tightened, with some material being moved from its present classification category to a higher one. Material with explicit violence or sexual acts have been implicated in violent acts and sexual abuse.

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?

It would be helpful in avoiding consumer confusion if classification codes were consistent from one form of material to another.

Refused Classification (RC) category

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

Access to content that is presently restricted to R18+, X18+ and RC should be prohibited.

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

Current R18+ and X18+ restrictions should be added to RC.

Reform of the cooperative scheme

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

Consistency is important because of the free movement of material between states and territories.

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?

It depends on how cooperative the States and territories are.

Other issues

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