

CI 1544 D Burke

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Q1:

This is a decision for policy makers to make. Although the cheapest/fastest option that completely achieves the goals should be taken.

Q2:

Recognition that the primary market for Video Games is the 20-35 age group, and providing appropriate classification given this information.

Allowing for voluntary classification of the products by the developers, so that lower budget international entities can provide ratings. Many independent titles have expected international returns in the \$50k range, and applying for classification in a tiny market like Australia is ridiculous.

In the event of a work having no clear ownership, or profits not exceeding a certain amount, and it's market penetration exceeds a certain threshold, the Government must classify it at it's own expense.

Q3:

This is dependant on the cost of classification. If classification requires an external body to perform (such as a government appointed agency) and this service costs money, then any title that cost less than five million dollars to make should be exempt from requiring classification in Australia.

Q4:

In the event that classification is voluntary and carried out by the developer, then complains should be taken seriously, proportionally to the development cost of the title. In the event the title was classified by a government appointed body, complaints should be ignored, and/or directed to the guidelines for classification.

Q5:

Absolutely not, "potential impact" is too subjective a term. In the event that classification requires the developer/publisher/distributor to pay an external entity for the service (such as, but not limited to a government appointed body).

> Should content designed for children be classified across all media?

This is a terrible question, the target audience should have no impact on the decision to or to not classify a product, and the media it is published on should similarly have no influence on classification decisions.

Q6:

Absolutely not. The only factor that should be considered is the cost of development (including advertising).

Q7:

If the artwork is to be duplicated for distribution, then classification should be considered. If the artwork is unique, such that it is the only instance of the artwork presented as the artist(s) intended, then it should be void of classification considerations.

This definition of classification exempt artworks would include Paintings, Sculptures, Live Performances, Installations, etc.

Q8:

Yes, all media that is subject to duplication for distribution should be under the same code regardless of delivery method, distribution media, etc. Books, Movies, Computer games, Magazines, Holy Texts, Historical Texts, Music. Any item that is a work of fiction.

For the purposes of classification, a work of fiction is anything that does not "Describe physical phenomena that can be demonstrated in a laboratory".

Q9:

Size, Yes. Composition, No.

Q10:

Q11:

Q12:

Parental supervision is the only effective method of controlling access to online content, and is the only method that should be endorsed by the government.

Q13:

Parental/Guardian supervision. Programs educating parents/guardians of the dangers of the internet, and that it is their responsibility to monitor their children at all times while they are using the internet. Parents/Guardians of children who are left to use the internet unsupervised should be charged with a criminal offence.

In the event that a child is abducted/missing/killed/molested/exploited in any manner, and at any point unsupervised internet access is discovered to be a vector through which the deed was initiated, the parents/guardians should be charged with the same charges that would be applied to the perpetrator, regardless of whether the perpetrator is identified or caught.

Children having unsupervised access to the internet should be considered negligence, and the harshest penalties should be applied to parents/guardians as a brutally strong reminder of what their responsibilities are. The only alternative is to ensure that guns are not capable of shooting children, and that cars are not capable of running them over. The internet, by its very nature, is dangerous. Attempting to make it safe is as silly as the examples I just provided, educating people on proper internet safety should be the only concern the government has regarding internet policy.

Q14:

I believe current controls are sufficient, if not excessive. I was not aware this was a problem, however this is not my field of expertise.

Q15:

When it is distributed through a distribution channel that is available to the general public, such as Broadcast Television, Cable or Satellite Television or Physical Retail Outlets.

This definition should be clarified to explicitly exclude "specialised channels", such as "Adult Shops"

(this would include pornographic retailers, bars & pubs, or any other place where it is reasonably expected for the patrons to be adults) and online distribution (as all internet use should be supervised).

Q16:

Industry bodies should be in charge of rating (this includes primary producers), users should be expected to report breaches, and government agencies should be expected to investigate reported breaches, and on discovery of breaches, administer fines.

Q17:

Yes, Yes, a million times Yes.

Q18:

Absolutely 100% of content should be classified by the producers.

Q19:

As the makers of the small independent films should be classifying the content themselves, government should have no role subsidising classification.

Q20:

I believe M15 and MA15 to be needlessly redundant. Also that the distinction between R18+, X rated, and denied classification to be deliberately confusing and very poorly outlined.

Q21:

Yes, General (G - not in any other category), Parental Guidance (PG - cartoon violence), Mature 15+ (M15 - realistic violence, display of internal organs, adult themes, nudity such as one might find at a public swimming pool, death), Restricted 18+ (R18 - discrimination of any kind, any nudity that would not be legal in public, instructions to build controlled items, such as explosives, firearms, drugs), and Criminal Possession (CP - child pornography only).

Everything that is currently "denied classification" that is not deemed to be Child Pornography should be merged into R18+. Child pornography should be defined to be "Any sexual activity where a minor is present", and explicitly not "Anything that looks like a minor". Drawings could not fall under those definitions.

Q22:

I am not familiar with the matters pertinent to this question, however I will say that there should be no difference at all between the classification criteria employed between different formats.

Q23:

While I am not familiar with the text of these articles, I feel very strongly that there should be one document only, upon which all classification decisions will be made in accordance.

Q24:

None. The internet should not be regulated. It should be everyone's responsibility to report illegal content to the appropriate authorities. Content that is legal in Country A, should not be blocked in Country B. Country B should apply diplomatic pressure onto Country A to change it's standards of what is illegal. If someone from Country B gets illegal content from Country A, then they should be charged not only with having the illegal content, but also importing it (which should be illegal if it is not)

Q25:

Absolutely not.

Q26:

State and territory classification laws should be abolished. This should be a national issue.

Q27:

There should be one document describing the scheme, authored at a Federal level. Industry should adhere to the documents guidelines. ACMA should respond to reports of breach, and administer appropriate penalties.

Additionally, if ACMA takes more than a single month to complete processing a reported breach (including administering the appropriate response), then the government should be taken to turn for letting ACMA decay, and ACMA should have their funding increased.

Q28:

I don't think the states should be given the choice.

Q29:

Other comments:

I feel that centre stage should be taken by the need to educate people that the internet is dangerous by it's very nature, and that it can not be tamed. This is inherent in its very design. I feel a great example of this, is the program "Tor".

Tor is an unstoppable open source anonymity tool. It can not be deleted, it can not be disabled without disabling the entire internet, and is frequently used for all manner of horrible things. It is quite impossible to determine the identity of someone carefully using Tor. Tor is also host to the "darknet", a colloquial term for websites who's origin can not be determined. All manner of depravity lives on the darknet, and absolutely can not be traced or silenced. With such heinous possibilities, you would expect that only the sickest individuals would be responsible for it's creation.

Actually, Tor was made by the United States Naval Research Laboratories, and the US has frequently used it in covert operations abroad. If ASIO is not using it, they should be.

Thanks to Tor, Internet can not be made classified or made safe, and any attempt to do so is a total waste of resources. Like all things dangerous, firearms, motor vehicles, spiders, snakes, the desert, etc, the only method of mitigating the dangers is by educating people in the appropriate safety measures, and by supervising minors while they use it.

Similarly, all classification is useless without parent/guardian participation, and people should not expect classification to fill that role.