

CI 1565 R Williams

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Q1:

It should improve elements of the existing framework. The current classification system has evolved over time, since 1971 to what it is now, and while there are problems with it (see below), creating a new system would be reinvent the wheel (waste tax payer's dollars) and confuse the public, who already have trouble understanding the concept of classifications and their specifics. Let's just bridge the gaps and move on.

Q2:

Classification only, i.e. informing the public of content. Not censorship. It should allow all artistic expression except for depictions in which the activities are illegal, e.g. the participants are clearly not consenting. This is a key point, and it informs my whole approach to tweaking and reforming the classification system, while also removing logical stumbling blocks that are decades old.

Q3:

Is this question is really about censoring the internet? What I said in Q2 should apply to online. There is already policing of illegal internet content done by the AFP and other agencies (some via international cooperation). This is all that is needed. Classifying and/or restricting internet content is not necessary as long as this policing continues. Perhaps it should be given more funding.

Q4:

Too much weight is given to "complaints". In the past, we've had the ridiculous situation of books, movies, print media, music, and art being banned because of one complaint. The classification status of an item should only be reviewed if the number of complaints represents a significant proportion of the population, e.g. 100,000s of complaints. However, If my proposal in Q2 is adopted, the public will not actually be able to trigger a review because 100% of legally produced content released will be acceptable under the classification scheme. Anything else would be a police matter. Simple.

Q5:

This question is confusing. And...for "classified" read: "censored". Again, if my Q2 proposal is adopted, the requirement is to classify content where possible. For internet content, which now can be accessed via mobile devices by minors without parents present, it will not be possible to classify content. That said, in my experience, young minors (under 10 years old) are not actually interested in so-called adult content, but rather juvenile distractions such as kid's networking sites, The Wiggles, and the music of Justin Beiber. And while the risk of children seeing adult web content (let's use the p-word...porn) is present, this is out-weighted by various degrees of actual child abuse by parents and guardians, broken homes, poverty, drug and criminal environmetns, etc. happening in the average Australian home. That larger, ongoing social catastrophe is much more urgent and perilous to minors than exposure to web porn and so-called violent video games. Drop the hypocrisy. Let's also remember that books, stage shows, music, and art gallery works are not classified, and societal morals have not crumbled.

Q6:

If I understand the question, then no. The language in these questions is a bit dodgy. Note that in Australia, "classification" also includes "censorship", thanks to the refused classification (RC) provision. The ALRC should keep this uppermost during its discussions. When don't just have classifications, but also censorship in the form of banned RC content, although the OFLC does not mention this in any of their obligatory advertising ("Informing your choices"...and sometimes removing them).

Q7:

No. We've done OK so far without this rule. I remember seeing warnings in galleries when the content was adult in nature. This should continue to be left to gallery curator's discretion. Mass media hype should also not influence the status of controversial artworks.

Q8:

For "regulated" read: "and possibly censored". No. What is the value-add if they are? Is it even possible to classify all audio recordings, given that audio downloads from overseas retailers are now de rigueur for many Australians? This topic actually falls into the internet classification/censorship realm. I remember the US band Cannibal Corpse getting into trouble over its CD artwork and lyrics. This has since passed and their CDs are freely available in uncensored releases. A key question for this ALRC review body remains: what has any previous ban or restriction achieved, apart from political point-scoring for those who had the power? If the answer is "nothing" then why consider having a flawed system in place just to satisfy the likes of one-time Senator Harradine, who imposed the NVE compromise for XXX porn?

Q9:

For "classified" add "and possibly censored". No.

Q10:

For "classified" add: "and possibly censored". By "home" I assume you mean via the internet. No. I suppose the upshot is that any item that in an electronic format should not, and more importantly cannot, be classified, so why bother? Especially if all content is allowed as per my Q2 response.

Q11:

For "classified" add "and possibly censored". None I can think of. I believe that obscenity laws cover offensive content created within Australia. Quite rightly, these should be judged on a case-by-case basis, as with the Bill Henson photography exhibitions, which were later classified PG by the OFLC. I fully support this process. That said, police storming such venues and seizing artwork smacks of a totalitarian regime. It's a bit melodramatic and absurd.

Q12:

For "restrict" read: "censor or ban". There should be no restrictions to legally-produced online content. I ask again: what deleterious effects has unrestricted access had on Australia so far? The world? If the answer is "well, none" then why fix a problem that doesn't actually exist? The crux is that the government wants to impose outdated RC restrictions to online content, e.g. BDSM porn, watersports porn, edgy horror films, 'offensive fetishes', and so on, to satisfy minority lobby groups. If this content was allowed under the R 18+ and X 18+ classifications, then there would be no need to censor or police general internet use...as happens today.

Q13:

Via education, parental guidance and supervision, software tools, age-based authentication protocols...perhaps a voluntary national system in which all minors are registered and can use their validated profile to access suitable websites, while being restricted from other websites. But his needs cooperation from overseas interests. Once again I have to ask...what harm has been done to date? The bullying phenomenon occurs on public, G-rated social networks like Facebook and, if you believe the media, sexual predators also prowl this forum (just as they did and do at schools and playground and shopping centres and churches). What will an iron-clad age gateway on [www.cumbots.com](http://www.cumbots.com) do for these quite serious and harmful localised, offline problems? I think this discussion should be happening at a global scale for any progress to happen, assuming it can be justified (which I doubt).

Q14:

The current restrictions -- 18 age restriction, items seals in plastic, lurid covers obscured -- are adequate. Is there actually a problem, or are the conservative interest groups just trying to obtain decades-old objectives? I think this concern is a red herring, and always has been. Naked people posing or having sex. What's the big deal? Children being raised by drug addicts or in poverty....that's a bigger problem.

Q15:

A good, practical question. When there is a risk that the average punter risks being exposed to content that he or she did not expect, then classifications are justified: movies, TV programmes, perhaps magazines, and computer games, given that adults might buy games for children. For everything else (books, online and electronic content, music) consumers actually have to know or guess something about the item before buying it, downloading it, listening to it. Visual media like movies, magazines, TV, and video games are prone to presenting confrontational images that unfold before the viewer realises there is an issue.

Q16:

Government: oversee and enforce a modern, sensible classification regime (standardised across all states), and to refer illegal content (when intercepted by say Customs or via tip-offs) to the police. Industry: conform to the classification legislation. Users: be smart enough to understand the classification and consumer advice labels. And while the colour-coded OFLC classification legends fuck up the cover artwork of items on sale (compared to the UK and US, which have discrete icons), this is preferable to members of the Aussie public complaining that the latest RAMBO movie was more violent than expected.

Q17:

I think the current classification system works well (except for R18+ and X 18+ limitations that spawn RC judgements). The US uses an industry-based system under the MPAA. Over the years, I've found that this group is less consistent than the OFLC or the BBFC (refer to the documentary THIS FILM IS NOT YET RATED). The US system is also crippled by the NC-17 rating, which is commercially unviable, thus studios aim for the R rating (basically a strong MA 15+). These issues are not due to industry custodianship. I'm having trouble understanding what "industry" means in an Australian context. ISPs? Village Roadshow? Sony and BMG? The local petrol station?

Q18:

For "industry" read: "ISPs" and "movie distributors" I suppose. A leading question, one that implies reducing the OFLC's workload (and costs). Obviously, anything that was clearly MA 15+ or less could

be handled by industry clerks using a small laminated reference card. The situation where R 18+ equals less box-office is a conflict of interest. But my problem with the current system is that R 18+ and X 18+ are not broad enough to handle all legally-produced content.

Q19:

The current user-pays approach is sensible. I'm not across the current pricing structure, but I believe it's not cheap. It really should be set up as a function of how much effort it takes to classify a title. Introducing a fee scale based on...what, budget? distribution units? projected box office? filmmaker smugness? seems to be a 'slippery slope' problem waiting to happen. What should be done is that OFLC decisions are made regardless of the production values of a title. As a hypothetical example, why should A SERBIAN FILM be banned while RAMBO, which had a massive body count and a mindless plot, be granted a classification? It's all just special effects, acting, etc. The real problem is that eggy material is deemed RC when every fictional title is all merely different flavours of the same artifice. If the classification guidelines were simpler, maybe the cost of classification could be reduced. See Q2!!!

Q20:

About five-ten years ago, this was true. Friends told me as much, and you'd get the occasional news article about a mum who took her kids to see 28 DAYS LATER without knowing the content. Today I think the OFLC public awareness campaign has been successful. Making the TV ratings the all same as games and movies was a masterstroke. I think if anyone finds the ratings confusing today, they'd be in a minority and no level graphic design (screaming holograms?) could bridge that gap. This is a trivial problem, assuming it exists to any statistically significant degree.

Q21:

Another good question. Currently, R 18+ and X 18+ cannot accommodate so-called extreme content. There is no R 18+ rating for computer games. As stated in Q2, legally-produced content that is currently deemed RC (i.e. banned) should be allowed in R 18+ and X 18+. All of it. The great dirty secret of the Australian classification system is that many XXX titles are banned regularly. Why? Because of the fall-out over non-violent erotica, X 18+, and one-time conservative, Senator Harradine. If the ALRC does one thing in this review, it should lift the restrictions on X 18+ and R 18+. Only illegally-produced content should be refused classification; it should be referred to the AFC. A new rating for this extreme content seems to be an absurd overkill, but if it helped to classify this extreme content rather than ban it, then great....then we can move into the 21 century. Until then, we're hardly much better than countries that ban HARRY POTTER movies.

All other classifications are, to me, fine. As I said, they have evolved since 1971 to their current specifications. They're perfectly serviceable for another 100 years. Just remove NVE and RC for legal content. A good test case is bestiality. I never understood why this was banned, given that animal cruelty occurs every day in slaughterhouses across the country and O/S. Any changes to X 18+ should accommodate bestiality...the thought makes me cringe, but what's the actual harm in releasing it? I'll leave the ALRC to debate that point over a pub lunch...

Q22:

They are already consistent, except for computer games, which should have R 18+ and X 18+ ratings. There's no real hope of classifying electronic content...that horse has bolted. Forget it. The

best thing to do is to let go of archaic "guidelines" and accept that it's a global market, with content providers of all types out there. A form/disclaimer that people sign/accept when they apply for broadband access should be enough. Perhaps even a test, like a learner's permit?

Q23:

Consolidated in the sense that restrictions are changed to accommodate all legally-produced content. In other words, consolidations should not adjust acceptable content down to the lowest level, e.g. no R 18+ for computer games or movies, etc. Come to think of it, TV should have R 18+ and X 18+ content...perhaps with a permanent watermark showing the classification.

Q24:

Content that is produced/created in contravention of existing Australian law: real rape, incest, non-consensual injury and/or death, i.e. illegally produced. These are matters for the police (local and international). Australian and O/S authorities are already policing such content. Local broadband users can report such suspected material, just as they can report a robbery in progress or knowledge of a crime. Laws already exist to deal with this material. Move on.

Q25:

No. R 18+ and X 18+ are too limited. Too many items are deemed RC (read: "banned"). Search the OFLC database for RC items to see what the current guidelines exclude...it's a long list, one the general public are almost entirely ignorant of. To apply the current RC scope to internet content typifies the whole problem with any mandatory internet filter. One solution is to deem RC content legal to download and to own for personal "use", but it is not legal to distribute. This is almost analogous to the US system in which "unrated" content is allowed in the market place, or to owning a small amount of weed to smoke at trendy rooftop bars. With the internet, this situation is already a reality. Any ISP filter will have holes. It's software, in the literal sense...not hard, soft. To restrictions in place is so transparently a political move it's pointless to suggest otherwise. Just to implement the NBN on budget should be the government's main concern.

Q26:

From what I understand, the commonwealth govt sets the censorship laws, but the states may or may not enforce/accept them. Censorship provincialism in the states is as silly as banning computer games, even though countries such as New Zealand, the UK, and the US allow the same titles. Promote what, exactly? Any differences the states impose counter to the commonwealth system tend to be ridiculous. Examples: the QLD Board of Review, which banned R 18+ and M 15+ movies freely available in other states, and the SA government, which imposed blank covers for R 18+ titles / under the shelf sales. WTF? That said, the NT and ACT allow X 18+ sales. I think national consistency should be one recommendation of this review. States may not want sex shops sellings X 18+ content, but the reality is that they already do in NSW and VIC for certain.

Q27:

A consistent, logical scheme that allowed all legally-produced G to X 18+ content, with the appropriate classifications, and age-restrictions for 18+ material. The alternative is that Australians living outside the NT and ACT get X 18+ porn via mail order or online (720p 16:9 video is standard, 1080p video is also available). This is the proverbial elephant in the room. The government should face up to the reality of human sexuality and take the progressive route, possibly overruling state attorney general's traditional jurisdiction. If not, any classification/censorship system must be contrived to

restrict/ban/censor content that the vast majority of people would never seek out, with a provision for silly state-level amendments. This is the clunky system we have now. Throw ISP filtering into the mix and you've got a legal dog's brekky.

Q28:

Yes. If not, the states should prove that their own constituency are sufficiently "unique" to justify deviating from the commonwealth classification system. I doubt this could ever be proved. Therefore they should be forced to adopt the national scheme...assuming that scheme reflects modern realities of technology and the public's right to be informed and most importantly, to choose. No nanny country thanks.

Q29:

I think I've covered everything above.

Other comments:

We must leave out-dated modes of thinking behind. Existing guidelines, especially for X 18+ porn, are based on conservative, ostensibly Christian, so-called values in a largely secular society. This runs counter to widely accepted attitudes to sex, etc. Furthermore, access to the internet renders these restrictions utterly pointless, impractical, tokenistic, political, irrelevant, redundant.

Talk of online, ISP-based mandatory censorship from Senator Conroy and the government attempted to marry legacy OFLC thinking (circa the infamous John Dickie) and conservative lobby group agendas with modern technology and the whole "protect the children" rhetoric. Needless to say, this was re-election suicide, and Labour wisely dropped it. These arguments did not stand up to logic...that's why they failed.

With this ALRC review, we have a great opportunity to acknowledge certain truths and realities, and move forward with a system that informs the public rather than insulting its intelligence and bending over backwards to accommodate so-called religious values, and only then in the interest of getting votes rather than in the wider national interest. With the internet, the government has lost control. Is that a bad thing? There are bigger societal problems to solve than whether the blood splatters in a video game are red or green. Don't let the tail wag the dog.