

CI 2006 E Ball

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Q1:

The ALRC should develop a new framework based on industry self- or co-regulation. This will allow markets to reduce the costs of classification on small businesses and individuals. In turn Australians will experience a broader range of content as it will be easier for creators to produce it.

Currently I can download any game on my iPhone, and they are all classified by Apple. But I can't download any Xbox Live Indie Games because none of them are available in Australia due to the punitive cost of classification. Yet they may be the same game, just on different platforms. Industry self-regulation would make this bizarre problem go away, rather than having to rely on the law staying abreast of developments in the marketplace.

Q2:

To provide informed recommendations to consumers as to the appropriateness of media content for them and their dependents aged under 18. This is really the only purpose which should matter. Parents are responsible for preventing harm to their children, and a classification scheme can only help them make better decisions to achieve this. Laws alone cannot guarantee child safety, and the freedoms of adults should not be compromised by a quixotic attempt to do so. If an adult wants to ignore the recommendation of the classification, then they should not be legally compelled to follow it. This model is already used for preventing harm to children by the Alcohol, Tobacco and Gambling industries, and is successful at doing so whilst at the same time allowing adults the freedom to consume what they want.

Additionally it should not be the purpose of classification laws to make content illegal. If content is considered harmful, it should be labelled as such, but left to adults to make their own decision. If content is considered illegal, then there is no point classifying it as 'refused classification'. To do so would make as much sense as charging illicit drug dealers for not displaying a warning notice that what they're doing is illegal, in addition to their already illegal activity. It's asinine and pointless because every adult already knows that it is illegal, unless ignorance of the law has become ok since I last checked. Children are fortunate enough to already have their parents responsible for informing them of such matters.

Q3:

Yes. The different mediums by which content may reach consumers operate in very different ways. They may be ranked in the ease by which parents can control their children's access to. The hardest for them to do so are broadcast mediums (TV, Radio and people with loud voices) and signage. They are hard to control due to their pervasiveness. Therefore the classification scheme should provide the most service to parents by preventing display of offensive material through these mediums at times when it is hard for parents to control their children's access to those mediums. So for TV you would have higher-rated content later on at night so that children would not be expected to see it, and

advertising signage would not be allowed to be harmful to any children who would be expected to see it. So a classification scheme would have to take an active, constant role to ensure that content available in highly public places and daylight hours isn't too highly classified.

Then you have mediums that present a easy difficulty of control for parents. These are on demand mediums, such as video on demand, DVDs and video games. The content available through these mediums is only displayed when an operator chooses to access them. Because of this, parents are best served by a lockout system that they can control. This way game consoles can be set to not play games rated at or above a chosen classification level unless a code is entered by the parent that allows a one game session per code entry. Similar systems can apply to on demand video devices and others such as disc players, game consoles with inbuilt movie storefronts and set top boxes. Because of this, a classification scheme merely has to mandate the presence of such a system and provide the content ratings.

Finally there are mediums which present a mixed difficulty. These are user defined and user created mediums, such as the Internet, and devices anyone can publish for such as personal computers. Due to the multitude of content created every day (for example every 60 seconds people upload 35 hours of video content to youtube - <http://youtube-global.blogspot.com/2010/11/great-scott-over-35-hours-of-video.html> - the length of 176,000 hollywood movies every week) it is simply impossible to classify material, even on a complaint basis or via industry self-regulation. Parents can control these only by supervising and training their children, or denying them access. Filtering/whitelisting software can be purchased for personal computers or deployed in ISPs but real-world usage has significant rates of false positives and false negatives (including bypassing of the filter or whitelist itself) despite vendor claims.

Instead censorship of the Internet is best left to the individual communities that it is made up of. Many sites which host user-created content (e.g. YouTube, Facebook) allow users to flag each other's submissions as inappropriate, and have their own site policies about what is acceptable to upload. In this way many internet communities can be considered self-governing with a multi-tier system consisting of owners, admins, moderators and users, often backed by a 'constitution' of written policies.

Q4:

Yes. In conjunction with industry self-regulation, a complaint-based system could result in considerable streamlining and cost reduction of the classification scheme. An important factor would be for the complainant to bear the full cost (\$8000) of investigating the complaint. This would cover operating costs without hurting small content creators and have the effect of filtering the amount of complaints to only those which were sufficiently serious. Additionally the quality of complaints could be expected to rise. It is important that refunds of the cost to make a complaint aren't given regardless of the outcome, otherwise the desired filtering of complaints will not occur as complainants would otherwise 'bet on themselves' and decide to make complaints on the assumption that they'd get their money back.

Classification does not have to be perfect, instead it must merely be descriptive. Parents have the ultimate responsibility of deciding what they want their children to watch. If the classification scheme assists parents in making an informed decision, then it has succeeded. The purpose of erecting a high barrier to complaints is to reduce operating costs (which would otherwise increase exponentially over time due to the ever-increasing market size) and ensure that only serious, vetted complaints are made.

Q5:

No, because all that is required is descriptive advice for a prospective purchaser or viewer to make a decision. The classification scheme should not try to be a nanny to the nation's children.

Q6:

No. Certainly the more popular the content then the better value for money spent on classifying it. However not classifying non mass-market content will result in the sidelining and marginalising of that content. This would be because schools would be afraid to use it, parents to buy it, etc. leading to content outside the mainstream coming to be seen as a dangerous unknown by consumers. This would end up reducing our cultural diversity as a direct result of the classification scheme, an undesirable outcome.

Q7:

No. Art is meant to provoke the viewer. Whether anger or wonder, hatred or love, it must have an effect. Every art piece in history since cave paintings has or will be disliked by somebody, sometimes large groups of people from ancient iconoclasts to today's people who think any photo of a child is automatically pornography. But if anything, it's art that fails or has failed to provoke which should be banned. Death to kitsch!

The idea of banning art from galleries seems reminiscent of nazi germany's campaigns to censor and destroy what they thought was "degenerate art" (http://en.wikipedia.org/wiki/Degenerate_art), to kill modernism itself. Art charts its own path within our hearts and minds, and it's not for us or our government to say what that should be. Art which is not significant will experience a worse fate than being banned. It will be forgotten.

If I want to vegetate, then I can watch soaps on TV every day. If I want my horizons expanded, I go places and see things I have not been or seen before. Art provides this. If going to a gallery is a traumatic experience for some, it's not the purpose of a classification scheme to ban what discomforts them. Art such as The Dream of the Fisherman's Wife and Guernica are extremely confrontational, yet are considered masterpieces and have influenced human consciousness. To 'restrict access' to them is to disenfranchise us from our cultural heritage and deny us our right to participate in our own shared culture.

Providing consumer advice is unnecessary, because art is not 'consumed'. Imagine the absurdity of a sign in front of Michelangelo's David: "Warning: Nudity". That's hardly the point, is it? Children could go to worse places than an art gallery.

Q8:

The current state of classification in the music industry is already close to that which is desirable for most content. So it shouldn't be changed beyond slight adjustments necessary to be compatible with the new classification framework.

Q9:

No. Certainly the more popular the content then the better value for money spent on classifying it. However not classifying niche content will result in the sidelining and marginalising of that content. This would be because schools would be afraid to use it, parents to buy it, etc. leading to content outside the mainstream coming to be seen as a dangerous unknown by consumers. This would end up reducing our cultural diversity as a direct result of the classification scheme, an undesirable outcome.

Q10:

Yes, content that is publicly accessed is subject to community standards. But if that content is accessed in a private home, it should not be subject to community standards.

Q11:

Some platforms such as game consoles, portable game systems and smartphones are more likely to be used by children than others, like personal computers. Perhaps the classification scheme would be more efficient if it were to not require classification of personal computer software, and other media not commonly consumed by children?

Q12:

Illegal content shouldn't be restricted under the National Classification Scheme, because it's already illegal. There should be separate methods for that, preferably including a judge and court. For example it is asinine to filter online child pornography, effectively accepting its presence and basically saying that it's OK as long as we can't see it, when instead the police could just take the website down, usually arresting the persons responsible as well. If it's illegal, then simply have the police and the court system deal with it.

Probably the single most effective measure would be for ACMA or another authority to provide a directory of non-restricted websites. Each website could volunteer for classification and if they passed as child-suitable they could be added to the directory. Parents could then use the directory to plan the Internet use of their children, and also computers could be configured to only go to (and follow links to) sites in that directory.

Q13:

By better education of their parents on how to manage, supervise and control their children's internet access. Also the government previously paid for optional internet filter software packages, and these were very effective because those who were concerned enough to use them did while not affecting those who did not.

Access control methods are difficult to use online. Many people value their privacy and would not like to give their details to websites they can't see the inside of before entering their details. This is like having to let a store make and keep a duplicate of your ID before you even get to see the store. This are much more onerous than what is required to purchase offline content, which is to merely look sufficiently over 18 or briefly show ID. Therefore it is too high a burden to mandate an access control

method for website use, to do so would be to basically say that websites in Australia with 18+ content cannot be profitable due to having to operate under very restrictive laws, while brick and mortar stores that sell and display the exact same content can be profitable under much less restrictive laws. Instead a simple dialog on the site's front page asking if the visitor is over 18 - and not allowing access if the visitor states that they are under 18 - should be sufficient.

Q14:

It couldn't. The days when Playboy in the newsagent was shocking are long behind us. Community standards have moved on, albeit unreflected in the law, and these days such magazines are seen as so tame as to be boring.

Q15:

At the point of sale and in advertisements is quite sufficient, although can "check classification closer to the date" etc. ratings be made less prominent please? They are very annoying. Briefly shown in the corner of a trailer is quite sufficient, I don't need a black screen with a giant marking in the middle for 5 seconds at the start of every. single. one.

Q16:

Government should provide the framework, guidelines and reviews by which industry bodies classify content. Users of all age groups should be regularly surveyed by the government to keep the guidelines continually relevant.

The current system is very prone to stagnation and very hard to bring up to date, as evidenced by Australia being the only developed nation without a R18+ equivalent category for computer games. This is despite overwhelming public support existing for one, and there is still no resolution to the problem in sight.

In particular, the new system should be designed to prevent single people from sabotaging the process, like crackpot and/or fundamentalist state attorney-generals.

Q17:

Yes, much more so. The exorbitant cost of classification is only sustainable for large and medium businesses. However much of the economy is reliant on small businesses and (particularly for new digital media) the self employed. Therefore the present system must change to something whereby the costs can be borne by those smaller operators.

Q18:

Advertisements, Movies, TV shows, Games, Apps & Books would make a good start, with transition towards industry classification available for other content once the industry indicated they were ready.

Q19:

In all circumstances the cost of classification should be minimised by whatever means are available, because it currently represents a tax on our creative industry that disincentivises production. This is because the more content you make, the more classification fees you pay. This leads to creators trying to make fewer projects, and worst of all, employ less risk-taking in doing so because they become reliant on every single project's success to continue operating. Particularly in the computer games industry, one failed project typically leads to the shutting down of the entire studio and the exodus of skilled workers to overseas where classification costs are almost exclusively cheaper.

For small independents it is particularly acute, the huge cost for classification typically dwarfs the entire production budget. This is a ludicrous state of affairs in an economy where you can become a popular overnight from even the tiniest production.

Q20:

M and MA both have an M in them, this is confusing.

Q21:

Yes, R18+ for computer games.

RC should be removed. If the content offends "against the standards of morality, decency and propriety generally accepted by reasonable adults to the extent that they should not be classified" then put that on the box, don't allow it to be retailed outside of adult stores/websites, etc. but let me make my own decision to buy it. I am an adult, I don't need the classification scheme to be my mother, I don't need my neighbours to approve or even know, I just need advice. These things no longer need to be sold at the corner store for me to buy them, and they don't need to be on TV for me to view them. The way our society consumes media, and the way our culture considers subjects taboo has moved on. It's time for the classification scheme to follow.

There was a time when a great many things "offended reasonable adults to such an extent" such as depictions of women in positions of power, aboriginal equality, sex outside marriage and not to mention positive LGBT role models. But just because the majority was offended by these, we recognise it isn't wrong for these things to exist. So why should the minority be tyrannised by the majority? What business is it of the government what adults of sound mind and body do in the privacy of their own homes? Much of our law is about protecting ourselves from others, and we have a few that protect children from themselves because they are assumed to not know any better. But when you have laws that try to protect adults from themselves it sometimes gets a little bizarre. An adult, as opposed to a child, does know better, and so adults can make their own decisions. If they can't then who can?

For example, we may think that consuming alcohol, tobacco and playing pokies to excess are bad decisions to make, but we don't prevent their use by adults. We warn that their use is bad, we know that they cause huge social, health and economical problems but we don't ban them. So why have RC material? Is it worse for adults than drinking too much alcohol, smoking a pack of cigarettes a day and problem gambling? Where's the science proving this? Is it just because there isn't as much money to be made from the sale of RC material so there's no powerful lobby to fund election campaigns? Or perhaps its just a soft target to meet the needs of authoritarians to tell others what they can and can't do. Reason or not, it is an injustice.

Q22:

Q23:

Q24:

None. Because if it's already illegal it shouldn't be classified, and if it's not illegal it shouldn't be made so by classification laws. Therefore no content should be prohibited online. No content should be

refused classification.

Illegal content should be blocked by other means than classification laws, and preferably by a judge in court.

Q25:

No, because the RC category should contain no items. No legal content should be refused classification, and no illegal content should be classified. Content should not be made illegal by classification laws.

Q26:

No. There should be minimum standards made by the federal government, and states should be allowed to exceed that standard, like X rated videos at current, but not be less than the federal standard.

Q27:

Q28:

Yes, because the existing framework is expensive, removes incentive to create, contradictory, unresponsive to changing community standards and prone to causing Australia international embarrassment such as with the current R18+ computer game rating situation.

Q29:

Searching of laptops by Customs for pornography, and being asked to declare it on entry to the country is wrong. If RC material is legal to possess, and I am storing it in my possessions, then it's none of Custom's business what I bring into the country. Illegal material is another matter, but RC material is not illegal to possess.

The classification scheme should exist to serve the People of Australia by providing them with advice. Censorship is extremely harmful, and should only be ordered by a judge when the extreme harm of censorship is outweighed by the harm prevented by censoring.

Other comments:

The lack of exposure this submission has received is appalling. Only 80 or so people knew about it until it was too late for many to submit a detailed and researched response. By failing to call attention to the review, the ALRC has removed the opportunity for many Australians to have their say in how the government affects their lives. This leads to many feeling disenfranchised and believing that their opinions are ignored by those in power. The result is a corrosion of faith in democracy and government. Every high school and college should have studied the issues paper in the second term, there should have been ongoing news coverage, advertisement, and something approaching a national debate.