CI 2016 P Argy

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Q1:
Improve existing framework by orientating it towards ensuring accurate content self-labelling rather than attempting to classify all content on the planet. The National Classification Code (the Code) should become a reference standard for self-labelling of content by content creators. The OFLC role would then transition to a review role where the accuracy of labelling is challenged, with consequential enforcement action as required.

Q2:
Enabling people to appreciate the nature of content so that paragraph 1(a) of the Code can be implemented in a more principled way: "adults should be able to read, hear and see what they want" and should be enabled to make that decision on behalf of their children

Q3:
No - the medium is not the message

Q4:
It is not feasible to classify all matter on the planet so some mechanism needs to be devised that will focus resources on material that is in issue for someone - see 19 below

Q5:
Logically the greater the likely impact of material the more important its accurate labelling

Q6:
No

Q7:
Artwork should not enjoy any privileged position

Q8:
Classification should be about ensuring accurate labelling of any content

Q9:
See 5 above

Q10:
The objective should be accurate content labelling independently of viewing location

Q11:
Material that is unlikely to take anyone by surprise should not need classifying

Q12:
Access restrictions are misconceived. If content is accurately labelled, and browsers are able to be configured by the end user (or their parents in the case of minors), there is no role for the State other than in ensuring that content labelling is accurate

Q13:
What is inappropriate for a child is a decision to be made by the child's parents. The classification system should ensure that decision can be made on a properly informed basis

Q14:

See 12 above

Q15:

If the nature of the content is clear from its labelling then no further mechanism should be needed

Q16:

Content per se should not be regulated. What needs to be regulated is content labelling in a way that ensures accuracy and taxonomy uniformity.

Q17:

Provided that participants are trustworthy and responsible, a mechanism whereby subject matter expertise was able to ensure accurate content labelling may be superior to reliance on a small group of individuals

Q18:

Specialist subject matter such as technical, medical, political, educational

Q19:

If the orientation is changed to self classification with heavy penalties for flagrantly false content labelling, the burden will be low on all participants who remain compliant

Q20:

See 21

Q21:

I support the approach exemplified here: http://www.fosi.org/icra/

Q22:

See 21

Q23:

Yes

Q24:

See 12 above. The evil of child exploitation material, for example, is in its creation and that is the activity to be prohibited. To the extent to which the output of illegal activity is accessible online, mandatory content labelling rules should apply to it in the same as the regime applies to other content. That is the principled approach that is required.

Q25:

RC is misconceived. If all content is accurately labelled, then paragraph 1(a) of the Code can operate correctly: "adults should be able to read, hear and see what they want" (and empowered to make that decision for their children)

Q26:

There should be a single national scheme to with a single agreed taxonomy

Q27:

The approach should be to enable and empower people to know in advance with confidence the nature of content that they or their children are considering reading, viewing or listening to. The Nanny State approach needs to be abandoned in favour of an approach that requires content to be accurately labelled with heavy penalties for flagrantly inaccurate labelling. Once that regime is in place the guiding principle should be that "adults should be able to read, hear and see what they want" and able to make that decision on behalf of their children.

Q28:

Either referral of powers or a national scheme can be used with the Australian Consumer Law a useful model

Q29:

See 21

Other comments:

The thrust of my submission is that an approach that involves content being submitted for classification is no longer feasible. As the ATO has demonstrated with the increased use of self assessment, self labelling of content by its creator should be mandated, with heavy penalties for flagrantly false labeling. The important ingredient is a universally accepted taxonomy along the lines of that advocated at http://www.fosi.org/icra/ enhanced by a broader range of descriptors to encompass a broader range of subject matter than FOSI is concerned with.

The policy objective is to ensure that no-one is confonted by content the nature of which takes them by surprise. It should NOT be for the State to determine paternally what they may "read, hear and see". If there is content the creation of which is regarded as unacceptable, the focus needs to be on preventing its creation and punishing any falsely labelled instances.