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Q1:
The public facing end of the framework (e.g. the rating levels and labels familiar to Australians) should be kept to minimise the friction in adopting a changed system.

However, the operational details of classification including Byzantine operational rules (e.g. non-published, undisclosable classification guidelines subject to change without transparency), jurisdictional confusions (administered as a Federal body and guideline but controlled by and used in State law) and counterproductive exceptions (e.g. classification ratings applying unequally to different media types such as the exclusion of an R-18+ rating for computer games) must be overhauled to the point where the entire back-end of the framework should probably be rebuilt.

Q2:
First, to classify and inform (adults must know the content they may provide to minors and for themselves). Second, to protect (minors should be prevented from purchasing content they may not necessarily be able to handle yet). Not at all to control or ban (with the exception of content produced as a direct result of harmful crime e.g. photographic capture of actual child molestation, murder, animal cruelty etc.).

The classification scheme should provide a framework wherein adults may partake in what content they wish having been informed of potential sources of offence and shock; the open and informed mix of creativity, media and discourse is a hallmark of a healthy society and one which our classification scheme must protect rather than seek to lock down.

Q3:
This is an interesting question, because it seeks to determine whether medium affects content.

A book read on softbound paper is the same book when read on a screen or a series of poster-boards or an e-reader. A photograph printed in a newspaper is the same photograph when viewed on a screen. A video watched on the Web is the same video when viewed on a VHS tape. A painting viewed on canvas is the same as viewed in a photograph of the painting printed in a newspaper.

Yet, requiring each and every piece of content to be classified is cumbersome and undermines the classification system. Better to determine whether content should be classified based on its place in society rather than a cumbersome, imprecise measure like technology or platform upon which it is presented.

Q4:
If implemented, any rules of this type are fraught with risk of exploitation and injustice. An example:

Let us consider a rule whereby content of a certain type (let us say videos) must be classified if it has

"been the subject of a complaint" or face cessation of distribution.

To have content classified is a costly process.

Let us now consider a film-maker who releases a film about some controversial subject or another and out of budgetary concerns must use a low-cost medium such as paid Internet distribution or limited-release DVD sales. If I wanted to cause this film-maker damage and take the film out of circulation for whatever reason of my own, I need only muster a number of complaints necessary to trigger this rule; whether the complaints have merit is immaterial for the film-maker must now pay a great sum of money to have their content classified and cease distribution in the meantime.

If the film-maker cannot afford to have their content classified, I have achieved non-examined and unjust censorship by abusing the classification system to my own ends.

If we scale this example out and replace the film-maker with a small company or industry, it is easy to see how exploitation of this loophole by a more powerful adversary with a good command of letter-writing campaigns may unjustly muzzle or encumber to gain unfair competitive advantage or censorship.

Q5:

This question is confusingly worded and asks two questions in one. How does one determine "potential impact" of content? Its means of distribution? Its medium? This is an imprecise measure and one open to rhetorical and procedural abuse, as it in of itself is a form of "pre-classification".

How does one determine if content is "designed for children", especially in popularly-cited edge cases such as computer games (the average player age of which is 37 in Australia)? This is also an imprecise measure and one open to rhetorical and procedural abuse.

Q6:

Yes. Those engaged in the production of mass-market material (e.g. widely-distributed books, films and games) that is distributed far and wide across the nation for profitable purchase by the public should have their content classified to allow the public to make properly informed purchase decisions.

Q7:

See the answer to questions 4 (regarding exploitation) and 5 (regarding distinction) above. Such requirements may unnecessarily or unjustly muzzle or impoverish artists who seek to exhibit content that may shock or challenge its audience (an established, encouraged and embraced aspect of art in society). We have already seen recently that artists who exhibit art which is controversial but legal have been the subject of crippling campaigns that result in the ruin of the exhibitions and the artists themselves (who, if they choose to fight must spend exorbitant amounts on classification).

Further than this, how does one classify an "artwork" - especially when it is exhibited using mixed or unconventional media? Does a film exhibited in a gallery installation classify as "artwork"? Does a portfolio containing copies of photographs exhibited in a gallery classify as "not artwork"? Does a digital copy of a digital art rendering exhibited on an Internet page classify as "artwork"?

Again, a great deal of caution is required that artistic expression in some forms is not unjustly suppressed in favour of more conventional, well-defined ones.

Q8:

Q9:

How does one predict "potential size and composition"? See answer to Question 6 above for a partial answer here.

Q10:

I assume we consider a rule here that if content is to be cleared for access "in public", it must be classified whereas items anticipated to be accessed only "at home" may not necessarily be classified.

Again, how do we determine in which places content will be "accessed"? A book or magazine may be read on a train (public) just as well as in an armchair in one's loungeroom (home). Likewise, a movie bought on DVD may be watched using a portable player on that same train just as well as on one's home TV set.

While it may be a useful guiding principle (anticipating whether a given item will be more likely accessed in private e.g. pornography), this is too uncertain a measure to be useful in any kind of codified form.

Q11:

Q12:

Methods such as simple URL "blacklist" filtering are known to be ineffective (most notably in that they do nothing to affect the methods used by criminals to access and share illegal content e.g. encrypted child pornography over circle-of-trust networks), imprecise, easily circumventable, not at all cost effective (especially given their ineffectiveness) and open to considerable abuse (as we can see in China, where they are used to detect and ban access to politically-sensitive discourse). "Whitelist" (i.e. restrict access to all content not classified) filtering is obviously impossible.

The most effective method to achieve the objectives of the classification scheme given these challenges is education of parents with minor children and provision of voluntary filtering methods (implementing either blacklist or whitelist methods). This is a measured, targeted solution to the huge scope involved.

Q13:

See answer to Question 12.

Q14:

Q15:

When it has been classified (or is required to be classified under whatever criteria) and is being

a) Sold at retail

b) Exhibited at retail (e.g. cinema)

In other words, where the classification marking would serve to allow a consumer to make a choice

based on potential content within or to allow a provider to not sell or allow access to a minor, that marking should be visible.

Q16:

Government Agencies: Arbitrate, regulate, co-operate, organise, inform (including publishing of transparent guidelines and process), educate.

Industry Bodies: Co-operate (with agencies and public), inform (both public and members), educate (both public and members).

Public: Use (i.e. pay attention to and make informed decisions based on ratings).

Q17:

Q18:

Q19:

This certainly would help prevent some aspects of the unjust situations outlined in the answers to Questions 4, 5 and 7.

Q20:

R-18+ is reasonably and clearly understood. PG appears to cause some confusion, but it is minor. MA-15+ appears to be poorly understood next to M-15+ in that the former is enforceable and the latter is an advisory) and rarely used. X and its sub-classifications are almost completely unknown.

RC (refused classification) is probably the most widely misunderstood and abused classification level, in that it is often misunderstood (and deliberately twisted in media and discourse) to denote illegality rather than content which falls beyond the scope of the classification system which is still legal. Perhaps an additional classification level assigned to explicitly illegal content is required (e.g. BAN, ILL) to clear this up?

Q21:

The existing classification categories appear to cover the required strata well. However, their inconsistent application to different media types (most notably computer games) is counter-productive.

Q22:

Classification should be based on content, not on medium.

Q23:

Absolutely, yes!

Q24:

In the sense that intentional access of such content would constitute an offence rather than access prevented "before the fact": Direct recordings or capture of harmful crime such as child molestation, cruelty, abuse, etc. preserved for the perusal of prurient interest. Criminalising access to items such as "instruction in crime" are potentially unjust ("pre-crime"?) in that they ban access for research or other purposes - access to such could just as easily be tendered in evidence against someone who has committed a crime or used as a reason to commence investigation.

Q25:

Absolutely not, no. See answer to Question 20.

Q26:

Yes, it is of critical importance to the integrity and success of the classification system. Ideally, laws for the classification and restriction of content should be placed at the Federal level where they can be consistently maintained across the nation rather than the confusing tangle of cross-State legislation that we currently have.

Q27:

Q28:

Yes, absolutely. See answer to Question 26.

Q29:

Other comments: