

CI 2188 P Etherington

Approach to the Inquiry

Question 1. In this Inquiry, should the ALRC focus on developing a new framework for classification, or improving key elements of the existing framework?

The ALRC should aim to develop a classification method that can be applied consistently across all genres and varying types of media.

Why classify and regulate content?

Question 2. What should be the primary objectives of a national classification scheme?

Consistency. While protecting children and youths from gratuitous content is important, this has little value if they are restricted from playing a game but can easily view similar content in a mass-marketed film.

What content should be classified and regulated?

All forms of media require some form of regulation, this may just be through flagging specific content as unsuitable for children. But it's important that media coverage, film, literature and games are labelled as such and still made available to those who are deemed of a suitable age.

Question 3. Should the technology or platform used to access content affect whether content should be classified, and, if so, why?

No, it shouldn't.

Question 4. Should some content only be required to be classified if the content has been the subject of a complaint?

No. All content should be consistently classified upon initial submission to the classification board.

Question 5. Should the potential impact of content affect whether it should be classified? Should content designed for children be classified across all media?

It's important that all content is effectively classified across all forms of media in a consistent fashion. Content designed for children will thus be classified in a clear manner. Content designed for adults will also receive the correct labelling and restrictions warning parents of potentially inappropriate content.

Question 6. Should the size or market position of particular content producers and distributors, or the potential mass market reach of the material, affect whether content should be classified?

No. Again, if the classification system operates under a consistent set of rules and guidelines the potential market reach of the material is inconsequential.

Question 7. Should some artworks be required to be classified before exhibition for the purpose of restricting access or providing consumer advice?

No. Consumer advice is the responsibility of the exhibition space, if they feel it is necessary to advise their visitors they will, this is current best-practice. The purpose of art cannot be discussed here, but suffice to say that artworks can exist for enjoyment, learning, discovery, perspective and sometimes this creates challenging imagery but classification is not necessary. The audience is in charge of what they decide to view - the government does not exist to regulate this.

Question 8. Should music and other sound recordings (such as audio books) be classified or regulated in the same way as other content?

Yes.

Question 9. Should the potential size and composition of the audience affect whether content should be classified?

No.

Question 10. Should the fact that content is accessed in public or at home affect whether it should be classified?

No. Obviously user discretion is required for the use of potentially explicit media in public places. But, this is impossible to regulate as web-enabled smart phones are able to access content of all classifications whether the user is in a public or private space.

Question 11. In addition to the factors considered above, what other factors should influence whether content should be classified?

All content should receive consistent classification, enabling all audiences to make an informed decision. Banning content removes the capacity for decision making and we are not living in George Orwell's novel "1984". Content that it is a criminal offence to view or possess is outside of classification and does not need discussion here.

How should access to content be controlled?

Question 12. What are the most effective methods of controlling access to online content, access to which would be restricted under the National Classification Scheme?

Effective education regarding the potentially offensive nature of some content available online is the only reasonable approach. Labelling of content using simple and distinct systems will provide adults with the necessary information they require to make an informed decision. Regarding content that is restricted for viewing by children, parental controls already exist and should be utilised at the discretion of the parent. The role of the Australian Government is to provide parents with the necessary training to adequately protect their children should they request it.

Question 13. How can children's access to potentially inappropriate content be better controlled online?

Regarding content that is restricted for viewing by children, parental controls already exist and should be utilised at the discretion of the parent. The role of the Australian Government is to provide parents with the necessary training to adequately protect their children should they request it.

Question 14. How can access to restricted offline content, such as sexually explicit magazines, be better controlled?

I am unaware of issues with the current classification method for sexually explicit magazines. Continued labelling as is currently used by the film industry (G, PG, M etc...) adequately advises.

Question 15. When should content be required to display classification markings, warnings or consumer advice?

Ideally all content, even if rated 'G' (viewable by all ages), should be labelled as such. However, I can see this as a large expense and perhaps you may have to focus on content that has a warning of some kind (e.g. PG - parent guidance recommended: strong language).

Who should classify and regulate content?

Question 16. What should be the respective roles of government agencies, industry bodies and users in the regulation of content?

The Australian Government should provide a consistent set of guidelines for use when classifying content. Self-regulation is ideal, with government checks forming a regulatory body that will oversee the process.

Question 17. Would co-regulatory models under which industry itself is responsible for classifying content, and government works with industry on a suitable code, be more effective and practical than current arrangements?

Yes.

Question 18. What content, if any, should industry classify because the likely classification is obvious and straightforward?

There is the potential for all content to be classified by industry bodies overseen by government regulators.

Classification fees

Question 19. In what circumstances should the Government subsidise the classification of content? For example, should the classification of small independent films be subsidised?

If classification is conducted by industry bodies, ideally no fees would be charged. However, as there would be costs involved, a minimal charge would continue to exist to cover the government regulation of the classification process.

Classification categories and criteria

Question 20. Are the existing classification categories understood in the community? Which classification categories, if any, cause confusion?

Existing classification categories are clear, but the distinction between M, MA15+, and R18+ appear to cause confusion for many parents. Specifically, in the gaming industry there is a desperate need for an adult R18+ classification so that parents have a clear and distinct understanding of the appropriateness of the content. As the age of gamers increases, the need for an adult rating is paramount. As is obvious in all other forms of content, some things are developed with adults in mind.

Question 21. Is there a need for new classification categories and, if so, what are they? Should any existing classification categories be removed or merged?

Specifically, in the gaming industry there is a desperate need for an adult R18+ classification so that parents have a clear and distinct understanding of the appropriateness of the content. As the age of gamers increases, the need for an adult rating is paramount. As is obvious in all other forms of content, some things are developed with adults in mind.

Question 22. How can classification markings, criteria and guidelines be made more consistent across different types of content in order to recognise greater convergence between media formats?

Utilise the same colours and labels across the various forms of content.

Question 23. Should the classification criteria in the *Classification (Publications, Films and Computer Games) Act 1995* (Cth), National Classification Code, Guidelines for the Classification of Publications and Guidelines for the Classification of Films and Computer Games be consolidated?

Yes.

Refused Classification (RC) category

Question 24. Access to what content, if any, should be entirely prohibited online?

Content that it is a criminal offence to view or possess.

Question 25. Does the current scope of the Refused Classification (RC) category reflect the content that should be prohibited online?

No, because the current scope of the RC category is not sufficiently defined.

Reform of the cooperative scheme

Question 26. Is consistency of state and territory classification laws important, and, if so, how should it be promoted?

Yes, it is of the utmost importance. A consistent and transparent set of guidelines must be constructed. Surely, considering that the various states and territories are all part of the one country, they should all work within the same set of guidelines.

Question 27. If the current Commonwealth, state and territory cooperative scheme for classification should be replaced, what legislative scheme should be introduced?

Refer all powers to the Federal level of the Australian government.

Question 28. Should the states refer powers to the Commonwealth to enable the introduction of legislation establishing a new framework for the classification of media content in Australia?

Refer all powers to the Federal level of the Australian government.

Other issues

Question 29. In what other ways might the framework for the classification of media content in Australia be improved?

Consistency, transparency and the ability for adults to view adult content across all media should they choose to do so (eg. an R18+ rating for games).