

## **CI 2226a National Civil Council**

Organisation: National Civic Council

Q1:

The focus should be on developing a new framework for classification which responds to the new media environment, and which improves on the current scheme. It certainly should be maintained and strengthened not abolished.

The current classification scheme has failed due to lack of compliance and persistent breaches across a range of media, especially in print magazines and in television broadcasting. More stringent regulation and enforcement is required, including fines and other sanctions for failure to comply with classification regulations.

Q2:

The paramount objective of the classification scheme should be to ensure that children and minors are not exposed to inappropriate material. In achieving this outcome, the classification scheme should reflect parents' views on what is and what is not appropriate. A recent independent review of sexualisation in the British media clearly articulated this point:

"The conclusion of this Review is that parents are the experts in deciding whether something is appropriate for their child ... The most effective way to ensure that broadcasting, advertising, goods and services are appropriate for children is to pay closer attention to parents' views..." (Bailey Review, p8).

The classification scheme should adopt a precautionary approach, particularly where children are concerned. If we, as a society, think it sensible to take a precautionary approach to issues like environmental degradation, we should take a similar approach to protecting children from sexualised and other offensive content in the media.

The classification scheme should minimise media content which portrays women as sex objects, which condones sexual violence against women, or which promotes the sexualisation of children.

The classification scheme should also seek to ensure that the sale and distribution of illegal and/or degrading and exploitative content is not permitted in Australia.

Compliance with the scheme must be effective and enforceable.

Q3:

Classification systems should remain in place regardless of the platform used to access material because the same regulatory systems should apply no matter how the material is accessed and the law of the land should also apply to the internet or other web-based services. This means that X rated and RC classified material should remain so even when accessed via advanced technology eg. child pornography or portrayals of extreme violence.

Q4:

No. In a media environment in which content providers frequently push the boundaries, classification is necessary for ensuring that media content is appropriate. Self-regulation and co-regulation have failed to provide such an outcome and in many instances do not respect the appropriate use of public space such as in outdoor advertising clearly offensive to the general public.

A clear, simple and central complaint mechanism should be made available (and advertised) to the community – and particularly to parents – so that concerns about media content can be more easily communicated to content providers and regulators.

Q5:

'Potential impact of content' is a relevant consideration in classifying content, however it is excessively subjective. An objective classification system should be adopted, based on clearly defined classifiable elements, with strict limits on depictions of sex, sexual violence and degrading depictions of young people, and of women in general.

Q6:

No, all content should be classified to properly inform the public of the type of content.

Q7:

Yes. In particular, the classification scheme should consider 'artistic merit' to be irrelevant in the production, sale or distribution of sexualised or otherwise degrading images of children, regardless of the artistic credentials of the person producing the work.

Q8:

Yes. The current scheme has failed to stem the tide of sexualised and violent lyrics and themes in music recordings. Music which contains references to explicit sex, sexual violence and other offensive and degrading themes should be refused classification. Adult themes in music should not be available or marketed to minors.

Q9:

No, the size of the audience should not influence whether content is classified or not.

Q10:

No, whether content is accessed privately or in public should not affect whether it should be classified.

Q11:

Parents' views should be given greater consideration in determining classification standards, and whether and how content should be classified.

Q12:

Mandatory filtering of the internet at the ISP level is the most effective method of controlling access to restricted online content. Content that is illegal in other media should be blocked on the internet and if possible on mobile phones. Then Opt-in access to restricted content R18 + could be enabled by age verification or a license system as in driving a car.

Government should work towards the classification of all web pages to guide users, particularly parents. Many organisations would voluntarily classify their site to encourage use by a wide range of internet users.

The internet is becoming even more pervasive in the lives of children. Web-enabled media devices range from PCs to mobile phones. Parents face huge challenges in helping their children navigate the potential dangers of the online world. ISP filtering empowers parents to more easily monitor and regulate the content to which their children are exposed across a range of devices.

Q13:

Mandatory filtering at the ISP level (see question 12).

There is a need for better education for both children and parents, in terms of the dangers and

potential consequences of online activity, and specifically for parents on proactively managing children's online activities and primarily for setting good example in internet use themselves.

Q14:

The current scheme of serial classification of magazines should be abandoned. Serial classification has failed. As groups like Kids Free 2B Kids and Collective Shout have shown, Restricted Category 1 and 2 publications have repeatedly to included illegal sexual content. A new scheme should be established whereby each issue of the magazine is submitted for classification.

Additionally, sexually explicit magazines (including R18+ and Cat 1 and 2 titles) should be only be sold from secure, separate premises which cannot be accessed by children.

Q15:

All classification markings should be readily seen on all material but it should be mandated on extreme violence, including sexual, terrorist and hate or bullying material.

Q16:

The respective roles, however organised and regulated should be co-ordinated and advertised so the public are aware of the lines of responsibility of government, industry and users and parents should also be represented in this mix.

Q17:

No. Given that the current classification scheme is regularly breached by content providers (and in particular, by publishers, distributors and retailers of restricted magazines), the situation is likely to be worse under a co-regulatory framework. As Collective Shout have asked elsewhere, 'When distributors fail to respond to call-in notices under the current regulatory scheme, why should we believe they would comply with community standards if left to regulate themselves?'

Q18:

All content should be classified because there is no material that can be considered obvious if the prospective viewer requires the classification information.

Q19:

The government should have a very strong interest in subsidising the classification of all content, even small independent films as such categories could well be operating outside the classification system.

Q20:

All classification categories need to be clear and well publicised, particularly with the use of terms such as "low level violence" which can be utterly misleading to parents or young people when making a choice about content.

Q21:

Calls for and R18+ classification for video games should be rejected. As the major consumers of computer games, Australian children are already exposed to high levels of violence through MA15+ rated games. R18+ computer games would introduce interactive games which involve even higher levels of violence (including sexual violence) and other types of degrading content. Parents do not want the content of computer games to become more violent in content.

Q22:

Clearly mark all material with the correct classification - not confusing or obfuscated classification or markings.

Q23:

Yes - computer games have the potential to contain high level violence and no forms of media, film or publications should be excluded.

Q24:

Content which falls within the current R18+, X18+ or RC should be prohibited in Australia. R18+ content could be made accessible on an age-verified opt-in basis.

Q25:

No. Whereas it was once unlikely that minors would encounter R18+, X18+ or RC content at all, the ubiquity of internet access across a range of web-enabled devices means that the likelihood of such exposure is now very real. This is a matter of genuine concern for parents in the community.

Q26:

Yes consistency is important. The law should be promoted thus: Federally, the law should be made uniform across all States whilst States maintain the right to negotiate at a State level. This Federal classification law should be advertised at the local level in each State so parents and young adults can become familiar with the categories and operate within them.

Q27:

The current scheme should only be replaced by a uniform Federal scheme whilst the ability of the State to negotiate is maintained.

Q28:

The Commonwealth should establish a uniform classification scheme with the co-operation of the States in all matters of Classification of material.

Q29:

The classification system needs to be strengthened and made uniform at the Federal level so the application of the scheme is Australia-wide with the States expected to uphold the Federal scheme whilst maintaining the right to negotiate. The AFP should remain active in overseeing the on-line content and protecting the borders from inappropriate material coming into Australia.

Other comments:

The primary role of the Classification system is to protect children from visual depictions of violent and sexual material and to stop any material that shows child pornography. It is not about pandering to the prostitution industry or the domination of powerful marketing forces.