

CI 2249 R Plumbe

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Q1:

In this Inquiry, the ALRC should focus on developing a new framework for classification rather than improving key elements of the existing framework.

Q2:

The primary objective of the classification system should be to assist those responsible for minors, or giving access to media to minors, in making decisions about whether the minor should have access to the material and what level of supervision and guidance may be needed. Minors generally need limited and guided access to material that is violent or sexual.

Q3:

In an ideal world, all media should be uniform in classification no matter how it is accessed. As the sheer volume of media content now available makes this impossible, I would prefer to see any legal requirement to classify material removed. This would mean that you would need to take care and read reviews of material before accessing it if you wished to restrict what you, or minors in your care, were exposed to.

I can see that if we removed the classification system, it would be important to mitigate the problem of pornographic or highly violent material being sold to minors. I believe this could best be done by passing laws to require proof of age to be provided when buying, or taking delivery of, such materials. The laws could be formulated along the same lines as those restricting the sale of alcohol or tobacco to minors. While these laws would not cover all means of access, it would provide disincentives for physical shops, movie theatres and so on to sell or market these materials to minors.

Q4:

Ideally, any and all media content would only be required to be classified if it has been the subject of a complaint. By default, all media should be free of the legal requirement to be classified. Producers and distributors should be able to self-classify, which could help their marketing either by encouraging people to access their material (such as parents looking for material marked as suitable for children), or by improving their reputation (say, as a company who accurately classifies their own materials).

Q5:

Content for children should not be classified across all media, because the administrative cost and burden of doing so would be prohibitive. The benefits to the taxpayer are not worth it, and the cost to creative industries is too high. Laws restricting selling pornographic or highly violent material to minors should be used, rather than legally requiring classification. Producers and distributors should be encouraged (not required) to self-classify materials, as part of good citizenship within their industries.

Q6:

I do not believe any material should be classified. However if material must be restricted, I would rather see only large organisations (either producers or distributors) required to have their content classified. In this sense, it may make sense to retain the current requirement for mass-market media

such as film and television studios to classify materials, irrespective of how those materials were later distributed. However, material on the internet is far harder to classify, and except for perhaps the aforementioned studios, it would be pointless to attempt it.

Q7:

Absolutely not. No artwork should be classified before exhibition. Organisations and venues providing exhibitions could be encouraged to self-identify, at point of entry, exhibitions containing material which may disturb reasonable adults. Other laws such as those concerning disturbing the peace would probably be better to use than classification, to discourage truly disturbing material being carelessly made public.

Q8:

Music and sound recordings should be treated in the same way as text. I do not believe such material should be regulated. If material must be restricted or classified, graphical material is the only material I would give special treatment, as it leaves less to the imagination. For example, I would find it far more viscerally upsetting to see depictions of torture in Changi than I would to hear or read about it.

Q9:

I would rather see all material unclassified, as I do not believe that classification is the best way to deal with difficult material. However if it must be classified, the potential size of the audience may be one way to determine whether producers or distributors should be required to seek classification. If a producer is going to make a lot of money from material, either through audience size or high fees, it may be more reasonable to direct classification efforts towards these producers.

Q10:

I would rather see all material unclassified, as I do not believe that classification is the best way to deal with difficult material. Additionally, mobile devices and the wireless internet mean that the public and private realms are more blurred than in the past. This would make writing and enforcing these requirements quite difficult. However if there must be classification, it makes more sense to attempt to classify material accessed or distributed in physical commercial venues, such as movie theatres or computer game shops.

Q11:

Q12:

Access to online content should not be controlled. Instead, the police should use their powers to put surveillance on any known child abuse sites. While accidental access should not be a crime, prolonged or repeated access should be, and should be carefully and thoroughly investigated. The money that would have gone into setting up and running the internet filter should go to the police to ensure they have adequate staffing for this.

Internet filtering is an inappropriate mechanism, in part because it puts the decision about what is inappropriate into the hands of too few people, and also because it penalises everybody by slowing down the internet.

Q13:

those who are responsible for minors may need to take a more central role in guiding minors' access to media, and their understanding of the content they do access. Rather than having government censorship of the internet to protect children, parents and carers should supervise their children's

media use. It may be important to make educational resources available to those responsible for minors, in order to help them find the best ways to supervise and guide access to and understanding of content as minors grow from child to young adult. It may also be useful to provide educational materials for minors about how to think about, question and integrate some of the media content they come across which they find confusing, troubling or disturbing. This may best be done in cooperation with government departments in areas such as health, youth affairs, education, and communication. An example of a recent campaign similar in tone would be the "The Line", managed by the Australian Government Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA). The Line's website is <http://www.theline.gov.au/>.

Q14:

By using laws like those for alcohol and tobacco to restrict minors' access to offline material which is pornographic or highly violent in nature.

Q15:

It should never be a requirement. However, self-classification should be encouraged.

Q16:

Q17:

Q18:

Q19:

Q20:

Q21:

Q22:

Q23:

Q24:

The only sort of material that should be prohibited online is the graphic representation of child sexual abuse. All other material, including graphical representations of violence, rape, and the textual representation of sexual abuse of children, should be permitted. While often repulsive, it is important to be able to produce, write about and discuss disturbing material in order to understand it, research it, make informed laws about it, and for victims and their families, to overcome the past and seek acknowledgement and healing over what has happened.

Q25:

No, the current scope of the Refused Classification (RC) category does not reflect the content that should be prohibited online. The current classification is far too wide-ranging and paternalistic. Adults should be treated as mature individuals capable of handling all sorts of material, discussing it, forming views about it, and making up their own minds about whether or not to engage with it. I believe that open access to all sorts of material is essential to a healthy, informed, well-governed democratic society. Suppressing material, whether or not all adults like it, is counterproductive.

Q26:

Yes, consistency of state and territory classification laws is important. It should be promoted by having a single national scheme.

Q27:

The current cooperative scheme for classification should be replaced by a single national scheme, with the states referring powers to the Commonwealth.

Q28:

Yes, the states should refer powers to the Commonwealth to enable the introduction of legislation establishing a new framework for the classification of media content in Australia.

Q29:

Other comments: