

CI 2279a Australian Family Association

Organisation: Australian Family Association

Q1:

The focus should be on developing a new framework for classification which responds both to the new media environment, and which learns the lessons from the failure of the current scheme. 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 articulated this point succinctly:

"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).

We agree with advocacy group Collective Shout that the classification scheme should minimise "the prevalence and availability of material in all media which contains images or words which reduce women to sex objects, which condone or celebrate sexual violence against women, or which promote 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.

The scheme must enforce compliance across all media to ensure that it is effective, and not merely suggestive.

Q3:

No. A classification system should seek to protect children and prohibit exploitative and degrading content across all media. Although this goal presents significant challenges in the modern media environment, we suggest that high standards should be set, and continually improved compliance should be progressively enforced.

Q4:

No. In a media environment in which content providers frequently push the boundaries, classification is a necessary and useful mechanism for ensuring that media content is appropriate. Self-regulation and co-regulation have failed to provide such an outcome.

However a clear, simple and central complaints mechanism should be available to the community – and particularly to parents – so that concerns about media content can be more easily communicated to content providers and regulators. This is a vital part of any classification scheme which purports to reflect community standards, and should be widely publicised.

Q5:

Although the 'potential impact of content' may be a relevant consideration in classifying content, it is excessively subjective and cannot form a sound basis for classification. The impact-oriented scheme by which films and video games are classified should be abandoned. We agree with Collective Shout and others in recommending an objective classification system 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:

A comprehensive classification scheme should seek to ensure compliance across all media, regardless of market reach. However we note that the greater the market reach, the greater the imperative for classification and compliance. For example, many of our members have expressed shock and concern at the way in which major music celebrities (including Lady Gaga and Rhianna) are marketed to children, irrespective of their clearly adult-oriented music recordings, videos and live shows.

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.

Q9:

See question 6.

Q10:

See question 3.

Q11:

As suggested earlier, parents' views should be given greater consideration in determining classification standards, and whether and how content should be classified.

The recent inquiry into the commercialisation and sexualisation of children in the UK (the Bailey Review) stated:

"If parents are concerned that their children are exposed to potential harm from commercialisation and sexualisation, it is their common sense and their sense of what is right for their family that tells them this. We should use that same common sense and those same values to take a precautionary approach and say that there are actions we can and should take now to make our society a more family-friendly place" (page 7).

Q12:

Mandatory filtering of the internet at the ISP level is the most effective method of controlling access to restricted online content. Opt-in access to restricted content could be enabled by an age-verification mechanism.

Although the challenge of controlling online content is formidable, the content itself does not warrant special treatment or exemption from classification, simply because it is accessed over the internet. Much online content includes the publication of video, photographic and musical content, all of which currently falls within the ambit of classification.

For these reasons, a comprehensive classification scheme must contemplate the classification of web pages.

Classifying media content is all the more important given that the internet is becoming even more pervasive in the lives of children. Web-enabled media devices range from PCs and laptops to mobile phones to gaming consoles to tablet PCs, and so on. Device-based filtering is liable to inconsistency and is more amenable to circumvention than ISP level filtering.

Q13:

See question 12.

There is a strong 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. Members of the AFA frequently request advice in this regard.

The focus should be on empowering parents, who often feel that they are fighting a losing battle in controlling the media content that their children consume and are exposed to. While parents cannot shirk their responsibilities, we call on the ALRC to recognise that it is only with the assistance of an effective classification scheme that parents are able to do their job.

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 been found repeatedly to include illegal (i.e. refused-classification) sexual content. This has been made possible only because individual issues do not have to be submitted for classification. A new classification scheme for magazines 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) and adult films (including R18+ and X18+ titles) should be only be available for sale and distribution from a secure, separate area which cannot be accessed by children.

Q15:

Q16:

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:

Q19:

Q20:

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 worse.

Q22:

Q23:

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 in the legal framework is important. A national code establishing minimum standards should be set, with states adopting uniform legislation to meet the code. However the freedom of the states to enforce a more rigorous classification regime should be retained.

Q27:

See question 26.

Q28:

No. Regardless of the standards that may be set by any national framework, states should be free to impose more rigorous classification standards in line with the expectations of the state’s constituents.

Q29:

Other comments: