<p style="text-align:center; color:darkred;">Response of the Internet Industry Association to</p>

<p style="text-align:center; color:darkred;">List of Questions provided in the first stage of the ALRC National Classification Review</p>

No.	Questions	Observations	IIA Response
Approach to the Inquiry			
1.	In this Inquiry, should the ALRC focus on developing a new framework for classification, or improving key elements of the existing framework?	• The existing framework is long established and well understood. • It would likely be costly to establish recognition and understanding of new system.	Prefer to develop a new framework leveraging the public understanding of the existing symbols.
Why classify and regulate content?			
2.	What should be the primary objectives of a national classification scheme?	The existing scheme appears to have four objectives: • Protection of children from age inappropriate content. • Prohibition of offensive or otherwise illegal content. • Restricting access to high impact content. • Informing the public regarding the nature of the content on offer.	The priority should be to inform the public regarding the nature of the commercial entertainment content offered to the general public where that content is capable of having a high impact on the consumer. For example, the IIA would regard audio-visual and interactive material as being capable of having a high impact. Whereas, audio broadcasts, sound recordings, printed material are likely to have a lower impact on the consumer. In the view of the IIA the classification scheme should not apply to news and current affairs reporting, scientific, medical or

			artistic subject matter.
			The IIA believes the classification scheme should operate in a similar manner to the food content labelling scheme. Commercial content should be labelled by the producer such that information is provided to consumers regarding the nature the material offered for sale or viewing.
			The IIA considers that the classification scheme should also make specific provision in relation to commercial providers who facilitate delivery of third party content (such as providers of social networking sites, user generated content sites and comment or feedback areas on internet sites. In these cases pre-vetting and classification is simply impossible or impracticable. These commercial providers should be obliged to develop and abide by publicly available policies that describe procedures that are likely to ensure that consumers are informed regarding and have an opportunity to select content with features they expect or consider desirable. These policies should be of a general nature, describing provider's intentions regarding the range of content made available on the service and, as with good industry practice

		community or acceptable use policies, advising those that use the service of the kind of material that it is acceptable to post or publish on the service. Of course, classification requirements should not be imposed after complaint in respect of material that is not intended for public viewing, such as postings by an individual to a closed group of friends or associates on a social networking site.
		This approach:
		• Recognises that in an online environment members of the public will be free to choose content, i.e. they can't be prevented from viewing it by restrictions on broadcasting or enforcement at cinema ticket offices or newsagents
		• Recognises that a great deal of content is within a range of social acceptability and does not require classification
		• Would enable development of an international system whereby information about content could be provided once by the originator and

			vendors/distributors in different countries/cultures could use that information to apply "age appropriate" recommendations appropriate to their culture.
			Illegal content should be identified and dealt with separately.
			Advisory information regarding the age appropriate nature of certain content should continue to be made available in relation to content supplied on a commercial basis to the public.
What content should be classified and regulated?			
3.	Should the technology or platform used to access content affect whether content should be classified, and, if so, why?	With increasing convergence different rules between different platforms create regulatory complexity and competitive disadvantage between different forms of service provider. Also any differences between classification systems adds complexity from a consumer's point of view.	There should be no difference in approach to classification between the technology or platform used to access content. To the greatest extent reasonably practicable, all platforms and technologies should be subject to the same rules. However, different industry groups might adopt different procedures to inform/warn the public as is best suited to the technology or platform. The current system of compulsory classification by the Classification Board for audio-visual material made available or distributed through some platforms and

			assessment by accredited content assessors made available through other platforms leads to unnecessary complexity and uncertainty and in some cases requirement for double assessment.
4.	Should some content only be required to be classified if the content has been the subject of a complaint?	An important feature of the developing internet and media environment is continuing substantial growth in the amount of time users spend in personal communications such as social networking and browsing UGC produced on non-commercial basis. It would seem an unreasonable and absurd imposition to require non-commercial publishers of content to be experts in classification or to pay to have their content classified even if a complaint is received. It would seem more appropriate for third party (such as user generated) content to be regulated in accordance with good industry practice as to community or acceptable use policies, and for government regulation to support and stimulate the development and application of community or acceptable use policies, supplementing law prohibiting illegal content.	See our comment in 2. above as to specific provision in relation to commercial providers who facilitate delivery of third party content (such as providers of social networking sites, user generated content sites and comment or feedback areas on internet sites. In these cases pre-vetting and classification is simply impossible or impracticable.
		Accordingly, classification only where there is a complaint should be reserved for cases where the law	In general, no. In our view all commercial content made available to the public (subject to the exceptions suggested in 2. above) should be subject to classification by the content producer and not intermediaries such as platform providers or third party content hosts.

The role of a complaints system should be:
- As part of the policy of a publisher or portal where content appears to be made available contrary to the |

		requires the content to be classified and it has not been classified.	terms of that policy; or • where the content is required to be classified by the law and has been published without being classified.
5.	Should the potential impact of content affect whether it should be classified? Should content designed for children be classified across all media?	Where all commercial content is classified by the producer of the content one consideration in classification should be the impact of the content on children.	The labelling information provided on commercial content should contemplate the viewing of content by children and extend to all content (subject to the exceptions suggested in 2. above) whether or not intended for children.
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?	Such a distinction would create an unlevel playing field.	No
7.	Should some artworks be required to be classified before exhibition for the purpose of restricting access or providing consumer advice?	Artistic subject matter has been excluded from classification requirements. The IIA does not support expansion of the scheme to include artistic subject matter.	No. Artistic subject matter should be excluded.
8.	Should music and other sound recordings (such as audio books) be classified or regulated in the same way as other content?	Sound recordings generally have a lower impact than audio-visual media. These forms of media are usually clearly directed to particular markets/age groups	We believe the same classification scheme should apply to sound recordings that contains high impact material
9.	Should the potential size and composition of the audience affect whether content should be classified?	Such a consideration would add complexity to the classification process. Debates might be had regarding an assessment of the likely audience or potential audience this is the diversity of those actually doing	No, except to the extent that content designed for children should be classified.

| | | the content.

However this observation should not be taken to diminish our view that content designed for children should be classified. | |
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| 10. | Should the fact that content is accessed in public or at home affect whether it should be classified? | This is not a real distinction in the current electronic environment. Most content which is made available to the public is also made available in the home. An example might be external billboards. We note that there is currently a public debate taking place regarding possible regulation of the content of public display billboards. This debate seems to have arisen because there is a lower standard of regulation in relation to billboards and in relation to commercially supplied content. Consistent with our view that there should be a single set of rules for all platforms it would seem reasonable that the same rules apply to both public and at home with view to content. | No. The same classification rules should apply (subject to the exceptions suggested in 2. above) whether content is accessed in public or at home. We note that in relation to home it is possible to provide classification information to the user at the time of subscription or initial supply. Such systems may be more relevant to content viewed in the home and publicly supplied content but that does not mean the rules applying to public and at home content should be different. |
| 11. | In addition to the factors considered above, what other factors should influence whether content should be classified? | Classification of content should be regarded as a cost of supply. A factor in considering whether content should be classified is the cost of classification.

In our submission classification scheme should be simplified to the | The cost of undertaking classification should be a relevant factor. Common sense should also be a guide as to whether or not the costs of classification need be incurred. |

		maximum extent. It should take a commonsense view requiring classification only where necessary in order to ensure that consumers are not misled and/or calm is not done to minors. For example, the scheme should not aim to ensure that content information is included on every item of published, content simply for the sake of consistency.	
How should access to content be controlled?			
12.	What are the most effective methods of controlling access to online content, access to which would be restricted under the National Classification Scheme?	IIA does not support technological intervention by government. The best methods of controlling content in accordance with the National classification scheme out to educate the public regarding information made available through the scheme and to empower parents to take control of the access provided to content in the home. These comments apply in relation to all categories except for illegal material. The IIA supports legal sanctions for the publication of material properly classified as RC (see our comments below on the RC Category)	Implementation of white and black control lists to allow and prevent access to material on Internet access devices can provide a level of control over what end-users of Internet services can view. However, such technological systems provide limited protection for children using services primarily intended for adults. Education of the public and effective tools to enable parents to control access to content in the home are the only effective protection. Where content is delivered by a commercial service, it is appropriate to have provider policies aimed at: • Ensuring that consumers know if they are likely to see any high impact material; and • Where parents are not able to implement independent

			measures, providing parental control.
13.	How can children's access to potentially inappropriate content be better controlled online?	The IIA has an established position regarding the provision of filters to customers of Internet service providers who wish to restrict access to content that would otherwise be available.	Better education of parents regarding the electronic tools available to limit access to inappropriate content otherwise available online. In the case of mobile content and other platforms that do not accommodate self help by the user/account holder, a parental control facility.
14.	How can access to restricted offline content, such as sexually explicit magazines, be better controlled?	This is not an area where the IIA has any specific expertise.	No comment
15.	When should content be required to display classification markings, warnings or consumer advice?	As above	Consistent with our responses above; • Where the content is not scientific, medical, news or current affairs reporting or artistic subject matter; • Where content offered for sale has a high potential impact on the viewer; and • Whether content is designed for children.
Who should classify and regulate content?			
16.	What should be the respective roles of government agencies, industry bodies and users in the regulation of content?	It is not practical for an industry body to classify the huge volume of content made available online. Also, to the extent that training and expertise is required in order to	The role of government should be to make and enforce the rules. The role of users should be to assist in the development of meaningful rules and report infringing content. The role of

		classify content, the IIA considers this a failure in design of the classification rules. Rules for assessing the potential impact of content should be clear and easy to apply. It should be possible for the producers of content to interpret the rules and provide the relevant information on their content at the point of production. Similarly any content that is illegal should be easy to identify. It should also be possible to develop the scheme which provides information regarding the age-appropriate myths of content for children based on objective rules for assessing the impact of the content. On this basis the only role government should have is in the making and enforcing the rules. Classification of content should be left to the content producers. Users should be involved in reporting content that does not comply with the rules and in helping to develop a scheme which is easy to understand and apply.	industry should be to classify content and apply the rules. Industry bodies may also have a role in developing guidelines as to good industry practice in relation to community or acceptable use policies and government regulation should to the extent reasonably practicable support and stimulate the development and application of community or acceptable use policies
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?	See above	Yes
18.	What content, if any, should industry classify because the likely classification is obvious and straightforward?	As stated above, to the extent that the classification of content is not obvious and straightforward applying	Content creators should be responsible for labelling commercial content with classification

		existing rules relating to classification, these rules relating to classification should be modified. Any classification which comes about through a or complex assessment process is unlikely to be useful or meaningful to the public	information. Books and audio-material should be required to provide classification information only where they are high impact.
Classification fees			
19.	In what circumstances should the Government subsidise the classification of content? For example, should the classification of small independent films be subsidised?		In our view the Government should generally not be involved in the classification of content. To the extent that Government elects to maintain a role and provide a service of content classification (for example, as an alternative to content classification by trained content assessors), or to provide a service of training and accrediting content assessors, the service should be provided on a directly attributable costs recovery basis. In this circumstance it may or may not be appropriate to provide a subsidy to small independent filmmakers, pending upon the level of cost based fees.
Classification categories and criteria			
20.	Are the existing classification categories understood in the community? Which classification categories, if any, cause confusion?	The IIA does not have any specialist knowledge on this.	Representatives involved in this submission would comment that, in their experience, the categories are well understood but the plan English description of the actual content of

			specific items is often more helpful.
21.	Is there a need for new classification categories and, if so, what are they? Should any existing classification categories be removed or merged?		The categories P and PG would appear useful for providing information in relation to content designed for children. The MA 15+, R and X. would appear useful for indicating content that may have high impact. The classification categories might be simplified by dropping the designation M and replacing MA15+, R and X with more precise and informative labelling of the extent of sexual content and/or violence contained in the item of content
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?		See our response to 21 above.
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			
24.	Access to what content, if any, should be entirely prohibited online?	During the public debate regarding the proposed national filter for online content some lobby groups expressed	IIA believes the refused classification category should be reviewed to ensure that educational, news,

			concern that the refused classification category might exclude some news, medical, scientific or political information that should be capable of legal communication online.	scientific medical and political material is not included. We think this is important to the proper flow of information in our society and to ensure that free speech is possible online without risk of restriction.
25.		Does the current scope of the Refused Classification (RC) category reflect the content that should be prohibited online?		No
Reform of the cooperative scheme				
26.		Is consistency of state and territory classification laws important, and, if so, how should it be promoted?	The current scheme is absurd. The various state boards do not have the resources to engage in meaningful enforcement and the separate administrations are inconsistent with the now nation standard scheme.	Consistency is vital. The IIA believes the Commonwealth should focus not only on complete consistency between states but also on eliminating the unnecessary duplication of resources involved in the current scheme and coordination between jurisdictions with a view to developing an information standard for content that is acceptable internationally.
27.		If the Commonwealth, state and territory cooperative scheme for classification should be replaced, what legislative scheme should be introduced?		The States should cede legislative power to the Commonwealth and a single scheme based on the principles described above put in place nationally. The current scheme is complex and confusing, imposes high compliance costs and to the extent that State and Territory based differences in restrictions are inconsistent and circumvented by postal or internet delivery or other means, bring the law into disrepute.

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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?		Yes: see our response to 28. above.
Other issues			
29.	In what other ways might the framework for the classification of media content in Australia be improved?		The key weaknesses of the existing framework are; • The need for official classification by a government agency • the lack of useful information provided to the user; and • the diversity of distraction via state regulatory bodies