

CI 2446 D Baker

Classification Scheme - List of Questions

Submission by Individual: (your website not working)

15 July 2011

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?

Yes, develop a new framework for classification which improves on the current scheme by responding to the new media environment.

The current scheme fails due to lack of compliance and persistent breaches across all areas, especially in print magazines and in television broadcasting. Stringent regulation and enforcement is needed, including fines and other sanctions for failure to comply with classification.

Why classify and regulate content?

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

What content should be classified and regulated?

The objective of the classification scheme should be to ensure that children and minors are not exposed to inappropriate material. The classification scheme should reflect parents' views on what is and what is not appropriate. An independent review of sexualisation in the British media made 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. Society should take a precautionary approach to protecting children from sexualised/offensive content in the media. The scheme should minimise content which: reduces women to sex objects, condones sexual violence against women, or promotes the sexualisation of children.

It should also seek to ensure that the sale and distribution of

illegal/degrading/exploitative content is not permitted in Australia.

Compliance must be effectively enforced.

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

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

No. Today's multimedia environment enables content providers to frequently push boundaries, so classification is necessary for ensuring that content is appropriate. Self-regulation and co-regulation have failed.

The community should have access to a clear, simple and central complaints mechanism (and be well advertised) – and particularly to parents – so that concerns about content can be more easily sent to content providers and regulators.

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

'Potential impact of content' is a consideration in classifying content, however it is very subjective. A more objective classification system should be created, based on clearly defined parameters, with strict limits on depictions of: sex (including sexual violence) and degrading depictions of young people, and of women in general.

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?

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

Yes. The classification scheme should consider 'artistic merit' to be irrelevant in the production, sale or distribution of sexualised/degrading images of minors. The artistic credentials of the person producing the work should have no influence on 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. Today's arrangement sees an increase in 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. Radio stations can bleep language but music videos are on air for all to see, and on internet.

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

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

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

The views of parents should be given greater consideration in determining standards, and whether/how content should be classified.

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?

Filtering of the internet at ISP level is the most effective method of controlling access to restricted online content. Illegal content in other media should be blocked on the internet and (if possible) on mobile phones. Opt-in access to restricted content R18+ could be enabled by age verification. Government should work towards classification of all web pages to aid users, especially parents. Most organisations would voluntarily classify their site to encourage use by the widest audience of internet users.

The internet is becoming more pervasive in the lives of children. Web-enabled media devices range from computers to mobile phones. Parents face challenges in assisting children navigate the dangers of the online world. ISP filtering empowers parents to more easily monitor and regulate the content that children are exposed to across various devices.

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

Mandatory filtering at ISP level (Refer Q 12).

There is a great need for better education for children and parents, re the dangers and consequences of online activity, and specifically for parents on managing children's online activities.

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

The serial classification scheme of magazines should be abandoned as it has failed. Groups like Kids Free 2B Kids and Collective Shout have shown that Restricted Category 1 and 2 publications have repeatedly included illegal sexual content. A new scheme should be created where each issue of the magazine is to be classified. Also, sexually explicit magazines (incl. R18+ and Cat 1 and 2 titles) should only be sold from secure, separate areas which cannot be accessed by minors.

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

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?

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?

No. The current scheme is regularly breached by content providers (esp., by publishers, distributors and retailers of restricted magazines), and the situation is likely to worsen under a co-regulatory framework. To quote Collective Shout : '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?'

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

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?

Classification categories and criteria

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

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?

The calls for an R18+ classification for video games should be rejected. Being major consumers of computer games, Australian children are already exposed to high levels of violence through MA15+ rated games. R18+ games introduce interactive games which involve higher levels of violence (including sexual violence) and other types of degrading content. Responsible parents do not want the content of computer games to worsen.

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?

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?

Refused Classification (RC) category

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

Any content which falls within the current R18+, X18+ or RC must be prohibited online in Australia. R18+ content could be accessible via an age-verified opt-in basis.

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

Reform of the cooperative scheme

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

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

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?

Other issues

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

COMMENTS:

The current system is failing us and our children, who are exposed to more filth these days than ever before. Children often have no choice as it is right before their eyes in some circumstances. What adults choose to do in private is one thing, to display such material openly to those who wish to avoid it and protect children - is quite another. Authorities must keep up with technology and enforce regulations accordingly.
