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Proposal 5-1:
This seems to be the logical course to get rid of the current mess.
Proposal 5-2:
In addition the new scheme should not attempt to achieve objectives that are technically impossible. To attempt this is not only a waste of effort but brings the rule of law into disrepute.
Proposal 5-3:
This would be the best result, but I am sceptical that it is possible under the Australian Constitution.
Proposal 5-4:
Again, I am sceptical that these definitions can be devised such that they do not rapidly become dated and unrealistic. Consider that a definition crafted ten years ago would not include half the material that it would today.
Proposal 6-1 :
This proposal is not contreversial.
Proposal 6-2:
Since Australia represents a tiny proportion of the world market, this proposal would act as a market restriction, preventing access to the Australian market for small developers, who will simply ignore the Australian market and move their operations overseas. At the same time, because of the cost of classification, it will mean that small market games will be more difficult to obtain for Australians, as they will not be classified.
Proposal 6-3:
This is relatively uncontroversial.
Proposal 6-4:
Since the vast majority of the material that would be caught by this would be online content originating overseas. Almost none of the millions of providers of this content will even attempt to have the material classified. As the providers are outside Australian jurisdiction, the law cannot be enforced.
A law that cannot be enforced is a thoroughly bad law and only serves to bring the law into disrepute. I find it surprising that the ALRC would propose such action.
Proposal 6-5:
The same comments apply to this proposal as apply to 6-4. An additional comment is that because of the extremely wide range of material covered by the RC classification, especially those provisions relating to crime, it is virtually impossible for an ordinary person to guess whether material would be covered or not. This would lead to the provision being either ignored or interpreted in the widest possible way, leading to the exclusion of a far wider range of material than is intended. Very little material would be actually classified, since most content providers are individuals who have neither the inclination nor the financial capability. Again, this would be thoroughly bad law since it is unenforceable.
Proposal 6-6:
This is a sensible proposal, subject to how sensible the definition of RC becomes!
Proposal 6-7:
While this provision will be seen by the ordinary individual content provider as meaningless legalese, although I suppose it is unlikely that the individual will have had material classified in the first place.

Proposal 6-8:
This is uncontroversial
Proposal 7-1:
7-1 c. The definition of RC is so wide that this is likely to be unenforceable.
Proposal 7-2:
Question 7-1 :
Again, this proposal ignores the simple fact that the vast majority of content likely to be X18+ is supplied by providers outside of Australian jurisdiction. Making laws such as this are simply a waste of effort. Does it matter who classifies the tiny proportion of material that actually is classified? The same comment applies to 7-2, 7-3, 7-4 and 7-5.
Proposal 7-3:
Proposal 7-4:
Proposal 7-5:
Question 7-2:
Proposal 7-6:
It seems to me that having a CB reviewing its own decisions is a bit incestuous. However, it is probably a largely academic criticism, since only a tiny proportion of material will ever be classified, and the Classification Review Board has long been out of the financial reach of any ordinary Australian.
Proposal 7-7:
7-7 c These call ins must not be charged to the media provider, as if they are, the call-ins could easily be used to bankrupt individual providers.
Proposal 8-1 :
This proposal, although perhaps well intended, is unenforceable, and therefore will bring the law into disrepute. The same comment applies to 8-2
Proposal 8-2:
Proposal 8-3:
This is sensible
Proposal 8-4:
8-4 a Restricting online content to adults using technology is simply impossible. You can make it more difficult, but that is about it. There is no reason to believe that any technology could do this short of ones that used a complete biometric database of every adult in Australia. Such a system would require completely unsupportable privacy problems, apart from being very expensive to implement. And even then it could not be relied on to work, especially for teenagers. To believe otherwise is simply wishful thinking. And legislating on the basis of wishful thinking is simply stupid.

b Parental locks are on most new TVs and almost all computer operating systems and routers. Promotion of them would serve a useful purpose, but they will never be perfect, and parents' use of them is likely to remain incomplete.
Question 8-1:
Proposal 8-5:
Proposal 8-6 :
Proposal 9-1 :
Proposal 9-2:
Proposal 9-3:
Proposal 9-4 :
Sensible
Proposal 9-5 :

I have yet to be convinced that "Community Standards" exist. Certainly they are not the ones promoted by pressure groups that have dictated Australian classification decisions in the past. Rather than "Community Standards", classification decisions, at least for classifications that may result in censorship and probably also those resulting in age restrictions, should be made on the basis that they prevent clearly defined harm that is substantiated by real life data. Further, the Act should contain provisions to not only carry out these reviews but to change the classifications in line with changes in both the community and available data - something that has not happened in the past.
Proposal 10-1:
This proposal fails to address the real concerns about RC, and criticisms of the methodology of ALRC research into community standards.

It also assumes that a blacklist filter will be implemented. While this is government policy at present, it seems very unlikely that such a filter would be supported by the Senate. In addition it has very real problems with effectiveness (it can be readily bypassed and will only apply to a minuscule proportion of content that would be RC), and has a high probability that it will be misused for political or commercial purposes, as has been seen in other jurisdictions where these filters have been implemented. For the ALRC to ignore these concerns could be seen as dereliction of duty. It should be noted that RC has already been used to try to censor clearly political material as well as medical and other content that is arguably of benefit to specific minorities.
Proposal 11-1:
This sounds like a blanket provision to increase the intrusion of the regulator into areas that are beyond practical control.

Since most media content will be delivered in the future via the internet, this intrusion will in most case simply benefit the offshore provider who does not have to comply compared to the Australian one who does.

We have to question whether the ALRC should be in the business of pushing industry to move offshore.

The same comments apply to 11-2, 11-3 and 11-4.
Proposal 11-2 :
Proposal 11-3 :
Proposal 11-4:
Question 12-1:
Proposal 12-1 :
Proposal 13-1 :
It would be nice to do this, but most of the areas covered are state responsibilities.
Proposal 13-2:
Best of luck! This is the rock likely to break the whole scheme.
Proposal 14-1 :
See comment on 13-2
Proposal 14-2 :
See comment under 13-2
Proposal 14-3:
Proposal 14-4:
Proposal 14-5 :
Upload supporting documents: