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Proposal 5–1:

Proposal 5–2:

Proposal 5–3:

Proposal 5–4:

Proposal 6–1 :

Proposal 6–2:

Proposal 6–3:

Proposal 6–4:

If this proposal is introduced, the relevant provision should be drafted narrowly so as to avoid criminalising non-commercial production and distribution of X 18+ content. For example, if couples were to share (non-commercially) home-made material without first having the material classified, that ought not to be an offence. While the term distribute has the advantage of technological neutrality, it has the disadvantage of failing to distinguish between (for instance) webhosting and private email.

Proposal 6–5:

Proposal 6–6:

Proposal 6–7:

Proposal 6–8:

Proposal 7–1:

Proposal 7–2:

Question 7–1 :

Proposal 7–3:

Proposal 7–4:

Proposal 7–5:

Question 7–2:

Proposal 7–6:

Proposal 7–7:

Proposal 8–1 :

The ALRC has proposed a sensible suggestion for managing a difficult problem, namely the impossibility of pre-assessing all user-generated content before publication. The proposal, as I understand it, is that (1) content providers must have mechanisms that allow users to flag adult content, (2) content providers must comply with 'restrict or classify' notices, and (3) acceptable methods of restricting access should be set out in approved industry codes of practice (as per Proposal 8-4).

The main difficulty with this proposal is the fact that many content providers will choose to host material overseas rather than comply with any regulation targeting content hosted in Australia. It is

unclear whether jurisdiction will be based on the location of servers, the connection of the content provider to Australia or the fact that a content provider has assets located in Australia.

Further, in measuring the benefits of such regulation, it is first necessary to identify its goal. Here, it is unlikely that regulation by the Australian government of content hosted in Australia will have a significant effect on the ease with which children are able to access adult content on-line. The goal must instead be recognised as symbolic or educative.

Proposal 8–2:

Proposal 8–3:

Proposal 8–4:

Question 8–1:

Proposal 8–5:

Proposal 8–6 :

Proposal 9–1 :

Proposal 9–2:

Proposal 9–3:

Proposal 9–4 :

Proposal 9–5 :

Proposal 10–1:

For the reasons given in my earlier submission, I support this proposal. My only query is the definition of “actual sexual violence.” The example given is actual rape, in which case the similarities between it and child sexual abuse material are obvious. Based on my reading of the report, “actual sexual violence” would not include fetishes such as spanking or consensual bondage, despite the “sexually violent” element. It would be useful to have a clear definition of “actual sexual violence,” ideally limited to situations where there is no consent or where the violence is such that consent does not apply.

Proposal 11–1:

Proposal 11–2 :

Proposal 11–3 :

Proposal 11–4:

Question 12–1:

Proposal 12–1 :

Proposal 13–1 :

Proposal 13–2:

Proposal 14–1 :

Proposal 14–2 :

Proposal 14–3:

Proposal 14–4:

Proposal 14–5 :

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