

CI 412 J East

First name: J

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Q1:

The ALRC should focus on improving key aspects of the existing framework

Q2:

The primary objective of a national classification scheme should be to provide at a national level a rough guideline to assist parents in the age appropriateness of content based on industry self-regulation taken from a neutral humanist perspective - that is in isolation of localised bias from vocal interest groups religious or otherwise.

The states and territories must respect the decisions by the national scheme and shall not interfere with them IE restrict or otherwise alter the sale of any product.

Likewise, the classification scheme is to act only as an advisory mechanism - it shall not be able to ban the sale of content or maintain non-uniform content classifications as it has done in the past.

Q3:

Yes, as the technology and platforms in most cases forms an integral part of the presented content.

If a presentation contains a component of interaction then it is no longer the sanitised, static product that is presented to a closed group of classification board employees to rubber-stamp.

The live interaction within the presentation can change dramatically depending on those involved or the topics of the day making it impossible to definitively classify for every case.

Q4:

Yes, with industry and OFLC moderation and a substantial amount of independent complaints.

Q5:

We need to consider to what end is the national classification scheme achieving with regard to this question, case in point what happens to content that would be considered 'objectionable' by some, content that is clearly intended for an adult audience or dynamic/interactive content?

20 years ago an answer might have been to attach an R18+ label, ban it from sale and/or mandating that it be placed in a shrink wrapped bag behind the counter. To put things simply, it didn't work then and it certainly doesn't work now. Kids back then still got hold of inappropriate material, they still do now and will do so in future.

That said society has changed over the past 2 decades and the children that this aging system was

designed to protect are now adults. We run the businesses and pay the taxes (and ironically, OFLC's wage). We feel that we are to be relieved of this geriatric system as we are more than competent enough to decide for ourselves and our children what is and isn't appropriate. For the minor number of adults that don't understand this, consider that this number have always existed and that current or future classification schemes won't prevent them from presenting inappropriate material to minors anyway. The fact that this review is underway is telling that the OFLC isn't doing it's job, and that so called "silent majority" pandered by minority groups isn't what they expected. There is material available now that is socially acceptable but the censors won't allow it, disadvantaging Australian retailers and allowing gray market imports.

With that in mind in regards to the question; No, the potential impact of content should not affect whether an item should be classified.

Content designed for children across all media should be classified at the prerogative of the producers, though I don't see why they wouldn't as it's guaranteed market share to bear an official "G" mark.

Q6:

Yes, with industry and OFLC moderation and a substantial amount of verified independent complaints.

Q7:

It should be the prerogative of the exhibitor in consultation with industry to submit the works for classification, not compulsory by law or criminalised if neglected. People have to make their own choices and exhibitors have know their audience.

Q8:

Per Q7

Q9:

Per Q5, no

Q10:

Per Q5, no

Q11:

The target audience

Q12:

Controlling access to online content at a government level is not practicable and will do more harm than good in a number of areas. This has been attempted and failed in a number of countries. Parental observance and education of minors is the only effective means of restricting access. As this generation of digital natives grow up they, more than anyone else would understand what is and isn't

appropriate online.

Government intervention is not needed, any government intervention bound to fail and waste tax payer money.

Q13:

Not possible, see Q12

Q14:

The current controls are sufficient, a transition to an industry self-regulated model would probably maintain such controls anyway as the industry knows its audience.

Q15:

If content has been classified by industry bodies / OFLC it should bear the marking on packaging, likewise with any official warning notice from said bodies.

Q16:

The OFLC should serve to provide guidelines as to which content falls into what category and provide a secondary authoritative opinion should a discrepancy be escalated between a user and the industry body who issued the classification. Mandatory publishing of warnings relating to material can be placed on packaging.

Industry bodies should bear the majority workload of regulation and classification as they know their product and the public perception of it better than a government body. Mandatory publishing of warnings relating to material can be placed on packaging.

Producers / developers create content and can voluntarily submit for classification by the industry body, internal pressures from said body would probably make this a prerequisite anyway with those refusing having a disadvantage IE being locked out of their distribution networks ala ESRB in the US. Publishers can go it alone and market unclassified goods, however if there are complaints they would be legally obliged to have the content classified to avoid a substantial penalty.

Users can opt to take the advice of all bodies when considering a product.

Q17:

Yes. The current ARIA / AMRA music industry self-regulation appears to be working, and looking overseas the USA's ESRB is a good example of a self-regulating industry body without government intervention.

Q18:

That's the prerogative of the industry

Q19:

The government should subsidise classification in cases of complaint escalation which requires OFLC

attention. Australian small and independent productions / exhibitions should also be subsidised.

Q20:

In general, the broad definitions of the classification categories are well understood however there is some confusion regarding M, MA15+ and AV15+.

Q21:

There is no need for new classification categories, however the RC categories should be removed and the R/X ratings combined.

RC has been used as a too hard bin in recent years with the rise of video game popularity. Left 4 Dead 2 was initially banned for having persistent corpses of humanoids in the game area, whereas a movie such as '300' can get away with the protagonists building a wall literally constructed of the freshly killed corpses of their adversaries. Mortal Kombat was banned for "high impact violence" whereas 'Underbelly' displayed explicit sex scenes, gratuitous use of explicit language, gang violence and criminal activity whilst being aired on prime time, then released on DVD rated MA. The RC rating also opens the flood gates for gray market imports, disadvantaging local retailers or encouraging the use of illicit copies of material. Games are no longer relegated to the realms of child's play, like the children that grew up with the medium it is now an economic factor and is matured to suit a large variety of tastes, the current state of child-like classifications is insufficient. A national classification scheme should have uniform categories across all media that account for the whole spectrum of content.

With regards to R and X, aside from the inclusion of sexual content the only other factor is state-side distribution. With a uniform national classification scheme that point would be rendered moot, thus combining the 2 would eliminate confusion.

This would leave the national classification scheme with (E,P,G,PG,M,MA/AV15+,R/X) for all media

Q22:

The classification markings are sufficient, but the criteria and guidelines, along with the recent judgments based on them are as clear as mud. The OFLC should hand over primary classification to industry and they know best how to rate their own product. Different media should have equal categories of classification, banning items outright due to lack of a category is only going to induce the Streisand effect.

Q23:

Yes

Q24:

None.

No online content should be prohibited in a national classification scheme as such a scheme is to

inform, not enforce. But there is a difference with illegal content under Australian law, in such circumstance the involvement of law enforcement would be required. As per the recent busts of child exploitation rings by the AFP et al they are doing their job just fine so there is no need to get the OFLC involved in police matters, or police involved in OFLC matters.

A classification scheme should not be a censorship scheme. It exists to provide advice parents in addition to their own judgment as to what would be acceptable for minors, not a means to open a torrent of gray market imports, disadvantage local retailers, pandering to minorities and embarrass Australia on the global stage with 1950s McCarthyism's such as the 2003 case of the Tasmanian band, Intense Hammer Rage.

Q25:

RC shouldn't exist as its very definition is a lack of a category to put content in - not something you want in a national classification scheme.

Q26:

State and territory law should be consistent, arguably abolished so as all states and territories follow the national guidelines with no deviation from them. At the moment there are overlapping interpretations of the classification system which allows items in one state but not the next. Consistency in a national classification system is paramount.

Q27:

State and territory legislation should be abolished and replaced with commonwealth framework based around voluntary industry self-regulation with the OFLC providing guidelines and acting as an authoritative moderator for escalated complaint cases, a usage scenario is in Q16.

Q28:

Yes

Q29:

State censorship minister position revoked and their power dissolved in favor of a commonwealth framework solution

Other comments:

Main points:

Removal / decriminalisation of RC - replaced with warning or placed into amended classification categories,

Better education of minors regarding Internet content as enforcement of inappropriate material is not practicable.

Broad Internet rating at a minimum of parental guidance - accept that enforcement however is not practicable.

Industry to take over majority of classification, move to a voluntary based classification system.

Clarification and combination of classification categories across multiple media - a uniform classification system

OFLC to moderate industry bodies, have an overriding second opinion in escalation cases.

Any official classification / issued warning mandated to be on packaging

State and territory classification powers dissolved, commonwealth framework to replace them based around voluntary industry self-regulation

Illegal content is advised to be forwarded to appropriate authorities and not hidden by censorship.

Classification scheme is to advise parents about content, not to act as a national censor.