

CI 605 M Whiteley

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Q1:

The current classification system works well. Though it should be improved adding a R18+ rating for games, removing the Refused Classification category and allowing all commercial material for retail consumption to be released, and allowing X18+ videos to be sold in all states and attempting to make it the same across all states and territories would be desirable, but would be difficult due to the differing views on classification and censorship of the states and territories Attorney Generals.

Q2:

The scheme should provide general information on the content of media to consumers. It should not act as a machine for censorship (through the use of the Refused Classification category). It should also not be used as a tool by minority lobby groups (most of whom are of the Christian Right variety) or federal or state and territory Attorney Generals to effectively censor ban material they personally do not like.

Q3:

Yes. In particular internet content cannot be really classified. Content is created at the rate of about million webpages per day, with several trillion pages already in existence. Add in the fact webpages are dynamic and can change weekly or even hourly. They are not static like films or magazines. There is also the problem that the vast majority of websites are hosted on servers overseas, out of Australia's legal jurisdiction.

Q4:

I think this would only apply to internet content. Even then classification of the internet is practically impossible. Only illegal content should be taken down.

Q5:

Judging what potential impact media might have on individuals is too abstract of an idea (as it would vary from person to person) and should play no role in terms of classification.

Content should be always classified for children. In fact there should probably more classifications within the "G" and "PG" classifications so parents can decide if that media is acceptable for their children. Something similar to the British Board of Film Classification's "12" "12A" might work; <http://www.bbfc.co.uk/classification/guidelines/12a12/> There could be simple BBFC number style classifications such as "6", "8", "10" etc, to help parents decide what content was suitable, which could be incorporated into the current classifications (e.g. "G8").

Q6:

Yes. Some material has a niche audience and the classification fees can be a deterrent to distributors. As long as the material doesn't break any laws, then there is no reason why it should be sold without a classification. Unclassified home video has not been a problem in the United States. Though some video companies do put warnings on tapes and discs.

Q7:

No. No western nation classifies art. I think this is a bit of a knee jerk reaction to the Oxley9 exhibition of Bill Henson's work. It must be noted that the Classification Board rated the photos in question as "G" and "PG" and they had a "mild impact". Because of this rating, and the lack of police action and the lack of complaints from the models and their parents, and the lack of controversy over any other artworks, I think there is no need to look at classifying any works of art. Most visitors to art galleries are over 18 and are familiar with the content exhibited.

Q8:

No. No other western nation does this. The United States may be the only exception, however it is a self regulated system where albums are stickered with the generic "Parental Advisory – Explicit Lyrics". There has been no controversy regarding this since it was introduced in 1985.

Q9:

Yes. As I've said before classification fees can hurt the distribution of niche audience material, especially films and home video, in this country. If the material is not illegal, then companies should be free to distribute it (as in western Europe and North America).

Q10:

Yes. It might be wise to adopt the US model where all cinema screenings are rated (there are some exceptions, mostly very niche genre titles and some self distributed titles) and a large percentage of home video is not rated. This has worked extremely well in the United States for more than a quarter of a century with practically no controversy or problems.

Q11:

If content has been classified in another western nation, in particular the US or UK, then it should be released here. The Classification Board could use the BBFC, Motion Picture Association of America, Entertainment Software Rating Board as guides as to what they give ratings to the same product. Or they could just accept that rating and not bother to look at the product.

Q12:

None. There are no effective methods. Filters don't work. Evidence of this can be seen in police states like China where dissenters regularly bypass filters with ease despite harsh penalties for doing so. Filters can be bypassed numerous ways, sometimes as simple as using online language translation tools or changing the name of the URL slightly. Illegal content should be taken down by police units.

Q13:

Home filters and better parenting such as having the PC in the lounge room where the parent can see what the child is accessing. Raising children should be the domain of parents, not government.

Q14:

As print media is dying a slow death, one can only wonder why there is a further need to control what will soon disappear from the market altogether. Many newsagents no longer stock R18+ magazines or even M15+ magazines. Many adult shops no longer stock any kind of magazine. There has been many more restrictions placed on adult magazines since the mid 1990's. There is no evidence that they need to be controlled further. The actual problem with the current way these magazines are displayed has never been articulated nor evidence produced that their display causes harm to anyone. The amount of magazine titles in the market today is about a quarter of titles sold back in the 1990's. There seems to be no point in hastening the adult magazine industry's death through yet

more pointless restrictions.

Similarly for home video, there seems to be no problem with current arrangements. However the current restrictions on the display of R18+ videos in SA are absolutely absurd, especially when you consider R18+ videos have been displayed in retail outlets without controversy since the early 1980's.

Q15:

Certainly cinema screenings. Home video aimed at children up to teens. Everything else probably doesn't require to display classification markings. Any adult material (such as sexuality explicit films and magazines or violent films like "A Serbian Film") would require a warning that it is for adults only, but no classification should be required, especially if it has had a commercial release elsewhere in the world, especially western Europe or North America.

Q16:

I think it would be best if the overarching framework was decided by government. It would be good if industries themselves could rate the material themselves. Community Liaison Officers from the Classification Board could oversee and spot check companies (note: they should give advice and recommend alternate classifications, not punish or fine companies when they get it wrong). User complaints against classifications are difficult issue. The problem, which can be clearly seen in the submissions not only to this enquiry, but other over the decades in regards to other enquiries into classification and censorship, is that lobby groups can force reviews of classifications. Weeding out genuine community concern over lobby groups determined to censor material which they dislike would be extremely difficult.

Q17:

Probably so. It seems to work quite well in the United States (both the Motion Picture Association of America and Entertainment Software Rating Board are very effective without government involvement). As I've mentioned before, with guiding legislation by government and with help by the Classification Board's Community Liaison Officers, a industry based scheme could probably be created, would be quite efficient and would probably be a lot more cost effective and less time consuming than the current model.

Q18:

Educational material etc. I understand that the Classification Board already does this for certain material anyway. I see no point in changing the current arrangements.

Q19:

Film festivals and institutions like the National Film and Sound Archive, and as suggested by the question independently distributed films (i.e. those which are self distributed). The same should happen to self published and distributed magazines and home video.

Q20:

The big seems to be Refused Classification (RC). It just seems to be a too hard basket classification. RC is absurdly broad, covering material which can be bought legally in almost all western democracies (films like "Baise Moi" and pornographic films with fetishes, as well as other absurdities like graffiti culture magazines and films) to child porn. Even more absurd is the fact nearly all of the material in the RC classification is legal to own (child porn being the obvious exception, also RC is currently illegal to possess in WA and prescribed areas of NT). RC should be struck out of the classification

system and all commercial material intended for retail consumption should be allowed to be sold, especially if it is sold in other western democracies.

As a general rule, I think a significant percentage of parents ignore classifications altogether. Often in films like "Lord of the Rings" or the latter parts in the "Harry Potter" series, parents will bring small children despite the fact the films are clearly marked as M15+. I am unsure how to change this attitude as Australian classification labels are already overly large and highly descriptive in their consumer advice to the point of almost being absurd (perhaps changing the ratings to "12", "15", "18" etc, as per the BBFC's classifications). Compare with consumer advice for cinema screenings in Singapore, the UK, and US. Even New Zealand's consumer advice is less descriptive than Australia's.

Q21:

Certainly an R18+ classification for video games should be introduced. The 58,000+ mostly positive submissions for the rating should be seen as overwhelming community support for the rating. As stated before, Refused Classification (RC) should be dissolved as a classification. All commercial material to be sold at a retail level should be allowed to be sold and given appropriate ratings. Films, games, magazines etc should not be dumped into the black hole limbo land called RC. It is absurd classification in which most Australians can own the material, but it cannot be sold. Adding insult to injury is the fact the majority of items in this classification can be sold, bought and owned by citizens in nearly all western democracies.

As per my answer in question five, there is also scope to expand the "G" and "PG" ratings to help parents easily decide if content is suitable for child aged 10 or 6 etc.

Q22:

Markings are already pretty much standardised for video and games. This may be extended to publications. Other than having an R18+ rating for games, allowing fetishes in X18+ films should be looked into. It is absurd the same fetishes are allowed in R18+ Category 2 publications, but are banned in X18+ films. All media should have equivalent classifications. It should be legal to depict the same thing in all types of media. It doesn't make sense that one media is somehow "special" from another.

Q23:

Yes. It should be the same across the board.

Q24:

Unless it is illegal under Australian law, none. This would amount to only child abuse and pornography material and perhaps some forms of hate speech and instruction in terrorism and the like, perhaps a site like "Silk Road" drug trading website. This is more a law and justice issue than it is classification or censorship issue.

Q25:

No. Refused Classification (RC) is a totally absurd classification. It includes material that can freely seen in almost all western democracies and contains material that is legal to own in all parts of Australia, except WA and prescribed areas of NT. It is absurd films like "Baise Moi", adult films with fetishes and even graffiti magazines and videos are in this classification, which can be freely bought

from retailers in other countries. RC should be dissolved completely and all commercial material for retail consumption should be able to be released. Only material that is illegal to own should be "refused" as such. However this is a law and justice issue, not an issue for the Classification Board.

Q26:

Yes. It is absurd that people in Queensland or WA or SA are treated differently in terms of the material they can access or own compared to other Australians. Are they somehow lesser beings or more sensitive than other Australians? As to how to make laws more consistent or to promote this idea, I am unsure. State and territory Attorney Generals have a long history on disagreeing on terms of classification and censorship.

Q27:

I would prefer if the classification current scheme was not replaced, but for it to be consistent across all states and territories. However if it was to be replaced, I would prefer if it was an industry based one (like the Motion Picture Association of America or Entertainment Software Rating Board). Government could still agree on the framework of classifications, but industry would decide the ratings themselves. Community Liaison Officers from the Classification Board could oversee and spot check companies. This would solve a number of problems. Mostly it would solve the issue of the incredible amount of content on the market and the work the Classification Board would have to do to classify it all. It would also be more cost effective for a small government department like the Classification Board.

Q28:

If a new framework has to be created, then yes. This would solve the problem of the incredible inconsistency of censorship and classification regulations between states and territories.

Q29:

Other than what I have said in answer to previous questions, I can think of no other suggestions as to how it can further improved.

Other comments:

Minority lobby groups, in particular those of the right wing Christian variety, and state and federal attorney generals, should have no say on what publication, film, video game etc. gets reclassified or "Refused Classification". The complaints process has been abused for decades by these groups and individuals to remove material they don't particularly like or for political purposes. These people are not representatives of the Australian public's morals. Decisions by the Classification Board should be free of political, religious and other minority group's influence.

The recommendations of the recent Senate Legal and Constitutional Affairs References Committee's "Review of the National Classification Scheme: achieving the right balance" report should be ignored in the ALRC's National Classification Scheme Review. The report is heavily weighted towards the desires and wishes of hard line right wing Christian groups and not the general Australian public.