

## **WILL THE ALRC REVIEW PROPOSALS PROMOTE PROTECTION OF CHILDREN?**

The Australian Law Reform Commission is presently conducting a review of Australia's National Classification Scheme (NCSR) for all media.

The NCSR has produced several background papers and is encouraging public response by **Friday November 18**.

The Review team has developed the following eight principles which guide its review.

These relate to:

- (1) freedom of choice for media consumers;*
- (2) community standards;*
- (3) protection of children from material likely to harm or disturb them;*
- (4) timely and clear consumer information;*
- (5) responsiveness to technological change;*
- (6) industry interests;*
- (7) minimal classification regulation to achieve a clear public purpose, and clarity in its scope and application; and*
- (8) focus upon content rather than platform or means of delivery.*

ACCM has studied the NCSR documents:

- Terms of reference <http://www.alrc.gov.au/book/export/html/4045>
- Guiding principles for reform <http://www.alrc.gov.au/publications/discussion-paper-summary/guiding-principles-reform>
- Discussion paper summary <http://www.alrc.gov.au/publications/national-classification-scheme-review-dp-77-summary>
- Discussion Paper 77 <http://www.alrc.gov.au/publications/national-classification-scheme-review-dp-77>
- Issues for comment <http://www.alrc.gov.au/content/online-submission-national-classification-review-discussion-paper>

**ACCM is of the view that Principles (3) and (4) above have not been given due weight. The achievement of Principles (5) to (8) has been given far greater attention than the proper protection of children, and than the ability of consumers to have access to impartial system of information about content, and to an effective complaints system.**

**In outline:**

- The ALRC is proposing a uniform system of classification categories across all media, with no differences seen to be needed between platforms. The uniform set of classifications would be C, G, PG8+, T13+, MA15+, R18+, X18+. (see End notes for meanings).
- A much smaller role for independent government classifiers is proposed, and the introduction of “authorised industry classifiers”.
- The independent government classifiers would classify feature-length films and TV programs “produced on a commercial basis”; computer games “likely to be classified” MA15+ and higher; all content “likely to be classified” R18+ or X18+ or that “may be” RC (refused classification). The classification of most other media content, eg magazines, websites, music and computer games (likely to be G, PG and M) would become or remain voluntary.
- It would also be industry decision-makers who determined what a classification was ‘likely to be’, and therefore who got to classify it.
- In addition, industry would be urged to develop Codes of practice for voluntary classification of material not covered by the scheme itself. These codes would “use the categories, criteria and markings of the national Classification Scheme.”
- The self- and co-regulatory systems would depend on complaints, with these lodged first with the broadcaster/ publisher, and referred to the regulator only in co-regulatory matters where satisfaction is not reached with supplier.

**The main areas of concern to ACCM are:**

1. The uniform system of classification categories does not take into account the great differences between the experiences that different platforms offer to the user (eg between films and videogames).
2. The emphasis on the need for a uniform system of classification categories is inconsistent with the provision for multiple points of application of the system by different industries.
3. In putting forward the proposals for a strong role for industry in classifying content, the ALRC has cited, but not appeared to take into account, our warning that this would lead to a loss of independence in the classification process.
4. A major reason advanced by the ALRC for recommending self- or co- regulation is the volume of material being produced. This is not a sufficient ground for the government to withdraw from classification
5. The proposals contain no ground to be confident that the application of evidence relating to what is likely to harm or disturb children would be maintained by the industry decision-makers who would not only classify a lot of content, but make decisions about who will do the classification. Rather the main point of having

industry classifiers seems to be to lighten the regulatory burden on industry – in other words, make it easier to sell material to a broader audience.

6. The definition suggested for 'C' is simply that the material is made for children. If, as appears likely, this would supersede the ACMA's carefully worked-out criteria relating to quality and Australian flavour, it would greatly dilute the value of the C classification for parents and children. If the new 'C' classification is to exist alongside the ACMA's C, this will be confusing for consumers. Nor is it clear whether the 'P' (pre-school) classification would remain in any context.
7. The removal of mandatory access restrictions for MA15+ material will not help parents, or protect children, nor will the loss of mandatory classification of games likely to be G, PG or M.
8. Non-commercial content (some of which is likely to be R18+) cannot be classified and onus will be on parents to protect. (p134).
9. Reliance on complaints for enforcement is a recipe for ineffectiveness, especially with such a convoluted system.

**END NOTE:**

The proposed classifications to be used for all media are:

C for children

G for general audience

PG 8+ Parental guidance means suitable for children 8 and over with parental guidance

T13+ Teens

MA15+ Mature audience

R18+ restricted

X18+ restricted

RC refused