

Submission on Classification

Pirate Party Australia

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1 Submission

The Pirate Party strongly believes that Australian society is not degenerating, into either immorality or perversion, but rather that it is changing and adapting to a new era of freely available information. Our society is not coming under pressure from new negative influences, rather, it is shifting and conforming to the current levels of highly time-relevant and raw, unedited information coming from all across the globe.

As the Classification Guidelines state: “Adults should be able to read, hear and see what they want”. This is fundamental to the Pirate Party. The rights of adults to watch films and play games with content they are interested in, must not be hampered by the misguided idea that it is possible to protect a globally connected society from the possibility of ‘being offended’. We reject outright the idea that a Refused Classification category of material should exist.

Australian moral standards are reflected in Australian Law. The current system deems the filming and publication of many sexual activities between consenting adults as refused classification, when the act itself is perfectly legal. This does not fit in with the right of Australian adults ‘to read, hear and see what they like’. Any legal act between consenting adults should therefore be permitted to be viewed. Where the act itself is criminal the media should be seized and used to prosecute the perpetrators.

There is no place in a civilized society for people who abuse children and take sexual pleasure from that abuse. We believe that people like this should be prosecuted to the full extent of the law. However as Child Pornography is already illegal in Australia under federal law, there are already sufficient avenues for prosecuting these heinous crimes.

There is not a single jurisdiction in the world that allows such material to be published, therefore we believe a better approach would be to give further resources to the AFP to work with both local and overseas agencies to close down child abuse sites, and prosecute the publishers to the full extent of the

Law. This type of system is in place in the USA and many other countries as it tackles the problem at its source, the organised syndicates who produce and publish the offending material.

The lack of clarity in the “Adult end” of the classification system R18+, X18+, etc, means that the differences between ‘Illegal’ material and ‘Refused Classification’ material are often so blurred and conflated that even the Minister responsible, Senator Stephen Conroy appears to have difficulty in explaining what they are.

As our society increasingly becomes globalised and more connected, it will simply not be possible for the Classification Board to review each and every piece of new content that is made available in Australia. Even their current scope of Films and Computer Games is fast expanding as new platforms and content delivery systems emerge. Smart phone apps and their delivery systems are a great example of this expansion. Any proposal to simply reduce the amount of content that is available in Australia is approaching the problem from the wrong direction. What independant Australian software developers and film makers need is a clear and simple system to allow them to attach a rating to their content.

The revolution in internet technologies that we have seen since the start of this century is moving society from a “content consumer” culture to a “content creation” culture. The proliferation of media technologies has provided the tools to produce, film and publish a wide variety of media to ordinary citizens. This culture of online creation, remix, and contribution is where the Pirate Party has it’s roots.

The vast majority of people now have a video camera which they carry around with them, all day, every day, as a function of their internet enabled mobile phone. This means that each person is capable of producing any material, not just “happy snaps” but potentially ”Refused Classification” material and uploading it to the world is just a button press away. In the internet era, self publication is the norm. Photos and video are easily uploaded to social media

websites and blogs, and the producers of this content have no standard way in which they can inform their audience of the potential impact of the content they are publishing. A good example of this is the videos being uploaded during the uprising in Egypt and Tunisia, this was legitimate adult focused news content, but potentially 'Refused Classification' due to excessive real life violence and death.

Another problem classifying material on the internet comes from the internet's globalised nature. It is no harder for someone to upload or access a video on a site in the US than it is to upload or access a video hosted in Australia. A compulsory, government run classification system would be unworkable, in part due to the sheer volume of media, films and games being produced around the world.

Voluntary regulation systems are in force for digital content in Europe and the USA. We believe these to be an effective system of classification because it is in the interests of media companies to provide proper guidance to the nature of the content they are providing. More broadly, self regulation has been shown to work within online environments such as Wikipedia and YouTube. These sites use a system where content can be 'flagged' inappropriate for young audiences and then viewed by an administrator. If it is classified as adult content it can be hidden behind an age verification wall, or if it is found to be illegal content then it can be removed from the site.

It is in the interests of the producers of media to apply accurate ratings to their products. Failure to do so risks provoking consumer boycotts and would harm the long term interests of the publisher. Such a system is already in place for TV in Australia and should be modified and extended to other forms of media.

Commercial content that is not classified by the producers would be automatically classified R18+. This has the effect of motivating producers to rate their products or risk being unable to access a significant proportion of the market. The current exemptions to Classification lists in the Act could then be

shortened and consolidated.

Self regulation also provides a cost effective system of classification. The role of the Classification Board would be reduced in scope and the role of the Classification Review Board would still be to hear cases of complaints against misclassification. If a classification of material was deemed to be inappropriate then they could issue fines or order the content to be reclassified more appropriately.

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