MLCS Management

Paul Hunt Principal Consultant

Strategy, Policy & Business Advice, specialising in:

- Government Relations
- Media Content Regulation
- Local Government
- Environment, Health & Safety Management





UNSW Cyberspace Law and Policy Centre Forum: Internet filtering and censorship proposals

Session 2: Legal and societal framework

The structure of classification and how it applies to Internet content, who is involved in classification of the confidential ACMA blacklist, challenges in classification.

- Clarification of who's who and who does what.
- Strengths and weaknesses of current arrangement.
- Future options



Who's who, and who does what

Major players:

- Office of Film & Literature Classification (??)
- Attorney General's Department
- Classification Board
- Classification Review Board
- Australian Communications & Media Authority
- Australian Customs Service
- Enforcement Agencies



How do the two systems work

Classification Board

- Traditional media types, such as film, computer games and some publications, must be classified by the Board *prior to* being sold in shops or viewed in a cinema
- Based on the classification categories described in the Classification (Publications, Films and Computer Games) Act 1995, and the principles expressed in the National Classification Code.



How do the two systems work

ACMA

- The co-regulatory scheme covers content on World Wide Web sites, Usenet newsgroups, peer-to-peer file sharing applications, live content and other types of content that can be accessed online (including on the internet or on a mobile phone).
- Content is managed through the Codes of Practice, and ACMA takes actions based on complaints.
- Prohibited & potentially prohibited content is "removed" if hosted in Australia, or details are provided to filter providers if the content is hosted overseas.



Strengths and Weaknesses

Classification Board & Classification Review Board

Strengths:

- Constitution of the Board allows representation of the broader community rather than being drawn towards interest groups or emerging academic findings
- Review Board provides an appeal mechanism



Strengths and Weaknesses

Classification Board & Classification Review Board Weaknesses:

- Volume of work prevents consideration of all matters (including controversial matters) by the entire Board
 - potentially skewing the principle of a view of the broader community, and
 - o potentially affecting consistency
- Cooperative nature of the National Classification Scheme is based on Commonwealth, States & Territories guarding closely the powers they had separately before the scheme. Issues arise regarding funding and policy development.



Strengths and Weaknesses

ACMA

Strengths

- Co-regulatory model provides an opportunity to manage massive amounts of content in an auditing role that is responsive to community needs
- Not restricted (too much) by problems of managing policies of nine different governments



Strengths and Weaknesses

ACMA

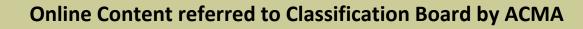
Weaknesses

- Model does not provide fully for an independent representative adjudicator
- Subject to the usual policy compromises of the federal government



MLCS Management

Workload Data – 1.



	TOTAL	RC	X18+	R18+	MA15+	OTHER
2005-06	22	12	2	1	1	6
2006-07	28	8	3	6	2	9
2007-08	14	2	5	0	0	7



Workload Data – 2.

Complaints regarding Online Content managed by ACMA

	TOTAL*	Prohibit or Potential Prohibit Outcomes	Prohibit or Potential Prohibit Items	Take Down & Deletion Notices (Aust.)
2005-06	826	422	724	18
2006-07	602	262	499	5
2007-08	1122	475	796	12

*In each year the total number of complaints made is greater than those actioned due to carry-over from previous years, invalid complaints and complaints terminated due to insufficient information.

Approximately 75-8-% of complaints were completed in each year.



MLCS Management

Workload Data – 3.

Comparison Prohibited v Potentially Prohibited

	ACMA Reported as Prohibited or Potentially Prohibited	*Classification Board Classified RC, X18+, R18+ or MA15+	Difference – i.e. Determined by ACMA to be Potentially Prohibited
2005-06	422	15	407
2006-07	262	17	245
2007-08	475	7	468

*MA15+ content was not included in prohibited or potentially prohibited content in 2005-06 and 2006-07.



Future Model ??

Structurally, a future model can draw on the strengths of the existing models

- Allow industry to continue to participate as the key player in managing content and access to content
- Provide a regulatory authority to manage the development of codes of practice, and perform an auditing and complaints handling role as required
- Provide an independent body that is representative of the broad Australian community as a reference point for content standards.



My View

Principles that need to be considered

- Don't try to control everything.
- Technology isn't the answer for managing community concerns about content. Knowledge and education can provide an answer.
- The Australian community wants some form of assistance and/or advice regarding content access and management.

