



Submission to

**Australian Communications and Media Authority**

Subject

**Review of the Australian Communications  
Media Authority**

Date

**17 August 2015**

## Introduction

The Interactive Games and Entertainment Association (**IGEA**) welcomes the opportunity to respond to the Australian Communications and Media Authority's (**ACMA**) discussion paper on its review of Australia Communications Media Authority.

Set out below is a brief description of IGEA, our general submission and recommendations.

## About IGEA

IGEA is an industry association representing the business and public policy interests of Australian and New Zealand companies in the computer and video game industry. IGEA's members publish, market, develop and/or distribute interactive games and entertainment content and related hardware. The following list represents IGEA's current members:

- Activision Blizzard
- All Interactive Distribution
- Disney Interactive Studios
- Electronic Arts
- Five Star Games
- Fiveight
- Gamewizz Digital Entertainment
- Google
- Microsoft
- Mindscape Asia Pacific
- Namco-Bandai Partners
- Nintendo
- Sony Computer Entertainment
- Take 2 Interactive
- Total Interactive
- Ubisoft
- Warner Bros. Interactive Entertainment
- ZeniMax Australia

## Summary

In 2011, the first comprehensive review of censorship and classification in 20 years was undertaken by the Australian Law Reform Commission (ALRC). Many stakeholders across a wide range of agencies, individuals, the media, entertainment and video game industry were engaged in providing submissions to the *Classification – Content Regulation and Convergent Media Review*.

The final ALRC Report 118 on *Classification – Content Regulation and Convergent Media* was released in early 2012. The ALRC Report 118 at recommendation 5.3 endorses a single regulator who would have the primary responsibility for the regulation of media content under the National Classification Scheme and being responsible for a range of functions similar to some of those currently performed by the Classification Branch of the Australian Government Attorney-General's Department, the Director of the Classification Board and the ACMA.

IGEA believes ACMA could encompass the role of the single regulator under the new National Classification Scheme in accordance with the ALRC's recommendations and could assist with measures to reduce the administrative complexity of current arrangements.

## General Submission

The IGEA supports ACMA as the independent statutory authority with jurisdiction encompassing broadcasting, the internet, radio-communications and tele-communications. As the regulator it responds to complaints, undertakes investigations and registers any industry codes of practice in relation to the classification of broadcasting and internet content.

IGEA will provide the following in response to question 23 of ACMA's discussion paper.

In the main, IGEA supports the recommendations which were tabled in the ALRC Report 118, Classification – Content Regulation and Convergent Media. More specifically, Recommendation 5-3 in Report 118 states

*'The Classification of Media Content Act should provide the establishment of a single agency (the Regulator) responsible for the regulation of media content under the National Classification Scheme.'*

The ALRC's recommendation for a single regulator is a central element of the proposed new National Classification Scheme and arises as a consequence of regulating the classification of films, television, publications, computer games and online media content under a framework that can be more flexible and adaptive in the context of media convergence.

In IGEA's submission to the ALRC, IGEA called for the establishment of a single agency regulator under which the proposed Classification of Media Content Act would operate, with the single agency being responsible for overseeing the National Classification Scheme and providing the enforcement backbone.

Many stakeholder submissions throughout the ALRC's inquiry identified several significant flaws with the current classification framework, which is widely seen as resulting from its development in an ad-hoc reactive manner. The ALRC found that the existing framework is poorly equipped to respond to the challenges of media convergence and digital content. The ALRC also found that there are inconsistencies traversing similar content across media platforms and there is a need to develop a system for classifying digital content that can be more adaptive to unanticipated changes in media and entertainment technology products and services. Therefore, it is now time to have a single agency regulator who recognises reform is imperative for the digital environment.

IGEA believes ACMA could be the single regulator under the new National Classification Scheme and could assist with measures to reduce the administrative complexity of current arrangements. ACMA is an independent statutory authority with jurisdiction encompassing broadcasting, the internet, radio-communications and telecommunications. It responds to complaints, undertakes investigations and registers industry codes of practice in relation to the classification of broadcasting and internet content.

It would be inefficient to establish separate regulators for registering codes relating to classification and non-classification matters. It would be more efficient to have a single regulatory agency responsible for assessing compliance and, where necessary, taking enforcement action.

If ACMA were to be the single agency being responsible for the regulation of content more widely under the National Classification Scheme, IGEA holds the view that there would be a benefit to community, industry and the Government in having one regulator to collaborate with.

As a single entity, ACMA would better engage with the community with a single approach to the application of community standards and protections within the new scheme. There would also be a benefit to the consumer as a 'one stop shop' with less chance of the consumer getting the run around to various agencies. The benefit to industry would be a faster decision making process with increased expertise enabling a consistent approach. There would also be a cost saving element for the Government as well as a more logical approach to converging platforms which will then lead to a concentrated regulator.

Recommendation 14-1 of the ALRC report 118 states a single classification regulator would be more effective and efficient in key areas of content regulation in areas such as:

- Complaints handling, investigations and enforcement;
- Negotiating, approving and registering codes of practice;
- Liaising with relevant Australian and overseas regulators and law enforcement agencies;
- Assisting with the development of relevant law and policy, as well as providing expert advice to government; and
- Encouraging, monitoring and enforcing compliance across its regulatory remit.

IGEA advocates that a single entity regulator such as ACMA, given its current expertise, could handle the complaints, investigations and relevant enforcement functions when required in relation to all codes, conditions and standards applicable to media communications industry, which we suggest also includes classification, as well as encouraging, monitoring and enforcing compliance, especially when communications and media regulations are inherently inter-dependent and inter-connected.

ACMA could also assist with promoting the development of industry codes of practice as well as approving and maintaining the registers of the codes which are currently required for a wide range of media and communications industry matters. ACMA could help in streamlining these codes.

The single regulator will be able to liaise and interact with relevant Australian and overseas media content regulators and law enforcement agencies in crucial areas such as online content regulation, cyber-safety and cyber-security.

In conclusion, IGEA supports the ALRC recommendation to establish a new regulator and have the regulator responsible for overseeing the classification of all content, both traditional and digital. Further, IGEA holds that the ACMA currently holds the requisite skills and scope to act as that new regulator, under the ALRC model. However, the ACMA's key functions would likely require significant change should the ACMA become responsible for the new, co-regulatory and truly national classification scheme.

The ACMA already has the responsibility for regulating the majority of media organisations and industries that are, or are likely to be, the producers and distributors of the content to which the National Classification Scheme applies and therefore, IGEA believes it is paramount that the interactive game and entertainment industry and its consumers benefit from a single piece of legislation as the basis for the National Classification Scheme with a single regulatory agency such as ACMA being the centrepiece to this legislation.