



Submission to Attorney-General's Department February 2010

with respect to

**Should the Australian National Classification
Scheme include an R 18+ classification category
for computer games?**

Interactive Games & Entertainment Association Ltd

The Interactive Games & Entertainment Association is an industry association serving the business and public affairs needs of companies in Australia that publish, market and distribute computer and video games for video game consoles, handheld devices, personal computers and the Internet.

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EXECUTIVE SUMMARY

A recent research report by Bond University, *Interactive Australia 2009 (IA9)*, found that the average age of Australian gamers is 30 years old and that 68 per cent of all Australians play video and computer games. The IA9 report also showed 88 per cent of households contain a device for playing video and computer games, and in 80 per cent of households with children, parents and children play computer games together.

An R18+ classification is needed to:

- Ensure that the computer and video games industry is properly positioned to respond responsibly to changes in consumer usage and demand in the same way as other media providers;
- Cater to the rising age of computer and video game players in Australia, allowing adult gamers to be treated as such and have broad choice in the types of games they play;
- Provide parents with a complete toolkit to manage children's game playing; and
- Bring Australia into alignment with the rest of the world.

An R18+ classification for computer games will provide Australians with the ability to make educated and informed decisions on their entertainment choices, regardless of the medium or delivery method.

The lack of an R18+ classification for computer and video games is denying consumers a choice to play what would otherwise be legal media content in film format and is out of step with most other developed countries.

Any perceived conflict between the first two principles of the National Classification Code relating to the freedom of adult access to content and the need to protect children can be managed harmoniously. This is currently achieved both with film and publication content in Australia, and through classification systems for games in all other western countries.

In May 1993, the *Senate Select Committee on Community Standards Relevant to the Supply of Services Utilising Electronic Technologies* and subsequently SCAG (Censorship) Ministers made the decision to exclude an R18+ classification for computer games from the national classification scheme based on three assumptions:

- Computer games are only for children.
- The level of technology involved with the use of video and computer games means that many parents do not necessarily have the competency to ensure adequate parental guidance.
- Due to their interactive nature, computer games may have greater impact, and therefore greater potential for harm or detriment, on young minds than film and videos.

The Senate Select Committee recognised the lack of information and research it had to reference in making its recommendations. The Committee recommended further research be undertaken and that censorship authorities maintain a monitoring role on the relevance of the legislation in a rapidly growing and changing industry. Subsequent Australian Government commissioned research indicated that the three assumptions are incorrect.

Internationally, research into the effects of media violence is treated with caution, and classification systems seek to restrict access to some content to adults only, rather than banning content that is not universally offensive and excessive. Whilst research is inconclusive, there is no known psychological peculiarity of the computer game experience which indicates that there should be different classification categories than those that exist for film.

Despite assertions of some commentators, an R18+ rating would not result in the increased availability of, or accessibility to, games containing excessive violence or sex. Any material exceeding R18+ guidelines must still be classified RC – refused classification. It is important to note that material classified X18+ or RC (explicit sex or extreme violence) is not allowed in the R18+ classification for films and must not be included in an R18+ classification for computer and video games.

The implementation of an R18+ classification for video and computer games is essential for the protection of consumers while at the same time providing them with adequate information to make sensible decisions about entertainment choices. Parents in particular benefit from classifications by being able to make informed decisions about the content of games they and/or their children would like to play.

iGEA BACKGROUND

iGEA is an industry association representing Australian and New Zealand companies in the computer and video game industry. Our members publish, market and/or distribute interactive games and entertainment content.

The gaming industry is one of the most rapidly growing industries in Australia. It employs over 5000 people and in 2009, recorded its largest sales result to date – in excess of \$2 billion. Australia earns in excess of \$100 million a year from the export of games. Australia has around 40 game development companies and has produced at least 200 best-selling and popular game titles.

INTRODUCTION

This Submission consists of four parts:

1. A general discussion of the need for an R18+ classification for video and computer games and the issues surrounding its introduction
2. A discussion of the most common comments and arguments against an R18+ classification for video and computer games currently circulating in our community
3. A brief analysis of the issues raised in the Discussion Paper, which are also addressed in the first two parts of this submission
4. Responses to the “Submission Template” questions

PART 1 - GENERAL DISCUSSION

1.1 COMPUTER & VIDEO GAME CONSUMERS

A recent research report by Bond University, *Interactive Australia 2009 (IA9)*¹, found that the average age of Australian gamers is 30 years old and that 68 per cent of all Australians play video and computer games. The IA9 report also showed 88 per cent of households contain a device for playing video and computer games, and in 80 per cent of households with children, parents and children play computer games together.

The gaming industry must provide choices for all types and all ages of gamers. As demonstrated in the IA9 report, the nature of the gaming industry is changing and the gaming industry must adapt to these changes. As part of these changes, the iGEA is supporting the introduction of an R18+ classification to achieve the following outcomes:

- Ensure that the computer and video games industry is properly positioned to respond responsibly to changes in consumer usage and demand in the same way as other media providers;
- Cater to the rising age of computer and video game players in Australia, allowing adult gamers to be treated as such and have broad choice in the types of games they play;
- Provide parents with a complete toolkit to manage children's game playing; and
- Bring Australia into alignment with the rest of the world.

An R18+ classification scheme for computer games will provide Australians with the ability to make educated and informed decisions on their entertainment choices, regardless of the medium or delivery method.

¹ Interactive Australia 2009, (2009 IEAA Report) National Research prepared by Professor J. Brand, Bond University, for the Interactive Entertainment Association of Australia, 2008, www.igea.net/category/industry-research

1.2 LACK OF AN R18+ CLASSIFICATION INCONSISTENT WITH CLASSIFICATION PRINCIPLES

The Australian Classification Board uses guidelines² to classify films, videos, computer games and some publications before they are sold to consumers. For the most part the guidelines for classification of films and video and computer games are consistent; however video and computer games are 'Refused Classification' (RC) if they exceed an MA15+ classification.

This discrepancy is out of step with most other developed countries. The lack of an R18+ classification for computer and video games is denying consumers a choice to play what would otherwise be legal media content in film format. iGEA believes this to be inconsistent and unjust.

The Classification Act requires that "computer games are to be classified in accordance with the Code and the classification guidelines". The National Classification Code³ states that classification decisions are to give effect, as far as possible, to the following principles:

- *Adults should be able to read, hear and see what they want.*
- *Minors should be protected from material likely to harm or disturb them.*
- *Everyone should be protected from exposure to unsolicited material they find offensive.*
- *The need to take account of community concerns about:*
 - (i) depictions that condone or incite violence, particularly sexual violence; and*
 - (ii) the portrayal of persons in a demeaning manner.*

Any perceived conflict between the first two principles of the Code remains the focus of any discussion about an R18+ classification for computer and video games. Both principles – protection of minors and freedom of access for adults – can be managed harmoniously, and this is currently achieved both with film and publication content in Australia, and through classification systems for games in other western countries.

² Guidelines for the Classification of Films and Computer Games 2005

³ National Classification Code, cl 1.

1.3 HISTORY & MISUNDERSTANDINGS

History

The Industry

Computer games were introduced as a commercial entertainment medium in 1971, becoming the basis for an important entertainment industry in the late 1970s and early 1980s. The industry suffered a serious collapse in 1983, and two years later was reborn and has experienced sustained growth for over two decades, becoming a \$10 billion industry that rivals the motion picture industry as the most profitable entertainment industry in the world.

As computer gaming progressed into the 16-bit era, graphics and sound capabilities dramatically increased. Blood and gore was much clearer and vibrant than 8-bit games. After the release of games such as *Mortal Kombat*, *Doom*, and *Night Trap*, there was considerable controversy over computer game content.

When the issue of classifying computer games was discussed in the early 1990s, the industry participated in consultation, and recommended a self-regulatory system similar to the one that was under development in the United States. As an alternative, the industry recommended a co-regulatory system similar to the one used for television content in Australia.

The Senate Select Committee

In May 1993, the *Senate Select Committee on Community Standards Relevant to the Supply of Services Utilising Electronic Technologies* (the Senate Select Committee) made several recommendations including⁴:

The Committee is concerned that the level of technology involved with the use of video and computer games means that many parents do not necessarily have the competency to ensure adequate parental guidance. Therefore the Committee recommends that material of an 'R' equivalent category be refused classification...

This recommendation clearly focused on a perceived incompetence of parents, and made no reference to adult users of video and computer games.

⁴ *Report on Video and Computer Games and Classification Issues*, Senate Select Committee on Community Standards Relevant to the Supply of Services Utilising Electronic Technologies, Parliament of Australia, October 1993.

Having regard to the extra sensory intensity involved in the playing of interactive games and the implications of long-term effects on users, the committee recommends that stricter criteria for classification than those applying to equivalent film and video classifications be set by censorship authorities...

This recommendation makes vague reference to long-term effects on users without citing any particular research or outcomes of any research. It is also clear in the Committee's report that it focused on particularly controversial titles and content, rather than the broader range of computer games on the market at the time. However, the Committee did recognise the lack of meaningful and relevant research and made the following recommendation:

The Committee supports the efforts of the Office of Film and Literature Classification to conduct research into the effects of video and computer games as an entertainment form as well as their impact on community standards. The Committee recognises the importance of this research and recommends that appropriate levels of funding be provided to the Office to ensure it can properly assess the influence of this evolving technology.

The Office of Film & Literature Classification (OFLC) did commission significant research into the effects of computer games and their impact on community standards. The commissioned research clearly shows that while the Senate Select Committee's caution towards the classification of computer games is understandable, it was misplaced.

Censorship ministers have continued to assess the issue through guidelines reviews and other research, and this is discussed below. In 2010 we have a clearer understanding of the computer games industry and the community's reaction to computer games. In the recommendation below, the Senate Select Committee clearly foresaw the need to change the system for classifying computer games in the future when more information about the effects of computer games and the community's attitudes towards them became clear.

The Committee recommends that ... censorship authorities maintain a monitoring role on the relevance of the legislation in a rapidly growing and changing industry.

It is also interesting to note that the then Chief Censor and Deputy Chief Censor advised the Senate Select Committee that proposals for a computer game classification scheme being prepared for Censorship Ministers include an R18+ classification category.⁵

Standing Committee of Attorneys-General (Censorship) (SCAG (Censorship))

In 1993, the OFLC conducted public and industry consultation about the proposed computer games scheme. Although industry was consulted widely, public consultation was less successful, with six written submissions and four attendances at a public meeting. In addition, the Committee's enquiries locally and internationally about research into the effects of interactive computer games, or into community standards for computer games, had been unsuccessful, as little formal research had been undertaken.

In November 1993, Commonwealth, State and Territory Ministers with censorship responsibilities (Censorship Ministers) considered proposals for the computer games scheme and draft classification guidelines. Ministers approved the proposals and the guidelines but also made clear their apprehension about some of the interactive aspects of computer games. The scheme agreed by Ministers limits the availability of games to those that could be classified MA15+ and below. Censorship Ministers included the following paragraph in the introduction to the *Guidelines for the Classification of Computer Games*:

*These guidelines are, at the direction of Commonwealth, State and Territory Ministers, to be applied more strictly than those for the classification of film and videotape. The Ministers are concerned that games, because of their 'interactive' nature, may have greater impact, and therefore greater potential for harm or detriment, on young minds than film and videotape.*⁶

The outcome was that, due to interactivity, games would be classified by more restrictive guidelines than those that applied to films, so for example, the MA15+ guidelines for violence in films allowed for more violence than the MA15+ guidelines for violence in computer games. This principle is not included explicitly in the current guidelines, as it is a fairly abstract consideration and difficult to apply to individual classification decisions. Instead, the current guidelines explicitly require the Classification Board to consider interactivity and its impact when making all classification decisions for films and computer games.

⁵ *Report on Video and Computer Games and Classification Issues*, Senate Select Committee on Community Standards Relevant to the Supply of Services Utilising Electronic Technologies, Parliament of Australia, October 1993, pp24-25 available at http://www.ag.gov.au/www/agd/agd.nsf/Page/Classificationpolicy_Research#m4

⁶ *Guidelines for the Classification of Computer Games* (Amended 15 April 1999), Commonwealth of Australia, OFLC, Sydney, 1999.

To address the lack of available research, and in line with the recommendations of the Senate Select Committee, Censorship Ministers requested the OFLC to commission research into computer games. The results of this three-stage research were published in the monograph *Computer Games and Australia Today* in 1999. The authors of the monograph concluded that:

*Adults are now regular users of computer games. There is no known psychological peculiarity of the computer game experience which indicates that a differential classification system should be applied to this medium. In an environment of rapid changes in the media, parity among classification systems for different cultural products is desirable in the interests of consumers and the industry*⁷

The disparity between the results of the above research, and the Censorship Ministers' requirement to classify games more strictly and omit an R18+ classification was not immediately addressed. However, the Guidelines for the Classification of Computer Games were now due for review (in 2000), and this would also be an opportunity to further consider these issues. In the early 1990s, there was considerable international reaction to contentious content in computer games. Australia, along with many other countries, made the decision to create a classification or ratings system for computer games. Australia was one of the very few countries to decide on a legally regulated system.

The Review of Classification Guidelines 2000-2002

In 1995, Censorship Ministers agreed to sequentially review the guidelines for classification of films, publications and computer games to ensure that the guidelines continued to reflect current community attitudes and standards.

In 2000, the film guidelines were due for review after the completion of the review of the computer games guidelines. However it became apparent that issues arising from the convergence of media in digital recordings could not be addressed in the context of a review of the computer games guidelines alone. In his press release of 17 November 2000, former Commonwealth Attorney-General, Daryl Williams, announced that Censorship Ministers had agreed to undertake a combined review of the *Guidelines for the Classification of Films and Videotapes* and the *Guidelines for the Classification of Computer Games*.

The OFLC subsequently prepared a Discussion Paper. The Discussion Paper, *A Review of the Classification Guidelines for Films and Computer Games*, included Draft Combined Guidelines for Films and Computer Games, and the review was launched at Parliament

⁷ *Computer Games and Australians Today*, Kevin Durkin and Kate Aisbett, Sydney, 1999.

House, Canberra on 24 August 2001. Submissions to the review were requested by 31 October 2001. Three hundred and seventy-two submissions were received from the public, the film and computer games industries, community organisations, professional organisations and other interested parties.

The discussion paper canvassed a range of issues including whether there should be an R18+ classification for computer games. An independent expert, Dr Jeffrey Brand, Co-Director Bond University Centre for New Media Research and Education, analysed the submissions and the draft revised guidelines and prepared a report.

The report noted that the submissions included an online petition of 637 individuals, and 41 submissions from organisations and individuals, in support of an R18+ classification category for computer games. Dr Brand also noted that these submissions mainly appeared to come from adults who play computer games⁸.

In his review of submissions, Dr Brand made the following observations about the public comments to the review and the Discussion Paper:

Both existing and proposed Guidelines:

- *lack simplicity, transparency and clarity, and*
- *are too restrictive for the classification of some content, and*
- *do not provide consumer advice to allow careful selection of content by all consumers, particularly parents and other carers.*

Bearing these points in mind, a central thematic conclusion drawn from the evidence ... is: The Guidelines must allow for all of the principles of the Code, including the first principle, to be observed without weighting any more heavily than the others. Failing this outcome, the value of the Code itself is in question.

The following are extracts from Dr Brand's concluding recommendations derived from community submissions to the review:

It is recommended that the review process proceed in developing single classification standards for films, videos, DVDs and computer games. The revised Guidelines should be clear and simple and be capable of application

⁸ *A Review of the Classification Guidelines for Films and Computer Games: Assessment of Public Submissions on the Discussion Paper and Draft Revised Guidelines*, Dr J E Brand, 2001.

as far as possible to other entertainment media including new and emerging media.

It is recommended that the review process proceed in developing a consistent set of classification symbols and categories, incorporating adequate and informative age-related categories; certainly including the ... "R" classification for computer games ... The result of doing so should be functional tools with which parents and carers can make decisions about content appropriate for their children.

... It is recommended that the concepts, definitions and explanations be streamlined and simplified. Subsequent education programs will be a necessary part of this process.

... The standards should promote the classification of films and computer games in like ways and support the combination of categories and symbols.

The new combined *Guidelines for the Classification of Films and Computer Games* were drafted to comply with the recommendation that the new guidelines should simplify the contradictory and complicated language of the existing and draft guidelines to provide clear progression in levels of permissible content from one classification category to the next.

However, Dr Brand's recommendations for an R18+ classification, adjustments to other classification categories, and education programmes were not taken up.

In their communiqué of 8 March 2002, SCAG (Censorship) Ministers announced that after considering Dr Brand's report, they had asked the OFLC to undertake some further work and report back mid-year.

In their communiqué of 26 July 2002, Censorship Ministers stated that they had considered draft guidelines at their meeting, and had agreed to refer those draft guidelines to a language expert. They also asked to be presented with final draft guidelines at their end of year meeting.

The communiqué released by Ministers did not provide any further detail about the issue of an R18+ classification. However, some comment did appear in the media.

The *Sunday Mail* (South Australia) of 25 August 2002 reported that Michael Atkinson, the South Australian Attorney-General, would oppose the introduction of an R18+ classification

for computer games. The article stated that the South Australian government has “vowed to block national plans to import sexually explicit or excessively violent video games into the country”.

On 1 September 2002, Mr Atkinson repeated his intention to “veto” any proposal for an R18+ classification for computer games in an interview with John Fleming on Radio 5AA in Adelaide.

Contrary to this and other media reports, the proposed R18+ classification for computer games would not have resulted in the availability of games containing excessive violence or explicit sex. Material within the R18+ classification would be strictly limited with permissible content set out in the classification guidelines. Material exceeding the R18+ guidelines would be classified RC (Refused Classification). The then film classification guidelines, and the proposed combined guidelines, included an R18+ classification and indicated the content permissible at this level for films and videos. The guidelines did not permit depictions of excessive, gratuitous or exploitative violence. Films containing excessive depictions of violence by then and current community standards are classified RC.

There are also restrictions on the portrayal of sex and drug use in films within the R18+ classification. If the draft R18+ classification for computer games had been introduced, the material available in this category would have been legally restricted to adults and limited in its scope.

In a press release of 31 October 2002, lobby group Young Media Australia made the following statement:

“It is understood that both Commonwealth and South Australian Attorneys General will oppose the introduction of the R18+ classification ...”

Their communiqué of 8 November 2002 states that when Censorship Ministers made their decision in Fremantle, not all Ministers supported the proposal to introduce an R18+ classification for computer games. The communiqué states that, “On balance, not all Ministers were satisfied children would not access games classified as suitable for adults...”

Following the meeting, Commonwealth Attorney-General, Daryl Williams, indicated that the Commonwealth had settled on a position, and opposed the introduction of an R18+ classification. The Commonwealth view was reported at www.smh.com.au⁹:

⁹ *Call for adult approach to games ratings*, Nathan Cochrane, www.smh.com.au, 19 November 2002.

"The Commonwealth position is that it will not support the expansion of the R18 classification to computer games, in view of the interactive nature of computer games," a spokeswoman for the Attorney-General said. "It's appropriate to have a stricter regime in relation to this area . . . (as) the likelihood of children gaining access to adult computer games increases if the material is legally available."

The Intergovernmental Agreement that is the foundation of the national classification scheme requires unanimous agreement of censorship ministers for significant changes.

Operational Review of the Guidelines

Following the SCAG (Censorship) approval and introduction of the new combined guidelines, some lobby groups believed that the change in language had resulted in a change in classification standards. At the instruction of the Attorney-General, the OFLC contracted an independent expert to assess if the change in wording and formatting of the guidelines had resulted in changes in standards.

Entertainment Insights, who undertook the operational review, found no changes in classifications standards, and their comments included the following¹⁰:

The 2003 Guidelines have not effected the classification decisions for computer games...

No changes to the 2003 Guidelines are required as no change in standards has been observed.

Correcting Assumptions

As noted above, during the introduction of the games classification scheme, the Senate Select Committee and Censorship Ministers excluded an R18+ classification for computer games from the national classification scheme based on three assumptions that have subsequently proved to be incorrect:

Assumption 1: "Computer and video games are only for children."

There is a perception that computer and video games are only for children, but more than 70 per cent of players in Australia are older than 18, and 20 per cent are more than 39 years old.

¹⁰ *Report on the Review of the Operation of the 2003 Guidelines for the Classification of Films and Computer Games*, Kate Aisbett, Entertainment Insights, December 2004.

The average age of computer and video game players in Australia is 30 years. This is a natural progression of the first generation of computer and video game users.

Assumption 2: “The level of technology involved with the use of computer and video games means that many parents do not necessarily have the competency to ensure adequate parental guidance.”

Australian research between 1994 and 2007 (the current life of the computer and video games classification scheme) indicates that Australian parents are comfortable with the technology and content of computer and video games.

Personal computers and gaming consoles all offer parental control tools in their new gaming systems. For example, parents can set the classification threshold on their child’s video game console or personal computer to PG (Parental Guidance) for pre-teens and then no games rated M or MA15+ can be played on the console (or PC) unless the parent first enters a password.

Parents do not require government policy to provide any more tools than exist for other media to assist them in managing their children’s access to computer and video games. This is in part because parents are gamers too.

Assumption 3: “Due to their interactive nature, it was thought computer and video games may have greater impact, and therefore greater potential for harm or detriment, on young minds than film and videos.”

There are still too few studies on the influence of computer and video games to draw any safe conclusions about their effects. Some studies indicate that playing computer and video games can lead to aggressive behaviour. Other studies do not support that conclusion.

Whilst research is inconclusive, as noted above, Australian Government commissioned research has stated that “there is no known psychological peculiarity of the computer and video game experience which indicates that a differential classification system should be applied to this medium”¹¹.

¹¹ *Computer Games and Australians Today*, Kevin Durkin and Kate Aisbett, Sydney, 1999.

1.4 RESEARCH

Internationally, research into the effects of media violence is treated with caution, and classification systems seek to restrict access to some content to adults only rather than banning content that is not universally offensive and excessive. For example, over the last six years in the United States, nine pieces of prospective legislation seeking to restrict or ban access to certain computer games have been ruled unconstitutional by American Courts. The rulings have been based partially on First Amendment (free speech) grounds that are not duplicated in Australia's constitution and therefore not entirely relevant. However, in almost all of these decisions the courts have made reference to research linking computer game content to aggressive or violent behaviour in game players – including the research referred to in the Discussion Paper. In each case, the court has dismissed the research¹². For example:

"It appears that much of the same evidence has been considered by numerous courts and in each case the connection was found to be tentative and speculative.... The evidence that was submitted ... is sparse and could hardly be called in any sense reliable."

*Middle District of Louisiana, United States District Court
ESA, et al., v. Foti, et al.
November, 2006*

"...there is no showing whatsoever that video games, in the absence of other violent media, cause even the slightest injury to children.

...

A person, indeed a legislature, may believe there is a link and a risk of harm, but absent compelling evidence, the belief is pure conjecture."

*District of Minnesota, United States District Court
ESA, et al., v. Hatch, et al.
July, 2006*

"Dr. [Craig] Anderson's studies have not provided any evidence that the relationship between violent video games and aggressive behavior exists.

...

the evidence introduced alleging that new brain mapping studies show a link between violent games and aggressive thought is equally unpersuasive. The research not only fails to provide concrete evidence that there is a

¹² See a detailed list at *Essential Facts About Video Games and Court Rulings*, Entertainment Software Association, www.theesa.com.

connection between violent media and aggressive behavior, it also fails to distinguish between video games and other forms of media,"

*Eastern District of Michigan, United States District Court
ESA, et al., v. Granholm, et al.
April, 2006*

It is also worth pointing out that research into the effects of media violence on young people is not entirely relevant to the decision to establish an R18+ classification for video and computer games. An R18+ classification is not for children and, as with other media unsuitable for children, systems and legislation should restrict access to them. For example, the UK's *Byron Report*¹³ talks in general terms about restricting access to some higher level content, and in some cases even banning games. However, it is clear in the discussion that the author assumes the existence of a restricted adults only category as one mechanism for restricting children's access to certain unsuitable content.

¹³ Byron, T, March 2008, 'Safer children in a digital world – the report of the Byron review', (the 'Byron Review'); <http://www.dcsf.gov.uk/byronreview/>.

1.5 CONVERGENCE

Mass capability technologies such as personal computers and mobile telephones have been described as convergent¹⁴. They are capable of taking over the role of mass adoption technologies (such as the television set) and exploiting mass delivery technologies (such as broadband internet). They are also able to combine conventional systems to create new convergent applications. A smart phone can be used to make a phone call, or it can be used to play a game. These are separate activities on one device. However, a device might enable us to make a call while at the same time processing some video to be added to the conversation, while at the same time enabling us to play a computer game with the other party. In this case we have the convergence of applications.

To some extent, in the converged environment, the different functions of devices will be determined by consumer preference and market drivers. For example, a consumer might prefer to watch a DVD (video) on a home entertainment centre and use a mobile phone for chat. However, each device may be capable of delivering a range of multimedia services. For computer games this means that it is difficult, if not impossible, to justify the lack of an R18+ classification. If a consumer can watch an R18+ movie on the same device as he or she can play a computer game, there can be no justification for denying him or her the right to play a computer game which contains the same levels of content.

1.6 TYPE OF CONTENT IN AN R18+ CLASSIFICATION

Despite the assertions from some commentators (including SA Attorney General Michael Atkinson), an R18+ rating would not result in the increased availability of, or accessibility to, games containing excessive violence or sex. Material within the R18+ classification must be strictly limited with permissible content set out in the classification guidelines consistent with film. The current guidelines were drafted in 2002 and anticipated the possible inclusion of an R18+ classification for computer and video games. If the draft R18+ classification had been introduced, the material available in this category would have been legally restricted to adults and limited in its scope.

ANY MATERIAL EXCEEDING R18+ GUIDELINES MUST STILL BE CLASSIFIED RC – REFUSED CLASSIFICATION. It is important to note that material classified X18+ or RC

¹⁴ See, for example, the overview of new and emerging technologies prepared by Convergent Communications Research Group of the University of Adelaide for the OFLC in 2005.

(explicit sex or extreme violence) is not allowed in the R18+ classification for films and must not be included in an R18+ classification for computer and video games.

Whilst the arguments supporting an R18+ classification for computer games could equally be applied to the X18+ classification, the iGEA is not seeking the addition of an X18+ classification for computer games. Anecdotal evidence shows us that much of the fear associated with an R18+ classification for games in the 1990s was created by “interactive sexually explicit” CD-ROM based products. It would appear that as these products were playable on PCs, some policy makers interpreted them as being computer games, even though they were in fact interactive films.

1.7 iGEA POSITION ON AN R18+ CLASSIFICATION FOR GAMES

When the classification scheme for computer and video games commenced, it did so without an R18+ classification, unfortunately largely due to the unfounded assumptions of policy makers. The decision to exclude the R18+ classification was made subject to further research to consider the validity of including it in the future. Australian Government research by Professor Kevin Durkin indicated that there was no reason to exclude an R18+ classification. Censorship Ministers' subsequent test of community attitudes to an R18+ classification for computer and video games (the only one to ever occur) during the 2001/2002 review of the classification guidelines revealed strong community support for the introduction of this classification. In spite of this, at the end of the review, Censorship Ministers continued to exclude the R18+ classification for video and computer games from the scheme.

iGEA believes that the implementation of an R18+ classification for video and computer games is essential for the protection of consumers while at the same time providing them with adequate information to make sensible decisions about entertainment choices. In particular, parents benefit from classifications by being able to make informed decisions about the content of games they or their children would like to play. The introduction of this classification would also bring Australia into line with the rest of the world and with countries that afford video and computer games the same care and attention as they do with other audiovisual forms of entertainment, such as film.

The arguments supporting an R18+ classification are not generally about games that have been banned, although they do provide a reference point used by supporters and detractors of R18+. An R18+ classification for computer games is designed to protect Australian children into the future, when clear distinctions between digital media types will become increasingly difficult to define. The stated reason of Censorship Ministers for combining the classification guidelines for films and games was to address the issue of media convergence.

In some sectors of our society, attitudinal changes need to be made to views on computer and video games. The industry in Australia is not only growing but supports thousands of jobs already. Games are now only another medium for entertainment rather than some obscure form of children's entertainment.

iGEA would like to see the introduction of an R18+ classification for computer games, which will allow a balance between choice for adults and protection for children. iGEA continues to

urge the Australian Government and the Standing Committee of Attorneys General to adopt this reform.

PART 2 – ANALYSIS OF NEGATIVE R18+ CLASSIFICATION COMMENTARY

COMMON ISSUES RAISED

In media interviews during 2009¹⁵, South Australian Attorney General, Michael Atkinson, repeated a number of common themes about the potential content that would be brought into the country with the introduction of an R18+ classification. Anyone can speculate in general terms about what would be permissible in an R18+ classification, even though it is ultimately the Classification Board who determine what content is permissible in a given classification category – unless he/she and the other eight Censorship Ministers change the Classification Code and/or Guidelines.

The current combined Guidelines for the Classification of Films and Computer Games were created in response to Censorship Ministers' concerns about the relevance of separate guidelines in an era of media convergence. Apart from the requirement that the R18+ classification not apply to computer games, the requirements of the guidelines are identical for films and games. Therefore the R18+ section of the guidelines provides a description of the type of content that would be permissible in R18+ games.

Suggestions have been made that an R18+ classification would include “sexual abuse, criminal activity, and extreme violence”. The guidelines do not permit their existence in the R18+ category. In addition, the RC (Refused Classification) category in the guidelines specifically prohibits child sexual abuse, detailed instruction or promotion in matters of crime or violence, and very high impact (extreme?) violence.

Any assertion that an R18+ classification for computer games would permit sexual abuse, criminal activity and extreme violence is misleading.

¹⁵ “*Exclusive: Michael Atkinson talks Aussie game classification*”, by Laura Parker, GameSpot AU, posted Jan 27, 2009 2:14 pm AEST. “*Atkinson Argues His Case, Says He Doesn't Trust Classification Board*”, by David Wildgoose, kotaku.com.au, posted at 2:00 PM on March 16, 2009.

RESPONSES TO PARTICULAR ISSUES

“An R18+ classification for games will greatly increase the risk of children and vulnerable adults being exposed to damaging images and messages.”

Considerable bodies of work containing potentially damaging images and messages, including films and publications, to which children and vulnerable adults may be exposed, already exist. Games that should be restricted to adults are widely available to Australians through the internet. Adding an R18+ classification will not increase the amount of adult material available, but will provide labeling information to assist parents to make informed decisions.

“The interactive nature of electronic games means that they have a much greater influence than viewing a movie does.”

This is a mistaken belief created 20 years ago as video and computer games were emerging as a mainstream form of entertainment. Research indicates that the relationship between depictions of violence in the media and subsequent acts of violence is extremely complex, with a number of variables, such as family circumstances, parental influence, poverty, health and substance abuse, determining who will be affected and in what way. The research not only fails to provide concrete evidence that there is a connection between violent media and aggressive behavior; it also fails to distinguish between video games and other forms of media. There is no known psychological peculiarity of the video and computer game experience which indicates that an R18+ classification should not be available.

“The absence of an R18+ classification keeps the most extreme material off the shelves; it prevents children and vulnerable adults from being exposed to sexual abuse, criminal activity, and extreme violence in video games; it prevents children and vulnerable adults from virtual participation in sex, criminal activity, and extreme violence.”

An R18+ classification for games will not make any of this material available to children and vulnerable adults. The combined classification guidelines for films and computer games have been written in a non-media specific manner and are applied to both games and films. The R18+ classification guidelines for films can be applied very simply to games – just as the other classifications are. The R18+ classification prohibits sexual abuse and extreme violence. The Refused Classification category in the guidelines also specifically prohibits material that promotes or provides instruction in criminal activity.

"In cinemas, the age of moviegoers can be regulated, and at the video store people must provide ID to hire R18+ videos. Once electronic games are in the home, access to them cannot be policed and the games are easily accessible to children. These days, older children (18-30) are often living in the family home with younger children (under 18). This means games belonging to older children or parents can easily make their way into the hands of those under 18."

This statement ignores the fact that, while ID is required to be produced before R18+ videos/films can be bought or hired at a store, when taken home, those same videos/films can fall into the hands of younger children. Also, if there was an R18+ classification for games, R18+ games could be bought or hired (with ID) from a store. When taken home, the games could still fall into the hands of younger children. This argument uses one half of the story for one product and the other half of the story for the other product – but it's still just one story. Either adult content can be safely consumed in the home or it cannot – media type is irrelevant.

Computer and video games can be accessed by children in the same way as films on video and DVD. There is no logical reason to suggest that the restrictions and sanctions that apply to films and already apply to MA15+ classified games cannot apply to R18+ classified games.

"Last year the makers of Grand Theft Auto IV altered the game before submitting it for an MA15+ classification, and Silent Hill: Homecoming is under revision by its makers after being knocked back by the Classification Board. The lack of an R18+ classification is not preventing very many adult-themed video games reaching the shop shelves - but it is ensuring that scenes that don't comply with a MA15+ rating are removed. I think that's a great result for consumers and has little impact on the profitability of game developers."

These are "adult themed games". The question arises: "Is it better to have them modified for an adolescent audience, or have them restricted to an adult audience?"

"Depending on tastes and interests, adult gamers will find something challenging to play in all of the categories of games now available. It does not follow that a game is more interesting to an adult simply because it contains extreme violence, explicit sexual material or highly offensive language. Indeed, with all the effort and money that goes into game development, coupled with the effects and graphics now available, there is no need to introduce these extreme elements. I am baffled and worried about why proponents of R.18+ games are putting up their hands and saying 'Give us more cruel sex and extreme violence!'"

It is not clear who has claimed that games are more interesting to an adult simply because they contain extreme violence, explicit sexual material or highly offensive language. To the over 90 per cent of Australians who support the introduction of an R18+ classification for games, this assertion is invalid.

“Some of the kinds of games that I expect would be available on the Australian market under an R.18+ classification include Blitz the League, an American football game where illegal performance enhancing drugs can be dispensed by the gamer to the football players and fake urine samples can be used so players avoid positive drug tests. Another is Narc – as in narcotics – which allows a gamer to choose that his game character take illegal drugs, including heroin, speed, L.S.D., marijuana and ecstasy. The gamer can have his character take ecstasy so it is immune to attack and the character can escape. Further, when given speed, the character can run faster and catch opponents. These are all activities that are illegal for individuals in the real world so why ask governments to give people the right to do them virtually?”

The classification guidelines state “material that contains drug use ... related to incentives or rewards is Refused Classification”. Introducing an R18+ classification will not change this. If time is taken to review recent Classification Board RC decisions on games, it is very clear that most state that the game is RC only because it exceeds the MA15+ classification, not because it meets the RC requirements of the Code and Guidelines. However, in the case of both examples cited above, *Narc* and *Blitz the League*, an analysis of the Board reports clearly shows that even with an R18+ classification, the games would still be RC.

“There have been media reports that Amazon decided it would not allow a ‘third-party merchant’ to sell Rapeplay, a Japanese video game, on its site. It was reported that the gamer could simulate rape in the game. It was also reported that the game manufacturer had other game-titles including Battle Raper and Artificial Girl. These kinds of depraved and sickening games are well protected from sale in Australia under our current classification regime. Studios have tried their luck with titles that have been restricted for sexual references and nudity. Leisure Suit Larry: Magna Cum Laude was Refused Classification in September, 2004 and was reported to include ‘implied sexual activity’, nudity and sexual references.”

The argument that any changes to the classification scheme will result in games containing sexual violence being available in the Australian market is repeated in this statement. This is simply untrue. Unless the RC guideline is significantly altered (and all Censorship Ministers have to agree to that), there is no way that games such as *Rapeplay* will be allowed in

Australia. Suggesting that they would indicates an ignorance of the vast majority of supporters for an R18+ classification who unequivocally reject the inclusion of this sort of material in our system.

Many films and other forms of entertainment include implied sexual activity, nudity and sexual references and they are included in different degrees at most classification levels. Systems such as the national classification scheme provide advice on suitable audiences and even legally restrict access or ban some products.

The Classification Board's Decision (not a unanimous decision) on *Leisure Suit Larry: Magna Cum Laude* indicates that the sex and nudity in the game was not so detailed or offensive that it should be banned from distribution to all Australians, but that it was only suitable for adults. As there is no R18+ classification, it was banned.

“In the case of the more violent games refused classification, reading through game descriptions set out in the decisions can be like reading through a virtual living hell – one that is likely all the more disturbing as it plays out before a gamer. The 2003 Classification Board Report of The Getaway gives details about electric-shock torture to a person suspended from a roof. The description paints sadistic imagery of the body swaying and crying.”

The Getaway decision was another split decision. Some of the Board thought the violence was OK at a restricted MA15+ classification.

A look through all Classification Board decisions will show that they are very concerned about images of torture – in films, games and publications. This correctly reflects community standards. One would assume that unless community standards regarding torture change, the Classification Board will continue to take a cautious approach to this type of content – irrespective of whether or not there is an R18+ classification.

“From the Grand Theft Auto series, the Classification Board's 2001 decision about the series' third game says that after engagement with a prostitute the player can chase the prostitute on foot or with vehicle and strike the character with the vehicle or another weapon. That attack can include blood sprays and may leave the body in a pool of its blood. The Classification Board's decision about Dark Sector, which resulted in R.C., describes that the violence in the game “includes decapitation, dismemberment of limbs accompanied by large blood spurts, neck breaking twists and exploded bodies with post-action twitching body parts.” The Report explains that when

a circular, three-bladed weapon is used to cut-off limbs, blood spray and screams accompany.”

Linking sex and violence (even only by visual suggestions of the activity) is RC content under the guidelines. Inserting an R18+ classification will not change this.

“The Classification Board’s decision to refuse classification for Soldier of Fortune-Payback states:

‘Successfully shooting an opponent results in the depiction of blood spray. When the enemy is shot from close range, the blood spray is substantial, especially when a high-calibre weapon is used, and blood splatters onto the ground and walls in the environment. The player may target various limbs of the opponents and this can result in the limb being dismembered. Large amounts of blood spray forth from the stump with the opponent sometimes remaining alive before eventually dying from the wounds.

Blood remains on the ground as do the dead bodies. Dead bodies on the ground may be repeatedly attacked. The limbs may be shot off; resulting in large amounts of blood spray and the depiction of torn flesh and protruding bone from the dismembered limb. Shooting the head of a body will cause it to explode in a large spray of blood, leaving a bloody stump above the shoulders. Bodies will eventually disappear from the environment.”

SoF: Payback does not sound like a game for minors. But it does sound a lot like the content we see in many R18+ movies. That does not mean it should be banned through the simple expedience of not having an R18+ classification for games.

“Classification of electronic games is very different from the classification of film. In cinemas, the age of movie-goers can be regulated. An article from the Sydney Morning Herald website early this year reported that “Australians spent nearly \$2 billion on video games and consoles in 2008...” and that “[m]ore money was spent on gaming than cinema or D.V.D. videos” (Jason Hill, 29 January, 2009). Rising game and console sales make it clear that this is a growing area that needs careful regulation, even more so than cinemas and private D.V.D. hire and purchase. Access to electronic games, once in the home, cannot be policed and therefore the games are easily accessible to children. If adults think they can devise a lock-out system to defeat children, tell ‘em they’re dreaming.”

This comment is based on an erroneous assumption that games are different from films in the home and it fails to recognise that there are console devices available to lock out children.

Industry has parental control systems to assist parents, but at the end of the day it is a matter of real parental control in the home. The systems can help parents, but they cannot replace actual supervision.

With or without an R18+ classification, some children will always try to access material that they are denied. However, not having an R18+ classification will not stop them from doing so.

Moreover, by not having an R18+ classification, we may be pushing legitimate and regulated distribution of content underground where children may seek to access it in potentially illegal or unsafe ways, for example through peer-to-peer or other underground networks.

“Children are the most computer literate and computer savvy group in our society and the interactive nature of electronic games has a high impact.”

In a panel of the International Ratings Conference (hosted by the then OFLC) held in Sydney in 2003, a 3-1 majority concluded that many of the claims made about research on aggression and the media were unfounded. The panel included international media scholars including Professor Guy Cumberbatch, Professor Kevin Durkin and Dr. Jeff Brand as well as Professor Craig Anderson.

“A child being able to watch depraved sex and extreme violence in a movie is damaging to the child, but the child’s participating in depraved sex and extreme violence in a computer game is worse.”

This opinion is not supported by research into the effects of media violence. No-one wants a child to be exposed to depraved sex and extreme violence in a movie or a game, or anywhere else for that matter. That is why the guidelines do not allow extreme violence or depraved sex in any films or games. Adding an R18+ for games will not change that.

“Game-houses are always free to adapt games that would otherwise be R.C. and modify the game content to be in line with the M.A.15+ classification. The modification of games, such as Grand Theft Auto IV, to meet the MA15+ classification shows that the game can be played in an M.A.15+ format and can still be popular without the R.18+ content. This does not destroy the artistic integrity of the game – excusing gore and depraved sex as art is an immature argument.”

There will always be debates about the artistic merit in our entertainment products. The Classification Act provides for that debate in its requirement that classification decisions take such matters into account. Many people will dismiss the creator’s use of artistic merit as a

reason to include stronger content in films and games (or photography for that matter). Many will not. This is an ongoing debate in our society.

Some games are modified (by removing content) to fit into the MA15+ classification. The question arises: "Is it better to have them modified for an adolescent audience, or have them restricted to an adult audience?"

"American researcher and Professor of Psychology Craig Anderson has produced studies about the impact of violence in the media. He argues that interaction in violent activities on-screen can heighten the player's aggression."

Anderson began his research interested in social psychology and aggression. He is a scholar who publishes with colleagues and has consistently focused on factors that affect aggressive behaviour including hot temperatures, competition and more recently video games. In the mid-1990s, he discovered video games in a study on hot temperatures, hostility and video game playing. The focus of that research was on temperature effects on aggressive behaviour (which he was exploring in the 1980s).

Since then, Anderson has increasingly focused on video games and aggression and has developed the GAAM (General Affective Aggression Model). It is not a simple model and he has been criticised by some academics for it, mainly because they believe that he has not demonstrated the GAAM with his empirical research (that is, the evidence from his research does not demonstrate the model).

His big push into games came in 1999 and 2000 when he and Brad Bushman, and he and Karen Dill published their studies on video games and aggressive thoughts, feelings, and behaviour.

According to University of Toronto psychologist Jonathan Freedman, author of *Media Violence and Its Effect on Aggression*, the major criticism of effects research is that it explores artificial stimuli in artificial lab settings on university students (mainly) using the stimulus-response model of psychological research. Furthermore, Karen Sternheimer from the University of Southern California and author of *Connecting Popular Culture and Social Problems*, opines research like that of Anderson and his colleagues lacks external validity.

There has been a strong attachment by Barbara Biggins of Young Media Australia and South Australian Attorney General Michael Atkinson to Anderson. He is all they can draw upon in their arguments which, in themselves, are convoluted. Their dependence on this single source demonstrates there is not a widespread scientific support for their position.

PART 3 – DISCUSSION PAPER ISSUES ANALYSIS

The following includes some brief comments on issues raised in the Discussion Paper.

Why this discussion paper is being released now

Research commissioned by the Interactive Games and Entertainment Association (IGEA) indicates adults are increasingly consumers of computer games.

The Australian Government has been discussing the adult classification of computer games with its State and Territory counterparts for some time. The Ministers responsible for censorship have considered the issue of an adult classification for computer games on a number of occasions. Before these Ministers consider the matter further, it is timely to consider the views of the community.

The iGEA understands that the Classification Board, Attorney General's Department and Censorship Ministers have received a high volume of feedback from numerous sources regarding the lack of an R18+ classification for games since the decision to exclude the category during the 2001/2002 guidelines review.

The Australian Government's decision to seek broader community views on this issue is to be commended.

SUMMARY OF KEY ARGUMENTS

The National Classification Scheme is intended to strike a balance between allowing adults to be free to read, hear and see what they want and community concerns about depictions that condone or incite violence. The NCS also clearly reflects the principle that minors should be protected from material likely to harm or disturb them.

For films, the classification principles are balanced by including an R 18+ classification level for films that are unsuitable for a minor to see. State and Territory legislation restricts the sale or exhibition of films classified R 18+ to only adults.

This is a key point in the discussion. If an R18+ classification for films (and two restricted to adult categories for publications) can balance the requirements of the Principles to the National Classification Code, there is no reason why that balance cannot be achieved with the third category of media classified by the National Classification Scheme – computer games.

Computer games should be treated differently from films given the specific, negative effects of interactivity on players, particularly their participation in violent and aggressive content.

Concerns are frequently raised that playing violent computer games has a greater negative effect on people than viewing the same degree of violence in films.

There is research that indicates at least a correlation between exposure to violent computer games and an increased likelihood of aggression.

Craig Anderson, a prominent American researcher in the field of media violence, asserts consistent findings across studies of different forms of media violence. Those findings are that children and adolescents with a higher exposure to violent media exhibit higher amounts of aggressive behaviours than those with less exposure.

Anderson is a scholar who publishes with colleagues and has consistently focused on factors that affect aggressive behaviour including hot temperatures, competition and more recently video games. In the mid-1990s, he discovered video games in a study on hot temperatures, hostility and video game playing. The focus of that research was on temperature effects on aggressive behaviour (which he was exploring in the 1980s).

Since then, Anderson has increasingly focused on video games and aggression and has developed the GAAM (General Affective Aggression Model). It is not a simple model and he has been criticised by some academics for it mainly because they believe that he has not demonstrated GAAM with his empirical research (that is, the evidence from his research does not demonstrate the model).

His big push into games came in 1999 and 2000 when he and Brad Bushman and he and Karen Dill published their studies on video games and aggressive thoughts, feelings, and behaviour. According to University of Toronto psychologist Jonathan Freedman, author of *Media Violence and Its Effect on Aggression*, the major criticism of effects research is that it explores artificial stimuli in artificial lab settings on university students (mainly) using the stimulus-response model of psychological research. Furthermore, Karen Sternheimer from the University of Southern California and author of *Connecting Popular Culture and Social Problems*, opines research like that of Anderson and his colleagues lacks external validity.

In a panel of the International Ratings Conference (hosted by the then OFLC) held in Sydney in 2003, a 3-1 majority concluded that many of the claims made about research on aggression and the media were unfounded. The panel included international media scholars including Professor Guy Cumberbatch, Professor Kevin Durkin and Dr Jeff Brand as well as Professor Craig Anderson.

The need to protect minors from material that may harm them is considered to outweigh the principle that adults should be free to read, hear and see what they want. Introducing an R 18+ classification for computer games should not occur because of the risk that minors will be able to access more computer games with high impact violence than is currently possible.

This discussion paper is not intended to be a comprehensive literature review of the effect of playing violent computer games. However, it is important to note that research into the effect of violent computer games is polarised. Some researchers consider that playing violent computer games can have an adverse effect on children, some do not.

Dr Tanya Byron observes that it is difficult to base policy responses on the polarised research evidence about the effects of video game violence on minors. The Byron Review found that: "Most researchers consulted during the Review would say that they believe there is some kind of effect of inappropriate content on some children in some contexts and circumstances. But the right studies are lacking due to the nature and complexity of the problem and because truly robust longitudinal research approach to this question would simply be unethical (i.e. to let children play violent games over time and assess the effects on their attitudes, beliefs and behaviour)."

Given the above methodological issues, the Byron Review concluded that 'it would not be accurate to say that there is no evidence of harm but equally it is not appropriate to conclude that there is evidence of harm.'

There is no indication in Professor Anderson's research or in Dr Byron's report that the principle of protecting children from exposure to harmful content is compromised by the inclusion of an adults only classification/ratings category for computer games. Including an R18+ classification for games will bring our Australian system in line with international ones.

It would be difficult for parents to enforce age restrictions for computer games.

Computer games are played in the home, so once a game has been purchased, the responsibility for ensuring that it is not accessed by minors lies with parents and other adults. This effect of an R18+ classification for computer games is the same as for DVDs classified R 18+. Even with the availability of parental locks, international research indicates that parents may not be well positioned to enforce classification restrictions.

Access to adult restricted films and publications brought into the home must be managed by parents. The same applies to R18+ narrowcast subscription television content. Parental locks for games consoles and PCs are an additional safeguard that not available for other media forms, but they should only be used as a tool to assist parents in their responsibilities. Any concerns about parental ability to manage access to restricted content apply to all media forms – not just games.

Parental inability to manage minors' access to restricted content (including games) is influenced by their limited knowledge base on classification. Government and industry research over the last decade has indicated a low level of community understanding of the national classification scheme. The Australian Government has not undertaken a broad community based education or information program on classification since the mid-1980s.

Introducing an R18+ classification for games may be a useful trigger for a comprehensive education campaign by government.

Research by the New Zealand Office of Film and Literature Classification found that: 'Some underage gamers are attracted to restricted games and many are not likely to abide by an R18 classification. At least some stores and parents facilitate access to restricted games and break the law by doing so.'

Research conducted for the British Board of Film Classification indicates that parents of children aged seven to 17 who play computer games, even when motivated to enforce restrictions, felt their children were able to obtain 'forbidden' games from other sources.

With or without an R18+ classification, children will always try to access material that they are denied. It has always been this way. Not having an R18+ does not stop them from doing so.

In addition, by not having an R18+ classification, we may be pushing legitimate and regulated distribution of content underground where children may seek to access it in potentially unsafe and even illegal ways, for example through peer-to-peer or other underground networks.

Minors would be more likely to be exposed to computer games that are unsuitable for them.

One of the principles in the NCS is that minors should be protected from material likely to harm or disturb them. R 18+ games would, by definition, be unsuitable for minors. However, permitting R 18+ level games would lead to more games at this level being available in Australia and consequently more minors being exposed to them.

All R18+ classified content is, by definition, unsuitable for minors. (Some R18+ classified content is, by definition, offensive to sections of the adult community.) Presumably, the principle of the NCS, that minors should be protected from material likely to harm or disturb them is satisfied, in the case of film, by the legal restrictions to access included in the NCS. Therefore, concerns about minors' access to R18+ classified computer games can be satisfied in the same way.

The reality is that minors are not being protected from R18+ content by not including that classification in the scheme. In this era of globalisation and the proliferation of the internet, the world has become a smaller place and this content is available to Australian children right now. We need to include an R18+ classification to support parents to protect children with clear information and legal restrictions.

There is no reliable information about how many games might simply not be distributed in Australia (and therefore classification not sought) because distributors know they would be likely to be classified RC.

The introduction of an R 18+ category may increase distributors' willingness to bring out games with higher level content. As a consequence, more material that is unsuitable for minors may be distributed and available in Australia, with more minors able to access it.

An influx of high impact content in games as a result of the introduction of an R18+ classification is very unlikely. Largely, higher impact gaming content is not commercially successful in consumer markets, and is therefore not released through traditional “bricks & mortar” or major online retail outlets. Smaller scale R18+ type content is currently available worldwide through the internet. Introducing an R18+ classification will not increase its availability.

Worldwide markets are sensitive to high end content in all forms of entertainment, including computer games. Any changes to the amount or intensity of high end content would still have to comply with the requirements of the majority of sales avenues such as US (ESRB) and Europe (PEGI/BBFC).

An R 18+ for computer games would exacerbate problems associated with access to high level material in Indigenous communities and by other non-English speaking people.

Classification restrictions are less effective for people who don't understand classification categories or don't have information available to them in their languages. The classification system can only be effective if parents and other adults can draw a meaningful distinction between computer games that are restricted to persons aged over 18 years and those available to persons under 18 years. Allowing games with higher level content will increase the risk that minors in certain parts of the community will be exposed to inappropriate content because adults do not understand the classification system.

This is a known problem. In both the Northern Territory Little Children are Sacred Report and the South Australian report on sexual abuse in the APY Lands, there was evidence that legally restricted material (referred to as pornography in the reports) was freely available in homes and watched by large groups of persons. The Northern Territory Department of Justice pornography classification education program in Indigenous communities has shown that there is a significant lack of knowledge and understanding of the NCS in these communities.

As noted above, there has not been a comprehensive information or education program regarding the national classification scheme and the classification categories for 25 years. Enabling parents to draw a meaningful distinction between content restricted to adults and content available to minors is imperative for the entire Australian community. Any education or information program MUST include specific mechanisms to address particular issues associated with indigenous communities and other non-English speaking people.

The concerns with adult film content in indigenous communities in the Northern Territories have not been addressed by removing the R18+ film classification from the NCS. It would follow that continuing to leave an R18+ classification out of the NCS is not the answer to these issues.

It is interesting to note that the South Australian Report on the Children in AYP Lands¹⁶ includes the following statement: "...Some children were in overcrowded homes. Some parents and other carers were abusers of drugs or alcohol and afforded little protection to, or supervision of, children. Pornography was available in some homes and watched by children of all ages." The availability of pornography to children (referring in this case to R18+ classified sex films on subscription television) would appear to be another outcome of broader social and parenting issues, rather than a causative element.

There is no demonstrated need to change existing restrictions.

While it is clear that some people will access RC or restricted material whether it is legal or not, there is no demonstrated practical need to include an R 18+ classification for computer games in the National Classification System.

Given the very low numbers of games that are affected by the absence of the classification category, the introduction of an R 18+ category is only an argument of principle.

The risk of possible harm through increasing the exposure by children to unsuitable material is not theoretical and the classification system should be kept in its present form. Primacy should be given to the need to protect children from material likely to harm them over the rights of some adults to have access to higher level games.

There is a demonstrated need. Children are currently accessing unlabelled game content that would be restricted to adults if the existence of an R18+ classification permitted it to be managed by a responsible local industry in partnership with government. Convergence means that an arbitrary differentiation between two similar digital media forms (films and games) is creating inconsistent and confusing outcomes in our community.

The *Interactive Australia 2009* research shows that 91 per cent of Australians are in favour of introducing an R18+ classification for games. Channel 7's *Sunrise* program ran a poll¹⁷ in December 2009 with 97 per cent of respondents answering YES to the question "*Would you like R18+ rated games permitted?*"

¹⁶ 'Children on Anangu Pitjantjatjara Yankunytjatjara (APY) Lands – A report on sexual abuse', South Australian Government.

¹⁷ http://post.polls.yahoo.com/quiz/quizresults.php?poll_id=50754.

The risk of possible harm is theoretical. Effects research is inconclusive. In addition, a comprehensive system of legal restrictions will help to prevent children's access to inappropriate content.

Some arguments for including an R 18+ category for computer games

The R 18+ classification category sends a clear, unambiguous message to parents that the game material is unsuitable for minors.

Research consistently shows that parents do not realise that MA15+ content is unsuitable for minors¹⁸, but they do understand that R18+ classified content is unsuitable. Independent to any plans to introduce an R18+ classification, there is a compelling need to educate Australians about the meanings of the classification categories – with a particular emphasis on the MA15+ category.

There has always been some confusion in our community about the meaning of the MA15+ classification. MA15+ film and game content is much more accessible to young children in Australia than comparative ratings categories in other countries. There have been some unsubstantiated claims that some games which should be classified R18+ are forced into an MA15+ classification. If this is true, the introduction of an R18+ classification may produce more conservative classification decisions.

Consistent classification categories for films and computer games are easier to understand.

Research has shown that Australians would like consistency in their classification information. The significant differences between the Broadcasting and Film schemes under different regulatory bodies create confusion. Many consumers (IA9 reports 63 per cent) would not be aware that there is not an R18+ classification for games, and would be further confused if they understood this inconsistency.

A new classification will supplement technological controls on minors' access to age-inappropriate computer games

¹⁸ Galaxy Research, 'Classification Decisions and Community Standards 2007 – Report' (a report commissioned by Censorship Ministers) and *Australian Consumers' Understanding of Classification Information Market Research Report – March 2002* (a report commissioned by the OFLC)
<http://www.ag.gov.au/classificationpolicyresearch>.

This point is not sustainable. An R18+ classification will not supplement “technological controls”. Rather, the introduction of an R18+ classification for games may be supported by existing technological controls – providing an additional tool for parents that does not exist for other media forms.

Adults should not be prevented from playing R 18+ level computer games simply because they are unsuitable for minors.

As discussed above, restricting adult access to content because it is unsuitable for minors is inconsistent with the principles of the National Classification Code. Adults should be allowed to access most content (except where criminal or other community standards are breached) and some content should be restricted from access by minors to protect them. This is consistent with the Principles of the Code, our scheme for films and publications, research (local and international), and international ratings schemes.

Comparable international classification systems have an adult rating for computer games - international parity is desirable.

Whilst international parity is desirable, it should not be considered a driving influence on a decision to introduce an R18+ classification. However, it should be noted that major research undertakings in other jurisdictions (such as the Byron Report in the UK) do not seek to remove the equivalent R18+ classification, but rather reinforce the need for a cautious approach and some form of restriction for the access of minors to certain content.

Consumers access games which would be R 18+ illegally – it would be better if they were legally available with appropriate restrictions.

As noted above, accessing games that would be R18+ classified, or accessing the original versions of games cut to fit an MA15+ classification, already occurs in Australia. Any belief that the current lack of an R18+ classification significantly restricts access by Australian adults to banned games is unrealistic. However, our systems of laws are based on the principle that most reasonable persons will comply with sensible and consistent laws. The introduction of an R18+ classification will support the lawful behaviour of adults who access games for themselves or their children.

There is some evidence in the media that some consumers believe all RC gaming content would be suitable for the R18+ classification. This is emphatically not the case. The lack of

an R18+ classification for games is diluting the very serious nature of the RC classification category.

PART 4 – SUBMISSION TEMPLATE RESPONSES

Should the Australian National Classification Scheme include an R18+ classification category for computer games?

YES

Adults should not be prevented from playing R 18+ level computer games simply because they are unsuitable for minors.

5) Strongly agree

The R18+ classification category sends a clear, unambiguous message to parents that the game material is unsuitable for minors.

5) Strongly agree

Consistent classification categories for films and computer games are easier to understand.

5) Strongly agree

A new classification will supplement technological controls on minors' access to age-inappropriate computer games.

5) Strongly agree

Comparable classification systems internationally have an adult rating for computer games - international parity is desirable.

5) Strongly agree

Consumers access games which would be R18+ illegally – it would be better if they were legally available with appropriate restrictions.

5) Strongly agree

Computer games should be treated differently from films given the specific, negative effects of interactivity on players, particularly their participation in violent and aggressive content.

1) Strongly disagree

It would be difficult for parents to enforce age restrictions for computer games.

1) Strongly disagree

Minors would be more likely to be exposed to computer games that are unsuitable for them.

1) Strongly disagree

An R18+ for computer games would exacerbate problems associated with access to high level material in Indigenous communities and by other non-English speaking people.

1) Strongly disagree

There is no demonstrated need to change existing restrictions.

1) Strongly disagree

CONCLUSION

Australia is out of touch with the rest of the world in classifying computer games. Other developed countries treat computer games with the same care as other audiovisual content such as films.

Children's access to inappropriate content or substances is of constant concern to the community and to parents. Some of the most contentious issues for discussion in Australia are about children using illegal drugs, using legal drugs (alcohol, tobacco, etc), and viewing restricted content. The continued exclusion of an R18+ classification for computer games is illogical and potentially damaging to consumer management of content for themselves and those in their care.

Any enlightened culture will continue to be concerned about children's access to material that is only meant to be for adults, but that freedom comes at a cost: responsibility, trust and education. As with other forms of content, parents and other adults in society must take responsibility to manage and restrict access to "adult" content. Lobby and interest groups must not force a set of beliefs that do not necessarily match broader community standards on others, but must trust their fellow Australians to manage their own lives and their families' lives.

Governments, in partnership with industry, must educate consumers, particularly parents, about classification schemes and content suitability.

The classification of computer games was introduced in a climate of limited knowledge about the medium.

When the classification of computer games was added to the responsibilities of the National Classification Scheme in the mid 1990s, there was little understanding of the medium amongst regulators. The scheme that was introduced had some very good elements, such as requiring industry experts (authorised assessors) to provide detailed analyses of game content to assist the Classification Board in its decision making role. Unfortunately, there was little success in assessing community attitudes to the classification of computer games.

The advice of the Chief Censor and Deputy Chief Censor was ignored, and an R18+ classification for computer games was dropped from the scheme.

The decision to exclude an R18+ classification was based on incorrect assumptions.

The decision to exclude an R18+ classification for computer games from the national classification scheme was based on three assumptions:

- Computer games are only for children.
- The level of technology involved with the use of video and computer games means that many parents do not necessarily have the competency to ensure adequate parental guidance.
- Due to their interactive nature, computer games may have greater impact, and therefore greater potential for harm or detriment, on young minds than film and videos.

Each of these assumptions is incorrect:

- Computer games are played by people of all ages. The average age of Australian gamers is 30, which aligns with international averages.
- Parents are confident in the use and management of computer game technology. This is in part because parents are gamers too.
- Whilst research is inconclusive, there is no known psychological peculiarity of the computer game experience which indicates a differential classification system should be applied to this medium.

Opportunities to adjust computer game classifications in light of new information have been missed.

When the initial decision was made to drop an R18+ classification, the Senate Select Committee, and subsequently SCAG (Censorship) Ministers, agreed that further research should be undertaken to assess the validity of the reasons for creating a scheme without an R18+ classification.

In the chain of events that followed, SCAG (Censorship) Ministers missed the opportunity to complete the process and introduce the R18+ classification in 2002.

- In 1999, OFLC commissioned research concluded that adults are now regular users of computer games and that there is no reason for a differential classification system for them. In addition, Australian parents are confident and competent in managing children's access to computer games.
- Dr Brand's analysis of submissions to the guidelines review in 2000-2002 concluded that a single classification standard for films, videos, DVDs and computer games should be developed, including an R18+ classification for computer games.

Technology changes make the treatment of different media types in different ways redundant.

Convergence is challenging the notion that the implementation of classification can be tied to methods of content delivery or its technical characteristics. The blurring of distinctions between different types of media is such that it is becoming increasingly difficult and irrelevant to distinguish between them.

The argument for harmonising not only the guidelines but also the classification scheme for films and computer games is becoming compelling. There are numerous examples of content which fit both definitions, particularly interactive films, and it would be better to avoid having to make a distinction.

Summary of iGEA's Position on R18+ for Computer Games

The Australian community would be better served by the National Classification Scheme if an R18+ classification for computer games was introduced. Adult gamers would be treated like adults, and parents would have a complete toolkit to manage children's game playing. In addition it would bring Australia into alignment with the rest of the world.

Even though opportunities to create a comprehensive family friendly classification scheme have been missed, this failure can be overturned at any time. Censorship Ministers have an ongoing opportunity to repair the gap in the National Classification Scheme by agreeing to introduce an R18+ classification for computer games.

The government has only asked the Australian community on one single previous occasion if they would like an R18+ classification for computer games. The answer then (in 2000/01) was an emphatic yes. During the decade since the question was last asked, research and polls have indicated overwhelming community support for the introduction of an R18+ classification.

The current discussion is an opportunity for the Australian Government to take a leadership role with its State and Territory colleagues and repair the dangerous gap in the National Classification Scheme.