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Your Ref:  
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*Attention: Peter Tryde*

Classification Review  
Attorney-General's Department  
4-5 National Circuit  
BARTON ACT 2600  
Email: classificationreview@ag.gov.au

Dear Mr Tryde

### Public consultation on an R18+ classification for computer games

Thank you for your letter of 16 December 2009 inviting a submission in relation to the above matter.

As Commissioner for Children my priority is to advocate policy, educational and legal approaches designed to prioritise the protection of children from harm or the risk of harm, wherever practicable. This includes a commitment to protect children from exposure to print or multi-media which normalises or rewards excessive violence, illicit drug taking or sexual violence.

The existence of the R18+ classification category for films acknowledges that certain material is completely inappropriate for children's viewing and operates to alert adults to the possibility that they themselves may find the content of such films to be offensive or unduly confronting.

The principle that adults should be able to read, hear and see what they want, is not superior to the other considerations presently in the Code.

The other related principles which require emphasis in the present discussion include:

- minors should be protected from material likely to harm or disturb them
- the need to take account of community concerns about the portrayal of persons in a demeaning manner and depictions that condone or incite violence, particularly sexual violence.

## INCREASING SEXUALISATION OF PUBLIC CULTURE

Recent media interest in Tasmania has focussed on consistent teacher reports of Grade 5 and Grade 6 girls bragging on Monday mornings of having given oral sex to males over the weekend<sup>1</sup>. Whether this is only bragging or factual is impossible to determine, but the fact that the topic is content in the schoolyard conversation of 10 and 11 year old girls should concern government instrumentalities that have the power to control the increase or reduction of sexual content in all forms of media. The Classification Board is one such instrumentality.

One measure of community attitudes and concerns is the approach taken by its elected representatives in Parliament. In its June 2008 report *Sexualisation of children in the contemporary media* the Senate Standing Committee on Environment, Communications and the Arts explored the effects of the propagation of sexual imagery of children and of exposing children to sexual imagery generally.

The first recommendation of the Committee was as follows and I commend it to the present Review:

### Recommendation 1

1.12 The committee considers that the inappropriate sexualisation of children in Australia is of increasing concern. While noting the complexity of defining clear boundaries around this issue, the committee believes that preventing the premature sexualisation of children is a significant cultural challenge. This is a community responsibility which demands action by society. In particular, the onus is on broadcasters, publishers, advertisers, retailers and manufacturers to take account of these community concerns.

Fiscal interests of the whole community are affected by the expenditure of public money on harms arising from child and adolescent sexual, drug and violence-related risk-taking, from early pregnancy, from poor self-esteem and stereotyped body image, from restriction of girls' perceptions of their employment options in adulthood and from inter-generational transmission of exploitative and abusive relationship values.

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<sup>1</sup> "Kids' sex talk rocks teachers" Duncan P., Sunday Tasmanian, 31 January 2010, p.5

These facts remain the case whether particular sectors of the community in advocating for their own sectoral interests are or are not aware of the broad social benefits of keeping careful guard over the education and development of all children and over the content that comes their way.

IT IS SUBMITTED THAT it is in the cultural, moral and fiscal interests of the entire adult community to establish where practicable structural conditions that protect and advance the best interests of children.<sup>2</sup>

### **INCREASED RISK**

IT IS SUBMITTED that the introduction of an R18+ classification for computer games by quantitatively increasing the availability of such material in the rental and retail markets logically increases the risk of children being exposed to material not currently legally available in Australia, and thus to material likely to harm or disturb them and to depictions that condone or incite violence, particularly sexual violence.

### **CHILD AS PASSIVE OBJECT OR ACTIVE AGENT**

Adult emphasis on supposed parental control of access to various media is in my opinion misplaced. It assumes an outdated model of "the Child" as a passive recipient of material – an empty vessel - and denies the reality of the Child as agent of their own life, with aspirations particularly to adulthood and adult activities that seem to excite adults, like the old triad of "drugs, sex and rock and roll".

The then Director of the Classifications Board in evidence to the 2008 Senate Standing Committee<sup>3</sup> seems to have taken the view that parents and guardians are not only entirely responsible but entirely capable of preventing harmful material falling into the hands of their children.

IT IS SUBMITTED that neither the Commonwealth nor the Classification Board are able to control the circumstances within homes where children may have deliberate or accidental access to material owned by their parents, other adults or their own siblings and friends. The Classification Board will take notice of the extent to which modern children and young people "burn" or "rip" games from each other.

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<sup>2</sup> Senate Standing Committee report, pp19-30.

<sup>3</sup> *Ibid.*, p.47 at para 4.79 Mr D McDonald; *Committee Hansard*, 30 April 2008, pp 66-67.

## HUMAN RIGHTS OF CHILDREN

Finally the Commonwealth of Australia having signed and ratified the UN *Convention on the Rights of the Child* is bound in its administrative and legislative procedures by Article 17 thereof which relevantly provides:

### Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall:

(a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;

(e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

## CONCLUSION

I take it to be my duty, where there is a conflict between the interests of children and young people and the interests of adult pressure groups in society, to advocate for the interests of the former.

Accordingly I oppose the introduction of an R18+ classification category for computer games, because such a change would not benefit children and increases the risk of their exposure to material likely to harm or disturb them.

I am available to discuss this submission and elaborate upon my reasons if required.

Thank you for providing the opportunity to make a submission to the Inquiry.

Yours sincerely,



Paul Mason  
Commissioner