

Media Classifiers' Association of Australia

Submission to the Attorney-General's Department responding to the question:

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

The Media Classifiers' Association of Australia welcomes this opportunity to take part in the public consultation on this issue.

The Media Classifiers' Association of Australia (MCAA) is the leading professional classification organisation in this country. As such the MCAA contributes to this consultation the expertise of our members' many decades of classifying for Australian audiences across platforms and media. Our membership includes all classifiers working in free-to-air television, both public and commercial broadcasting, as well as representatives from subscription television.

- The MCAA recognises that the inclusion of an R18+ classification category for computer games will end the incongruence in the National Classification Scheme between the principle of the National Classification Code that 'adults should be able to read, hear, and see what they want', and the lack of an R18+ classification category for computer games.
- The MCAA acknowledges the timeliness of this public consultation. As the distinctions between platforms become less clear suitable legislative responses to changing technology are necessary. In order for the National Classification Scheme to remain relevant and useful the likely continuation of technological change across entertainment platforms must be accommodated in the Scheme. The inclusion of an R18+ classification category for computer games is in keeping with the classification of classifiable films, publications, mobile telephone content, and the Internet.

Context

Computer and video games extend what is possible for Australian audiences in terms of the range and diversity of entertainment opportunities. These games are delivered across platforms involving different technology and can be played alone, with friends and family, or in community with thousands of other game players.

Computer and video games are played voluntarily, and there is a voluntary relationship between the provider of the game and platform and the member of the community.

The *Interactive Australia 2009* report shows that the average age of Australian gamers is 30 years old; that 68 per cent of Australian households contain a device for playing games; and that in 80 per cent of households with children, parents and children play computer games together.

Computer and video games are classified as part of the National Classification Scheme. The *Classification (Publications, Films and Computer Games) Act 1995* is endorsed by Commonwealth, State, and Territory Censorship Ministers.

Section 11 of the Act sets out the matters to be considered when making classification decisions, these include:

- (a) the standards of morality, decency and propriety generally accepted by reasonable adults; and
- (b) the literary, artistic or educational merit (if any) of the publication, film or computer game; and
- (c) the general character of the publication, film or computer game, including whether it is of a medical, legal or scientific character; and
- (d) the persons or class of persons to or amongst whom it is published or is intended or likely to be published.

The Act states that films and computer games are to be classified in accordance with the Code and the classification guidelines.

The principles underlying each classification decision are set out in the Code as that:

- (a) adults should be able to read, hear and see what they want;
- (b) minors should be protected from material likely to harm or disturb them;
- (c) everyone should be protected from exposure to unsolicited material that they find offensive;
- (d) 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.

The classification guidelines state that the R 18+ category applies to films only.

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

Analysis of the key arguments given in the discussion paper against including an R18+ classification category for 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.*

The *Guidelines for the Classification of Computer Games, Amended April 1999*, includes in the introduction the following dictum: “These guidelines are, at the direction of the Commonwealth, State and Territory Ministers, to be applied more strictly than those for the classification of films 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.”

These Guidelines have been superseded by the current *Guidelines for the Classification of Films and Computer Games (2008)*. In these guidelines, interactivity is a consideration when classifying both films and computer games. The consideration of interactivity in relation to films reflects changing technology. Interactive films do have an R18+ classification category. Under a different scheme interactive websites and mobile telephone content also have an R18+ classification category in Australia. It is an anomaly that interactive computer games cannot be classified R18+.

The interactivity of films, mobile telephone content, and websites are synonymous with the interactivity in computer games. In the National Classification Scheme computer games are being treated differently from non-interactive films, but also, computer games are being treated differently from interactive films. This inconsistency weakens the National Classification Scheme.

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

The MA15+ classification category is an age restricted category. By endorsing the National Classification Scheme, the Censorship Ministers accept that parents can enforce age restrictions for computer games, films, and publications. It is inconsistent to accept that parents can enforce age restrictions for MA15+ games, and R18+ films and publications, and

not R18+ games. The Interactive Games and Entertainment Association research quoted in the discussion paper shows that the majority of Australian gamers are adults, and that the number of adults playing games is on the increase. The discrete nature of media platforms such as films, publications, and computer games is changing rapidly. As the distinctions between these platforms become less clear, it is also inconsistent to accept that parents can enforce age restrictions for some R18+ content that may be accessed on one platform, but not other R18+ content that may be accessed from the same platform.

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

As is raised in the discussion paper, it is known widely that games that exceed the MA15+ level are classified RC. This dilutes the strength of the RC classification category. Under the current scheme minors may expose themselves unwittingly to material that would be offensive to any reasonable adult. The inclusion of an R18+ classification category would clarify for all Australian gamers that RC games are extreme and not suitable for game play. This would protect minors more effectively from the most offensive material.

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

Various reports such as the *Little Children are Sacred Report* identify a lack of education and enforcement as real problems with the current National Classification Scheme. The *Little Children are Sacred Report* recommends:

That an education campaign be conducted to inform communities of:

- a. the meaning of and rationale for film and television show classifications
- b. the prohibition contained in the *Criminal Code* making it an offence to intentionally expose a child under the age of 16 years to an indecent object or film, video or audio tape, or photograph or book and the implications generally for a child's wellbeing of permitting them to watch or see such sexually explicit material.

The MCAA welcomes any determination by the Censorship Ministers to address these highlighted concerns, and to educate Australians about the National Classification Scheme, and to enforce the scheme.

Including an R18+ classification category will improve the capacity of all Australians to understand the Scheme as it will help make the Scheme consistent. Including an R18+ category will also make the RC classification category more meaningful. This could assist adults and guardians to distinguish better between material not suitable for minors and material too extreme for use.

- *There is no demonstrated need to change existing restrictions.*

Changes in technology and audiences require legislative responses if the National Classification Scheme is to remain robust. The discussion paper gives the suggestion that “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.” It is a genuine strength in the Code that equal weighting is given to the principle that “adults should be able to read, hear and see what they want,” and the principle that “minors should be protected from material likely to harm or disturb them.” Each of the four principles in the Code is to be given equal weighting with every classification decision for films and publications. It is inconsistent to classify interactive films giving equal weight to these four principles, and to then classify interactive computer games giving primacy to one principle.

The research quoted in the discussion paper from the Interactive Games and Entertainment Association shows that the majority of Australian gamers are adults, and that the numbers of adults who play games are increasing. The discussion paper does not present any conclusive research that computer games, as distinct from other interactive media, are harmful for minors. The MCAA is unaware of any such research findings. It is unclear then why this form of entertainment should be treated so differently in the Scheme. Including an R18+ classification category will address this inconsistency and strengthen the integrity of the National Classification Scheme.

Conclusion

The Media Classifiers' Association of Australia believes that consistency of classification across all platforms is desirable. It is in the interests of the audience to have consistent labelling of all media content, and to have the opportunity to choose for themselves from a range of legal entertainment experiences.

The current *Guidelines for the Classification of Films and Computer Games (2008)* allow for the legal sale of film product up to and including the R18+ category, but not games. The belief that playing games is more impactful on the personality and behaviour of viewers than watching movies is not supported by the research, nor is the belief that most games are about violence or sex.

Within classification circles community standards relating to films are gauged by public response, measured by research and by complaints. This feedback ensures that classification guidelines are monitored frequently for their relevance to contemporary audiences, and classification practices reflect these changes. We believe that the current legislation and guidelines for the classification of films up to R18+ provide an appropriate framework within which games may be also viewed, and that the same checks and balances in relation to community response would apply.

The current ban on R18+ games implies that they contain material which is not suitable for classification. We believe that this is an inappropriate message. The use of the Classification Guidelines would ensure that the content is comparable across the different media, while the provision of consumer advice would ensure that adult consumers can make informed choices.

The key arguments against the inclusion of an R 18+ rating in the discussion paper provided by the Attorney-General's department find their kernel in legitimate concerns about the protection of minors, the distribution of unsolicited offensive material, and material involving violence, and the demeaning of people.

These concerns are addressed in the National Classification Scheme by being set out as underlying principles in the Code, along with the principle that adults should be able to read, hear, and see what they want. Each of these principles is to be given equal weighting with regard to every classification decision for classifiable films and publications.

The Australian Communications and Media Authority's co-regulatory scheme for Online Content Regulation allows restricted content. This is defined as "content that is classified by the Classification Board R or R18+".

The key arguments against the inclusion of an R18+ rating for computer games in the discussion paper can apply to mobile telephone content, the Internet, and to classifiable films and publications. The Commonwealth and State and Territory governments recognise that content on these platforms can be classified in a way that ensures that each principle of the Code is considered and taken into account effectively.

Computer and video games are played voluntarily, and there is a voluntary relationship between the provider of the game and platform and the member of the community.

As set out in the discussion paper, the Interactive Games and Entertainment Association published research indicating that the average age of the Australian gamer is not static. The average age in 2005 was 24, and the average age in 2009 is 30 years with this expected to continue to rise.

The growing number of adults in Australia who enjoy computer and video games should be able to read, hear, and see what they want.

The distinctions between content on computer and video games, films, mobile telephones, the Internet, and publications are becoming less clear. It is not congruent that an adult member of the community can interact with an R18+ website, and view an R18+ film on the Internet, or mobile telephone, but cannot then play an R18+ game with the same device.

The National Classification Scheme must adapt to changing technology and behaviour now that more than seventy per cent of the changing audience for computer and video games are adults.

In conclusion, the MCAA answers ‘yes’ to the question, “Should the Australian National Classification Scheme include an R18+ classification category for computer games?” The MCAA thanks the Censorship Ministers for this opportunity to take part in this public consultation. The MCAA is committed to excellence in the classification of content for Australian audiences. The majority of game players are adults, and the number of adults playing games is growing. Other platforms such as the Internet, mobile telephones, and some films have an interactive dimension and an R18+ classification category. In this technological environment, the distinctiveness between different means of delivery for entertainment is eroding quickly. For consistency and relevancy, all four underlying principles of the Code need to be taken into account when making classification decisions for all media, including games, as part of the National Classification Scheme, thus ensuring that adults may read, hear, and see what they want.