



Save our Souls gaming clan

Submission to the Australian Government Attorney-General's Department
Discussion Paper: *Should The Australian National Classification Scheme Include An R18+Classification Category For Computer Games?*

About the SoS clan

SoS | Save our Souls was created in September 2008. SoS currently has divisions in SWAT 4, Call of Duty 4, Left 4 Dead, Modern Warfare 2 and Left 4 Dead 2. The clan has more than 65 members from all over the world including Australia, USA and New Zealand. Members are generally aged 15+; with the most senior staff all being over 18. For further information or to apply visit <http://thesosclan.com/index.php>.

Introduction

The second paragraph of the discussion paper states that “the existence of the NCS [National Classification System] allows Australian consumers to make informed decisions.” As a general proposition, it is difficult to understand how banning a particular type of media fosters choice or informed decisions. Banning suggests that the content is so extreme that the decision should be taken out of the hands of the public.

This submission does not argue for a removal of the RC classification, which might allow highly objectionable content, rather it supports a classification of R18+ to ensure that content for video games is appropriately classified and is not overly restrictive. The submission puts some main arguments for an R18+ classification and then briefly responds in point form to a number of the for/against arguments put in the discussion paper.

Main arguments

Adult liberty

Australia distinguishes between children and adults at age 18. As a result, the majority of things not suitable for minors (such as cigarettes, alcohol, explicit movies). It is difficult to imagine a credible argument that could be put that video games are so substantially different as to justify a different regime. With the growing complexity and diversity of computer games, it can no longer be said that they are exclusively the realm of children. If adults are to be permitted to watch high-violence or explicit movies, why then should this type of content not be included in video games. The arguments against this are weak at best. The issue is viewing content, both movies and games are *equally* accessible to children R-rated movies are not banned in Australia.

Arguments are made that the effect on people of video games is higher than with movies (which do have an 18+ rating) because they are interactive; however, these arguments are not based on fact and ignore the possibility that movies could be more likely to promote anti-social behaviour *because* they are not interactive.

Of all the dangerous and potentially harmful things that adults are allowed to do legally in Australia, with the potential for these things to affect minors, how can a sustainable argument be made that video games are so different that they should be totally banned if not suitable for minors?

Appropriate classification

Currently, if a game is not suitable for people below 18 years of age, the game is either refused classification (banned) or it is forced into the 15+ classification. The latter can take two forms, either the game is modified by game developers in a cursory way to remove blood or gore, for example, or it is justified for inclusion in the 15+ category by the OFLC. The latter is an issue because the same game is allowed for 15-18 year olds rather than restricted to 18+ because there is no classification. This means that the same games that really should be for adults only have a bit of blood removed and exactly the same ideas and actions are being carried out. An example is *Left 4 Dead 2*, a zombie apocalypse game recently refused classification and, after some gory effects were removed, it was given a 15+ category. This was the same game, with the same themes, yet it is appropriate for under-18s because a few gory effects were removed. The proper action would have been to classify it 18+ so that parents could be guided as to the games they allow their children to play. The current system allows an adult game with the same themes to be given to children with the tick of approval from the government for 15-17 year olds.

Games with high-level violence such as use of grenade launchers to blow up zombies are potentially banned in Australia, however, how likely is it that children will engage in copycat behaviour (or even be able to if they wanted)? Conversely, car racing games are usually given a G rating, then minors are able to buy high-powered cars and drive them on Australian roads. The road toll for crashes caused by inexperienced drivers is extremely high but these games are not restricted.

Specific points on issues in the discussion paper

Ministerial Council on Classification

“A change to classification categories would require amendments to the Commonwealth Act, the Code and the Guidelines, as well as State and Territory enforcement legislation. Under the Intergovernmental Agreement on Censorship and the Commonwealth Act, the Code and Guidelines can only be amended with the agreement of all Censorship Ministers.”

- A unanimous voting arrangement is an ineffectual arrangement for Ministerial Councils.
- The Productivity Commission has made a similar observation in its *Review of Australia's Consumer Policy Framework* in relation to consumer policy and, in that case, recommended a Commonwealth plus three jurisdictions model. Subsequently, COAG has agreed to a model for voting on the new, national Australian Consumer Law of the Commonwealth plus four, three of which must be States. A similar model should be used for classification.
- A small jurisdiction should not be able to impose restrictions Australia-wide by way of a veto power.

State and territory laws

“States and Territories enact their own laws and make their own decisions for the purposes of deciding which classification categories will be available in their State or Territory. Each jurisdiction makes their own decision about whether to permit the sale of each classification category and not all jurisdictions would necessarily make the same decision.”

- If a State or Territory wants to ban the sale of R18+ games that is a matter for that jurisdiction, but their decisions should not affect the possibility of other jurisdictions allowing the sale of R18+ games.
- Considering jurisdictions are not prevented from making their own laws, the idea that the views of one political party in one small jurisdiction (such as South Australia) should control the content available Australia-wide is contrary to the majority-based principle on which democracy is generally based. Consider whether Parliaments would work if every member had a veto power.

Effect on aggression and anti-social behaviour

“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.”

- Effects of gaming would differ depending on the personality of the gamer.
- Games may present a method of releasing aggressive tendencies rather than creating or increasing them.
- Research that suggests gaming can lead to aggression may be misleading – the research cited in the Discussion Paper does not suggest that games generate a higher level of aggressive tendencies than the other forms of media, simply that there may be a correlation between violent games and aggressive tendencies.
- The Discussion Paper notes that other research has suggested that meaningful studies, on which policy decisions might be based, cannot ethically be conducted.

Enforcing age restrictions

“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.”

- The supposed distinction between games and other forms of media such as movies stated by Michael Atkinson in his Ministerial response letter — that games are played exclusively in the home — is simplistic.
- Atkinson suggests that ‘minors can be stopped at the cinema door’. This is a monumental misunderstanding of the current state of media viewing. Cinema screenings would represent only a fraction of the total viewings of movies. Consider the fact that almost all movies are available to download (illegally or legally, but easily) on the internet.
- This is the parents’ responsibility, as with movies, and parents should not be given a pass just because their child has a computer in their room. If there is a problem, put computers in a communal area and properly supervise them.
- Realistically, the internet allows children access to games, movies and other media – all of which is only restricted by parental control. The idea that a game being RC makes it impossible for children to access is fanciful at best.
- Current restrictions resulting in a RC classification do not prevent the material being accessed quickly and easily from other countries. Games can be legally purchased from other countries and sent to or downloaded in Australia very easily.

Exposure of minors to unsuitable games

“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.”

- The argument that R18+ games should not be allowed in Australia in case minors access them both ignores the ease of access through the internet even if it is classified RC, and also begs the question why cigarettes and alcohol (which can be far more harmful to children) have not been banned.
- The idea that games are more harmful than any other media, goods or services that are restricted to people of 18 years or older is unsustainable. Consider alcohol, tobacco, pornography, purchasing of knives and firearms – these are not banned for adults but, if you

accept the argument that 18+ games should be banned, are apparently less dangerous to children than a gory computer game.

Encouraging games with higher-level content

“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.”

- The idea that the Australian classification system alone influences international game developers far overstates the importance of the Australian market internationally.
- The recent title *Aliens v Predator 2* is an example of where the Australian classification system refusing classification resulted in the developer mocking Australia’s backward system and refusing to modify the game to seek an M15+ rating (which it was later given on appeal anyway).

Barriers to an effective classification system

“Classification restrictions are less effective for people who don’t understand classification categories or don’t have information available to them in their languages.”

- Not being able to, or not wanting to, be guided by a classification system in the case of certain members of the community is a matter that is best addressed by better educative measures, not simply banning something nationally.
- Banning something suggests that its harm is so great that no person in Australia should have access to it. Again, alcohol is commonly known to have caused some problems in some sectors of the community – this has not resulted in an Australia-wide ban on alcohol. Cigarettes are *known* to cause health problems in almost all users but are not banned.

Arguments of principle

“...the introduction of an R18+ category is only an argument of principle.”

“The risk of possible harm through increasing the exposure by children to unsuitable is not theoretical...”

- This argument is biased in the way it is framed. Both are arguments of principle. One is an argument of adult liberty, the other one of protecting children.
- The argument in favour of protecting children ignores the fact that the material in question is already accessible in Australia, just not through local retailers.