



XLAN  
38 Surfle Street  
Adelaide SA 5000

31 January 2010

Classification Review  
Attorney-General's Department  
3 -5 National Circuit  
BARTON ACT 2600

Dear Sir/Madam

**Submission on the creation of an R18+ classification category for computer games**

XLAN Incorporated (XLAN) welcomes the opportunity to comment on the possibility of introducing an R18+ classification category for computer games.

The XLAN has been operating for the past five years as an organizer of public gaming events throughout the nation (particularly South Australia), and has provided an online forum for discussion among like-minded gamers. XLAN has an interest in this discussion paper because one of the stated goals of the organization is to promote the recreation of playing games, and the interests of recreational gamers. XLAN's support base consists largely of adult gamers rather than minors.

The following submission supports the introduction of an R18+ classification category for computer games.

A handwritten signature in black ink, appearing to be "Phil Easson".

Phil Easson  
Chairperson  
XLAN Inc.

A handwritten signature in black ink, appearing to be "Jared Wilson".

Jared Wilson  
Public Officer  
XLAN Inc.

A handwritten signature in blue ink, appearing to be "Ben McCarthy".

Ben McCarthy  
Tournament Director and  
Community Liaison  
XLAN Inc.

## **Arguments for the introduction of an R18+ classification category**

Adults should be free to enjoy such media as they see fit, guided by the classification system, provided such media does not infringe on the rights of others. The majority of XLAN's support base is above the age of majority, and yet are unable to access content of artistic and cultural merit, which is suitable for consumption by those over age 18, due to the out-of-date nature of the National Classification Scheme (NCS). Games are the only form of media where this is the case, and this glaring inconsistency frustrates many in the community.

This lack of a complete classification system for computer games has over many years reinforced the incorrect message perceived by many out-of-touch parents that 'any computer game is suitable for children'. A classification system that is consistent across films, some publications and computer games would be far easier to understand, and would send a clear message to parents that some games simply aren't suitable for minors.

The introduction of an R18+ classification category would not only inform the decisions of parents, but also mature individuals buying games for personal consumption. Due to the current state of affairs, some games which have been refused classification in Australia for reasons of extreme violence or extreme depictions of non-consensual sex may only be obtained through non-retail channels. Through these channels, the reasons for the game being Refused Classification may not be readily apparent. The introduction of an R18+ category will inform mature gamers more readily of the difference between games that are merely unsuitable for minors, and games which are completely inappropriate for anyone.

The NCS as it currently stands also fails to take into account the growing nature of digital distribution, which although influenced by national borders, can still make games which have been refused classification in Australia available here. Introducing this classification would allow Australian retailers to take advantage of the trade in games suitable for adults, rather than being necessarily bypassed by resourceful gamers who desire a copy of a Refused Classification game.

Games as an artistic medium have developed considerably in the last decade, and as it currently stands, a game that depicts the full range of interactions that take place in adult relationships is currently highly likely to be refused classification. Many themes that appear frequently in films and books, and that are relevant and engaging to adult gamers, are currently restricted from figuring in computer games in Australia. It is necessary for the relevant ministers to review the NCS if Australian adults are to be able to enjoy this new form of media to its fullest extent, and for Australian game development companies to be able to explore the full potential of the industry.

## **Rebuttal of arguments against the introduction of an R18+ classification category**

XLAN does not concede that there is no demonstrated need for a change to existing restrictions. As the NCS currently impedes the right of adults to view, read and play what they want, it is clear to XLAN that the burden of proof falls on the NCS to justify this restriction. There are adult gamers who wish to play games that, while unsuitable for minors, are suitable for adults. While there may be few games that would currently fall into the (suggested) R18+ category, there will be more and more as time passes. It is necessary for the Government to accept this and act in a manner suitable for a liberal democracy.

Children should not be exposed to games that are unsuitable for them. However, effectively banning the sale of mature-age suitable computer games is not the correct policy tool to address this need. As in all situations, the focus should be on addressing the problem with as much specificity as possible. If keeping high-level impact games out of the hands of children is the goal, then it is necessary to educate parents and caregivers on the role of the NCS, as well as monitoring compliance with the law by retailers. XLAN is also of the opinion that were retailers to stock R18+ games, then this is unlikely to be the method by which minors would gain access to restricted content. XLAN considers that it would be far more likely that game piracy would be used by minors to access restricted content. XLAN notes that as it stands, the current NCS does little if anything to prevent piracy, and as such the creation of an R18+ classification will have no effect (beneficial or negative) on this.<sup>1</sup>

To address the issue of whether playing violent and/or sexually explicit games has an effect on the behaviour of players, XLAN only wishes to point out that research is still far from conclusive. XLAN is not aware of a strong body of research showing the direction of causation between behaviour and high impact games. In particular, the effect of high impact games on children and adolescents is less relevant to a possible R18+ classification than the effect of high impact games on adults. This is because R18+ games would legally only be accessed by adults, and minors should be prevented from accessing all material unsuitable for them, not just material which is classified as R18+. The only way for minors to be prevented from accessing unsuitable material is by caregivers being well-educated about what is suitable for those they are responsible for, and appropriately supervising minors.

A point articulated by the Attorney-General's Department discussion paper states that "It would be difficult for parents to enforce age restrictions for computer games". In this instance it should not be the whole of society (including responsible adults) that bears the brunt of protecting all minors from inappropriate material, by way of restricting the entirety of a society's choices. In XLAN's view it is perfectly reasonable to expect parents and guardians to enforce age restrictions on computer games. As it stands, even with the restriction on high-impact games in place, there is still a multitude of other media that minors should be protected from. Trying to keep the entirety of Australian society away from high-impact media in order to facilitate this protection is not only patronizing to responsible parents, but highly illiberal. XLAN does not agree that restricting games that are still suitable for adult audiences makes this situation measurably better from a

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<sup>1</sup> While the introduction of an R18+ rating may have no effect on game piracy committed by minors, it may well decrease game piracy committed by adults. With a legal means to obtain games that are suitable for an R18+ rating adults may decide to obtain them through retail channels, rather than resorting to copyright infringement.

child-protection standpoint, and if the Government wished to be consistent it would ban all high-impact media. Of course this would be needlessly censorious.

## **Conclusion**

The XLAN Association supports the introduction of an R18+ classification category for computer games. Australia's current restrictions are out of date and act against liberal principles. In fact, in comparison with the international community Australia's regime is more censorious than countries known for their authoritarian stance such as Singapore.<sup>2</sup> Adults should be empowered to make their own decisions about what media they choose to view and interact with in their own home.

While it is true that minors should be protected from high-impact games, the banning of all such games from Australia is too blunt a device. The responsibility of protecting children from inappropriate games should be on the shoulders of those parents and guardians responsible for them: XLAN notes that this is currently the case with every form of media besides computer games. Introducing an R18+ classification for games will provide caregivers with consistent tools across entertainment media, making it easier to assess and police content in their homes. The outdated Australian classification system causes more than enough harm to the growing population of mature-age gamers, retailers and game developers to outweigh the very limited good it does for the purpose of child protection and giving a false sense of security for wowsers.

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<sup>2</sup> Although as far as XLANSA is aware, it is likely that Singapore's M18 classification would also catch much of what is rated MA15+ in Australia.