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22 February 2012

The Hon Nicola Roxon
Attorney General
Parliament House
Canberra ACT 2600

Dear Minister Roxon

Subject: Classification of R18+ and MA15+ computer games

We note the recent introduction into Parliament of the *Classification (Publications, Films and Computer Games) Amendment (R 18+ Computer Games) Bill 2012*.

It is widely believed that the introduction of an R18+ classification for computer games will, of itself, provide greater protection for children from inappropriate material. However the cause of much of the present public disquiet about minors' access to very violent games is the inclusion in the MA15+ category of 'strong' impact violence justified by context. Greater protection for children will be achieved only with effective modification of the criteria for the MA15+ category.

In our view, the R18+ classification should not be introduced without such modification to the MA15+ criteria, nor without the establishment of R18+ criteria for games which disallow high impact violence. This letter sets out in detail our reasons.

The misleading proposition that the addition of an R18+ classification would in and of itself protect children better from violent games is supported by repeated assertions that very violent games are 'crammed down' into MA15+ simply because there is no R18+. These assertions have no basis in reality. Those games meet the current criteria for MA15+, and they will continue to do so after the introduction of an R18+ classification, unless appropriate changes are made to those criteria.

Following the SCAG meeting in December 2010, it became clear that the Ministers were willing to modify the MA15+ criteria. Minister O'Connor released some draft guidelines that he said would remove the most violent games from that classification. Based on a close reading of the draft guidelines we were, and remain, unconvinced that they would have that effect.

However, we do endorse the general strategy of revising MA15+ to move the higher-end material into a more restrictive category. The gaming lobby appears to be happy with this too. Recent statements from its representatives suggest that the introduction of R18+ is a 'respect thing' for adult gamers, who are not interested in having access to those 5-6 games a year that are currently refused classification but only in ensuring that 15-17 year olds do not have access to material that (in their view) is 'meant' for adults.

Moreover, we believe that the revision of MA15+ would keep faith with those thousands of Australians who signed petitions in favour of R18+. In the context of the award-winning public relations campaign being conducted at the time, it is clear that at least the vast majority of those people signed because they wanted better protection for children. Revising the MA15+ guidelines is the way to achieve that. Legalising even higher-impact material is not.

In order to achieve the policy goal of improving protection of children it is crucial to get the guidelines and criteria right, and many of the parties to this debate grossly underestimate the complexity of the task.

ACCM represents the interests of children and carers in relation to media regulation, from the perspective of the best scientific evidence about child development and the ways in which it is influenced by media use. There is strong evidence that violent interactive games are a risk factor for aggressive thoughts, attitudes and actions, and for desensitisation to violence. This evidence deserves greater attention in this debate, and warrants proper consideration in any revisions of the criteria.

We are aware that the Attorney-General's Department conducted a review of the literature in 2010 and concluded that the evidence was inconclusive. In our view this report placed insufficient weight on the volume of evidence which supported each side, the quality of the journals in which it was published and the qualifications and track records of the researchers who produced it. Moreover, evidence on such a matter could never be conclusive, because the research required to achieve such certainty would be unethical.

In any case we think the report asked the wrong question. We do not normally require conclusive proof of a proposition before we rely on it in the development of law and policy. Rather we ask whether there is *sufficient* evidence. In our legal system we imprison people for life based on less than conclusive evidence. Surely even 'beyond reasonable doubt' is too high a standard when it comes to protecting children (and society) from highly violent games.

Ironically, the gaming lobby itself relies on an assumption that violent game playing can have adverse effects, with its strong reliance on the inappropriateness of the material to which 15-17 year olds have access under the current system.

The gaming lobby appears to assume that R18+ was left out of the classification system for games because at the time computer games were a children's pastime. This forms the basis for their argument that the numbers of present-day adult gamers are a reason to revise the system.

We trust that you would already be aware that this was not the basis for the omission of R18+. Rather it was based on the evidence at the time (and which still holds) that interactivity enhances the influence of the experience on thoughts, attitudes and behaviours – so anything too violent for MA15+ was simply too violent for society. A growth in the number of adult gamers has not changed the basic proposition that games need to be treated differently from other media. If anything, higher numbers of consumers mean greater distribution of material through society and a greater need for caution.

We urge you to bear in mind the evidence about aggressive thoughts, attitudes and behaviours when considering what the criteria and guidelines for R18+ games would be. That evidence leads to the conclusion that violent computer games are of concern from the point of view of the whole of society, not simply the individual who plays them. If large numbers of adults are playing these games this makes it more likely that some of our family members, neighbours, classmates, teammates, co-workers, business associates and so on will be more aggressive and accepting of violence as a way of resolving conflict than they would otherwise have been.

For these reasons we urge you to resist any pressure to frame the R18+ guidelines in any way that would allow into the Australian market any material of higher impact than is currently allowed.

Our organisation has substantial expertise in and knowledge of classification systems here and overseas. We should be happy to discuss further the best means of modifying the MA15+ guidelines in order to achieve the policy goal of protecting children from inappropriately violent material.

Yours sincerely

Professor Elizabeth Handsley
President

Cc: Minister for Home Affairs, The Hon Jason Clare
Leader of the Opposition, The Hon Tony Abbott
Shadow Attorney-General, Senator George Brandis

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The Hon Brian Wightman, Attorney-General, Tas
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House of Representatives Standing Committee on Social Policy and Legal Affairs, Committee Secretary