

# **Submission**

on the

## **Classification (Publications, Films and Computer Games) Amendment (Online Games) Bill 2011**

to the

### **Senate Legal and Constitutional Affairs Committee**

**Department of the Senate**

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## 1. Introduction

On 3 November 2011 the Senate referred the *Classification (Publications, Films and Computer Games) Amendment (Online Games) Bill 2011* to the Senate Legal and Constitutional Affairs Committee for inquiry and report.

The Bill would amend the *Classification (Publications, Films and Computer Games) Act 1995* to insert a new category of exempt online games into the Classification Act. The new exemption would remove the requirement for mobile phone and online games to be classified. The exemption would not apply to computer games that are likely to contain Refused Classification material.

The Explanatory Memorandum to the Bill states that this proposal is an interim measure, which is intended to remain in place for a period of two years. It is anticipated that long-term reforms to address the issue will be established following the Australian Law Reform Commission's review of the National Classification Scheme, due to report in January 2012.

Submissions on the Bill have been invited and are due by 13 January 2012. The Committee is due to report on the Bill by 14 March 2012.

## 2. Violence in computer games

There is now a substantial body of scientific research into the effects of violent computer games on players. This research demonstrates that violent computer games are significantly associated with:

- increased aggressive behaviour, thoughts, and affect;
- increased physiological arousal;
- decreased pro-social (helping) behaviour.<sup>1</sup>

Researchers Swing and Anderson say: "*A clear picture has emerged of the effects of violent video games on aggressive affect, behavior, and cognition.... short term exposure to violent video games produces immediate increases in aggressive behavior, aggressive cognition, and aggressive affect; repeated exposure leads to the development of stable individual differences in aggressiveness.*"<sup>2</sup>

Recently longitudinal studies have also found a relative increase in aggression over time by those who consume high levels of violent video games.

Anderson and colleagues conducted longitudinal research in the United States and Japan which demonstrated that habitually playing violent video games leads to increased physical aggression some months later in children and adolescents. This effect occurs in the two very different cultural contexts of the United States and Japan. The research contradicted the popular hypothesis that only aggressive children become more aggressive from playing violent video games.<sup>3</sup>

A longitudinal study of German adolescents by Moller and Krahe found that exposure to violent games influenced physical aggression 30 months later via an increase of aggressive norms and hostile attribution bias.<sup>4</sup>

Wallenius and Punamaki have reported the results of a longitudinal study of Finnish adolescents. It found that: "*digital game violence was linked to direct aggression both longitudinally and synchronously, and the link was moderated by parent-child communication in interaction with sex and age. Results suggest that the moderating role of parent-child communication changes with increasing*



age. Poor parent–child communication may be one of the factors in an adolescent's development that may strengthen the negative effects of digital game violence, but even good parent–child communication does not necessarily protect the adolescent in the long run. Digital game violence seems to be one of the risk factors of increased aggressive behavior.”<sup>5</sup>

Some other particular findings from recent studies include the following:

- violent video games are especially likely to increase aggression when players identify with violent game characters;<sup>6</sup>
- increased play of a violent first person shooter video game can significantly increase aggression;<sup>7</sup>
- participants who previously played a violent video game had lower heart rate and galvanic skin response while viewing filmed real violence, demonstrating a physiological desensitisation to violence;<sup>8</sup>
- video game violence exposure was associated with stronger pro-violence attitudes in 4<sup>th</sup> and 5<sup>th</sup> graders;<sup>9</sup>
- violence desensitisation should be reflected in the amplitude of the P300 component of the event-related brain potential (ERP), which has been associated with activation of the aversive motivational system. Violent images elicited reduced P300 amplitudes among violent, as compared to non-violent video game players. Additionally, this reduced brain response predicted increased aggressive behaviour in a later task. Moreover, these effects held after controlling for individual differences in trait aggressiveness;<sup>10</sup>
- adolescents who expose themselves to greater amounts of video game violence were more hostile, reported getting into arguments with teachers more frequently, were more likely to be involved in physical fights, and performed more poorly in school. Mediation pathways were found such that hostility mediated the relationship between violent video game exposure and outcomes.<sup>11</sup>

Anderson reports that “the long term effect of video game violence on later aggression and violence is larger than most known risk factors for adolescent violence, such as abusive parents, poverty, and antisocial parents”.<sup>12</sup>

In a 2010 meta-analysis of studies on computer game violence Anderson and colleagues concluded that “the evidence strongly suggests that exposure to violent video games is a causal risk factor for increased aggressive behavior, aggressive cognition, and aggressive affect and for decreased empathy and prosocial behavior.”<sup>13</sup>

Reviewing this meta-analysis L Rowell Huesmann comments:

*About 38 years ago, Jesse Steinfeld, then Surgeon General of the United States, reviewed the research that had been conducted to date on the effects of TV violence on youth behavior. He stated in testimony before Congress, “It is clear to me that the causal relationship between [exposure to] televised violence and antisocial behavior is sufficient to warrant appropriate and immediate remedial action. ... There comes a time when the data are sufficient to justify action. That time has come” (Steinfeld, 1972, pp. 25–27). With the evidence provided by Anderson et al. (2010), it would now be fair to make the same statement about violent video games.*

*It is time for the public health establishment to accept the fact that playing violent video games increases the “risk” that the player will behave more aggressively.<sup>14</sup>*

There are three reasons why the effect of violence from playing a computer game is likely to be greater than that from viewing a film:

- in playing a computer game the player often identifies with the aggressor;
- in playing a computer game the player often actively rehearses the whole sequence of aggression; and
- in violent computer games the proportion of the game devoted to violence is higher than for most violent films.

Swing and Anderson explain how each of these factors would work:

*A common question about violent videogame effects is whether they are stronger than the effects that have been found for violent television and films. There are several reasons, based on social psychological theory, to believe this to be the case. First, theory suggests that identification with an aggressor makes an individual more likely to behave aggressively in the future. Videogames force a player to identify with the aggressor because the player is controlling them... This increased identification with the aggressor is likely to make the rewards for the portrayed violence more direct and salient as well.*

*Violent videogames may also have a stronger effect on aggressive behavior than films or television because these games often allow the player to rehearse the entire aggression sequence. A player may be required to look for threats, identify them, make a decision, and take aggressive action in a game, whereas television or film observer may not rehearse all of these steps in watching a film or television show. By developing more complete aggressive scripts, future aggressive behavior becomes more likely.*

*The overall rate of violence tends to be higher in violent videogames than violent films and television shows. Even films and television shows with generally violent themes often spend a decent amount of time in non-violent plot development. Many videogames, on the other hand, contain non-stop violence. This difference in the quantity of violence is likely to make the effect of videogame violence stronger than that of television and film.<sup>15</sup>*

In considering the *Classification (Publications, Films and Computer Games) Amendment (Online Games) Bill 2011* the Committee should take full account of the scientific research into the effects of computer games.

***Recommendation 1:***

***In considering the Classification (Publications, Films and Computer Games) Amendment (Online Games) Bill 2011 the Committee should take full account of the scientific research into the effects of computer games.***

### **3. Scope of the proposed exemption**

The scope of the proposed exemption is very broad indeed.

The current Act provides, in section 5B(2) subsections (c) and (d), that a film or computer game must be classified if it contains material or an advertisement that would be classified M or above. That is, exemptions do not apply to material that would be classified M, MA15+, R18+ or RC.



The Bill proposes a major loosening of standards for computer games available only online or on a mobile device. The Bill would only require such computer games to be classified if they would be classified RC, that is Refused Classification.

Online and mobile computer games that would currently be classified M or MA15+ would become exempt from classification. And such games that would be classified R18+ under the new guidelines being considered by the Standing Committee of Attorneys General would be exempt from classification.

In effect, this would allow such games to be readily accessible to children without any age verification being required.

The proposed new guidelines would include under the R18+ classification games which contain high impact violence and implied sexual violence as well as depictions of sexual acts, including actual sex and realistically depicted animated sex.

The Australian Law Reform Commission is proposing that all commercially produced computer games, including online games and games for mobile devices, that would be likely to be classified MA15+ or higher should be required to be classified.

A major lowering of standards for online and mobile computer games, as an interim arrangement for two years while the classification system is being reviewed, is not justified. Rather, the current requirement for the classification of such games likely to be classified M or above, should be retained until the review of the classification system is complete.

***Recommendation 2:***

***The Bill would create a very broad exemption allowing games that would be classified R18+ for high impact violence, depictions of actual or realistically simulated sexual acts and implied depictions of sexual violence to be distributed to mobile phones and online without requiring any age verification.***

***It would also create an exemption that would allow games likely to be classified M and above, that are currently subject to classification, to be distributed to children without any controls.***

***There is no sufficient justification for such a broad exemption. Therefore the Bill should not be supported.***

## **4. Interaction with state laws**

The *Classification (Publications, Films and Computer Games) Act 1995* is part of the National Classification Scheme. Generally the Commonwealth act provides for the classification of publications, films and computer games and the relevant state and territory laws provide for the enforcement of laws relating to the sale and distribution of these.

Most state and territory acts provide for offences involving the distribution to a minor under 15 of an unclassified computer games that would, if classified, be classified MA15+. For example the New South Wales *Classification (Publications, Films and Computer Games) Enforcement Act 1995* provides in section 30 (2) that:

***A person must not sell or deliver to a minor under 15 a computer game classified MA 15+, or an unclassified computer game that would, if classified, be classified MA 15+, unless the person is a parent or guardian of the minor.***

Presumably if states and territories agree to the introduction of an R18+ classification for computer games it would be made an offence under state and territory laws for a person to sell or deliver to a minor a computer game that would, if classified, be classified R18+.

It is not clear whether the Commonwealth has made any agreement on this matter with the states and territories to amend their legislation. However, unless this legislation is amended it would remain an offence for computer games that would be classified MA15+ (or R18+ if this classification is introduced) to be delivered to minors (or minors under 15 for MA15+ games).

**Recommendation 3:**

***It is not clear how the Bill would affect enforcement provisions under state and territory laws. The Committee should seek clarity on this matter before determining a position on the Bill.***

## 5. Endnotes

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