



**National Office**  
4 Campion Street  
Deakin ACT 2600

**T** 02 6259 0431

**F** 02 6259 0462

**E** [natoffice@acl.org.au](mailto:natoffice@acl.org.au)

**W** [acl.org.au](http://acl.org.au)

ABN 40 075 120 517

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Committee Secretary  
Senate Legal and Constitutional Affairs Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600

***Re: Inquiry into the Classification (Publications, Films and Computer Games) Amendment (R 18+ Computer Games) Bill 2012***

The Australian Christian Lobby (ACL) welcomes this opportunity to comment on the inquiry into the Classification (Publications, Films and Computer Games) Amendment (R 18+ Computer Games) Bill 2012 (the Bill).

The National Classification Code outlines a number of principles that are to be given effect in the making of classification decisions. There is an obvious tension between two of those important principles, namely that “adults should be able to read, hear and see what they want” and “minors should be protected from material likely to harm or disturb them”. ACL accepts that there is a balancing of these competing priorities in the decision to introduce a restricted R18+ classification rating for computer and video games. ACL welcomes the possibility of games clearly already wrongly classified MA15+ being classified as restricted to adults, particularly as many such games are designed, marketed and classified for an adult audience in jurisdictions overseas.

ACL’s support of an R18+ rating for computer games is subject to strong reservations it holds about the ability of the current classification scheme to restrict the sale and availability of such games to minors. ACL remains sceptical of the claim made by the backers of the R18+ rating that its introduction is made in the interests of child welfare because of inconsistencies in the classification enforcement regime across Australian jurisdictions, and overseas research demonstrating the widespread availability of restricted games to children.

ACL will only support the introduction of an R18+ rating for computer games if it does not liberalise the Australian market for the sale and hire of computer games.

This submission will briefly review the Bill under inquiry, before outlining the academic literature on the effects of video game violence in order to substantiate the claim that computer games should be treated differently from films under the National Classification Scheme (NCS). The submission

concludes with recommendations emanating from a discussion of the inadequacy of the current enforcement mechanisms under the NCS.

### **The Classification (Publications, Films and Computer Games) Amendment (R 18+ Computer Games) Bill 2012**

The Bill is the culmination of many years of debate in the Australian community on the issue of violent video games and their effect. The Bill gives legislative effect to the agreement reached between all the classification ministers of the Commonwealth and states and territories, as required under the cooperative scheme, to introduce an R18+ rating for computer games.

The Bill simply introduces into Commonwealth legislation the concept of an R18+ rating for games, but does not give any substance to what this actually means in practice. The content of games attributed the new rating is yet to be determined, but will be contained in new Guidelines for the Classification of Computer Games. ACL reserves its position on the introduction of the R18+ rating for games until those guidelines have been determined.

ACL is opposed to guidelines which would increase the level of graphic violent and explicit sexual content in games legally available for purchase and hire in the Australian market, or which would allow substantially the same content as R18+ films to be permitted in R18+ computer games. The guidelines must properly account for the interactivity of computer games and the possibility of increased negative effects because of the repetitive and immersive nature of the medium in comparison to the passive way in which film and television content is viewed.

### **The effect of video game violence**

Although platform neutrality is a significant recommended policy principle emanating from the recently-released Australian Law Reform Commission (ALRC) review of Australia's classification system, ACL believes the interactive nature of computer games requires the content of this medium to be treated differently to that which is only viewed in a passive context.

Prominent video game researchers Edward Swing and Professor Craig Anderson argue that the negative effects of violent videogames are stronger than the effects violent television and films.<sup>1</sup> They say video games make players more likely to identify with aggressors because they are controlling them. Players rehearse the entire aggression sequence,<sup>2</sup> and "[t]he overall rate of violence tends to be higher in violent videogames than violent films and television shows", which by contrast to some non-stop violent games, contain significant non-violent plot development.

There is little doubt that violent media, and indeed violent video games, increases the possibility of aggressive thoughts and actions in children and adolescents. The link between violent media and aggression is recognised by professional associations, including the American Academy of Pediatrics, whose 'Policy Statement on Media Violence', issued in 2009, says "Exposure to violence in media,

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<sup>1</sup> Swing, E.L., & Anderson, C.A. (2008), "[How and what do video games teach?](#)" in T. Willoughby & E. Wood (Eds.) *Children's Learning in a Digital World* (pp. 64-84), Oxford, UK: Blackwell, pp. 75-76.

<sup>2</sup> "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."

including television, movies, music, and video games, represents a significant risk to the health of children and adolescents”.<sup>3</sup> Likewise, the American Psychological Association’s 2005 ‘Resolution on Violence in Video Games and Interactive Media’ says,

*comprehensive analysis of violent interactive video game research suggests such exposure a.) increases aggressive behavior, b.) increases aggressive thoughts, c.) increases angry feelings, d.) decreases helpful behavior, and, e.) increases physiological arousal.*<sup>4</sup>

The well-considered view of professional associations on the matter of video game violence is based on a strong body of academic research. A recent and rigorous meta-analysis of existing research of video game violence authored by Swing and Anderson, among others, came to this conclusion:

*Concerning public policy, we believe that debates can and should finally move beyond the simple question of whether violent video game play is a causal risk factor for aggressive behavior; the scientific literature has effectively and clearly shown the answer to be “yes.” Instead, we believe the public policy debate should move to questions concerning how best to deal with this risk factor.*<sup>5</sup>

If, as the research demonstrates and professional associations agree, there is a link between video game violence and aggression in children, it is incumbent upon policy makers to ensure appropriate mechanisms are in place to prevent children from gaining access to violent games.

### **Enforcement mechanisms**

ACL is very concerned that the introduction of the R18+ rating, should the guidelines permit, may increase the level of violent video game content in the Australian market, and therefore increase the possibility of children accessing such games. Despite the sale of games with an R18+ rating theoretically being restricted to adults, in practice children have had little difficulty accessing such games, as overseas research demonstrates. British research undertaken for their Board of Film Classification showed that parents believed that, “any restriction they impose will be frustrated by other parents or by retailers”. The report also said that “Gamers confirm that restrictions are widely ignored”.<sup>6</sup>

Research by the New Zealand Office of Film and Literature Classification has shown that underage gamers are attracted to restricted games and do not abide by the existing R18 classification. It says that despite clear guidance about the R18 rating, parents will still break the law and facilitate access to restricted games for their children. In a strong warning of the consequences of violent video games, the report says:

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<sup>3</sup> American Academy of Pediatrics (2009), [Policy Statement on Media Violence](#)

<sup>4</sup> American Psychological Association (2005), [Resolution on Violence in Video Games and Interactive Media](#)

<sup>5</sup> Anderson, C.A. et al (2010), ‘Violent Video Game Effects on Aggression, Empathy, and Prosocial Behavior in Eastern and Western Countries: A Meta-Analytic Review’, *Psychological Bulletin*, 136(2), 151–173, p. 171

<sup>6</sup> Dawson, C., Arnold, C., Taylor, C. & Toombs, B., (2007), *Video Games: Research to improve understanding of what players enjoy about video games, and to explain their preference for particular games*. London: British Board of Film Classification, p. 100.

*Our greatest concern is that giving children and teenagers access to R18 games increases the odds that some of these young people will grow up to become adults who will contribute to a society that normalises nonchalant and callous attitudes to violent behaviour, and that becomes more inured to or ignorant of the consequences of violence, consequences that no civil society should tolerate.*<sup>7</sup>

With such significant policy implications, it is vital children are not exposed to violent video game content. Unfortunately, the ALRC's review of classification found enforcement and compliance to be severely lacking under the current cooperative scheme, including "problems of inconsistency in offence and penalty provisions between Australian jurisdictions". In order to partially rectify this problem, the ALRC recommends the Commonwealth "should be responsible for the enforcement of classification laws and makes recommendations for a regime of offences and penalties".<sup>8</sup> ACL agrees with this recommendation.

### **Conclusion and recommendations**

Given the pervasive nature of entertainment media in contemporary society and "the 'diminishing relevance of State and Territory borders in an era of national distribution'",<sup>9</sup> the Australian Christian Lobby believes that the Commonwealth should take responsibility for the National Classification Scheme. As existing enforcement mechanisms are inconsistent, and in some respects non-existent, a system of penalties should be developed, including a range of fines for retailers who sell restricted video games (and other types of media) to children.

ACL recognises the principles underpinning the introduction of an R18+ classification rating for video games, but insists that much more needs to be done to ensure children are protected from media content designed for an adult audience. Whilst an intent of the R18+ rating may be to have existing material better classified to reflect its inappropriateness for children, the new rating must not liberalise the market by allowing a higher level of graphically violent and sexually explicit interactive media content to be legally available for sale and hire. This is entirely dependent on the drafting of the new Guidelines for the Classification of Computer Games. Until such guidelines are drafted and agreed upon, ACL only offers cautious support for the principle of an R18+ rating for computer games, subject to strongly-held concerns about the ability to restrict the sale of 'adult' games to children.

Yours sincerely,

**Lyle Shelton**  
**Chief of Staff**

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<sup>7</sup> New Zealand Office of Film and Literature Classification (2005) *Underage Gaming Research*, p. 17.

<sup>8</sup> Australian Law Reform Commission (2012), *Classification – Content Regulation and Convergent Media*, p. 353

<sup>9</sup> ALRC, *Classification – Content Regulation and Convergent Media*, p. 360