
The Parliament of the Commonwealth of Australia

Advisory Report

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

House of Representatives
Standing Committee on Social Policy and Legal Affairs

February 2012
Canberra

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Membership of the Committee

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Terms of reference

On 16 February 2012 the Selection Committee of the House of Representatives referred the Classification (Publications, Films and Computer Games) Amendment (R 18+ Computer Games) Bill 2012 to the Committee for inquiry and advisory report.



List of abbreviations

AGD	Attorney-General's Department
ALRC	Australian Law Reform Commission
BSA	<i>Broadcasting Services Act 1992</i>
Classification Act	<i>Classification (Publications, Films and Computer Games) Act 1995</i>
the Bill	Classification (Publications, Films and Computer Games) Amendment (R 18+ Computer Games) Bill 2012

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Recommendation

Recommendation 1

The Committee recommends that the House of Representatives pass the Classification (Publications, Films and Computer Games) Amendment (R 18+ Computer Games) Bill 2012.

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

- 1.1 On 16 February 2012, the House of Representatives Selection Committee referred the Classification (Publications, Films and Computer Games) Amendment (R 18+ Computer Games) Bill 2012 (referred to hereafter as the Bill) to the House of Representatives Standing Committee on Social Policy and Legal Affairs for inquiry.

Outline of the bill

- 1.2 The Bill was introduced to the House of Representatives on 15 February 2012. The Bill aims to create an R18+ Restricted category for computer games. This category of computer games would be legally restricted to adults.
- 1.3 The Bill proposes to amend the *Classification (Publications, Films and Computer Games) Act 1995* (Classification Act) and make a consequential amendment to schedule 7 of the *Broadcasting Services Act 1992* (BSA).
- 1.4 The Classification Act sets out the procedures for classifying publications, films and computer games. Publications are classified as 'Unrestricted', 'Category 1 Restricted', 'Category 2 Restricted' and 'Refused Classification' whereas films and computer games are given classification ratings.
- 1.5 The classification ratings that apply to films are G (General), PG (Parental Guidance), M (Mature), MA15+ (Mature Accompanied), R18+ (Restricted), X18+ (Restricted) and Refused Classification.

- 1.6 The classification ratings that currently apply to computer games are G, PG, M, MA15+ and Refused Classification. Any computer games that are deemed unsuitable for a person under the age of 15 must receive a classification rating of Refused Classification.
- 1.7 The Bill proposes to apply to computer games the R18+ category that currently applies to films. In addition, the Bill aims to make the R18+ category treated in the same way as other restricted classification categories for computer games with respect to the provision of consumer advice and restricted decisions by the Classification Board.
- 1.8 The consequential amendment to Schedule 7 of the BSA aims to recognise the introduced R18+ classification for computer games for broadcast content consisting of a computer game.
- 1.9 The Standing Committee of Attorneys-General agreed in principle to introduce an R18+ classification for computer games, and to draft legislation to reflect the new classification as introduced by the Commonwealth.¹

Public consultation

- 1.10 The issue of introducing an adult R 18+ restricted category for computer games has undergone extensive public consultation. The Attorney-General's Department conducted a telephone poll and released a Discussion Paper on the topic. In addition, a review of the entire classification scheme is currently underway.

Attorney-General's Department

- 1.11 On 14 December 2009, the Attorney-General's Department (AGD) issued a Discussion Paper for public consultation on the question 'Should the Australian National Classification Scheme include an R 18+ classification category for computer games?'²
- 1.12 The AGD received 58 437 valid submissions from both individuals and groups in response to the Discussion Paper. Of those, 98 per cent

1 Standing Committee of Attorneys-General, *Communiqué 21 & 22 July 2011*, p. 1.

2 Attorney-General's Department, 'An R 18+ Classification for Computer Games' <<http://www.ag.gov.au/Consultationsreformsandreviews/Pages/Archive/AnR18ClassificationforComputerGames.aspx#review>> viewed 21 February 2012.

supported the introduction of an R18+ category for computer games while 2 per cent opposed.³

- 1.13 In November 2010, the AGD commissioned an independent research company to conduct a telephone survey of 2 226 individuals across Australia on attitudes toward an R18+ classification category for computer games.⁴ The poll found that 80 per cent of respondents supported the introduction of the restricted category.

Australian Law Reform Commission Review

- 1.14 On 24 March 2011, the then Attorney-General Robert McClelland referred the National Classification Scheme to the Australian Law Reform Commission (ALRC) for review. The terms of reference included 'the current classification categories contained in the Classification Act, Code and Guidelines'.⁵
- 1.15 The ALRC released an Issues Paper in May 2011 and a Discussion Paper in September 2011. Both papers were accompanied by invitations to the public to make submissions on the review. The Issues Paper received over 2 400 submissions, from individuals as well as organisations and industry bodies.⁶
- 1.16 The ALRC proposed in the Discussion Paper that commercially-produced computer games that are likely to be MA15+ or higher should be classified before being sold, hired, screened or distributed in Australia.⁷

3 Attorney-General's Department, *Final Report on the Public Consultation on the Possible Introduction of an R 18+ Classification for Computer Games November 2010*, p. 6.

4 Attorney-General's Department, 'An R 18+ Classification for Computer Games' <<http://www.ag.gov.au/Consultationsreformsandreviews/Pages/Archive/AnR18ClassificationforComputerGames.aspx#review>> viewed 21 February 2012.

5 Australian Law Reform Commission, 'National Classification Scheme Review' <<http://www.alrc.gov.au/inquiries/national-classification-review>> viewed 21 February 2012.

6 Australian Law Reform Commission, 'Submissions received by the ALRC' <<http://www.alrc.gov.au/inquiries/classification/submissions-received-alrc>> viewed 21 February 2012.

7 Australian Law Reform Commission, 'National Classification Scheme Review: Discussion paper', Discussion Paper No. 77, September 2011, p. 85.

Committee comment

- 1.17 The Committee notes that extensive public consultation on the introduction of an R18+ category of computer games legally restricted to adults has been undertaken since 2009.
- 1.18 More than 58 000 submissions were received by the AGD on the topic, and more than 2 000 people were surveyed via telephone polling. More than 2 500 submissions were made to the subsequent Review of the National Classification Scheme, which examined the need for classification of computer games legally restricted to adults. This constitutes a significant number of individuals and groups that have expressed their views on the topic.
- 1.19 In the Committee's view, it would be inadvisable to undertake a further round of public consultation by inviting submissions to a parliamentary inquiry. Given the amount of evidence obtained thus far, the Committee does not consider it necessary to duplicate the extensive public consultation processes that have already been conducted. Moreover, the public should not be called on to make submissions to multiple inquiries on the same topic.
- 1.20 The Committee is satisfied that the evidence demonstrates overwhelming support for an R18+ Restricted classification for computer games. The Committee further notes that the Bill's aim is not controversial. Rather, it seeks to align the existing classification system for computer games with the system that applies to films.

Recommendation 1

- 1.21 **The Committee recommends that the House of Representatives pass the Classification (Publications, Films and Computer Games) Amendment (R 18+ Computer Games) Bill 2012.**

Chair
Graham Perrett MP