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R.18+ Classification for Electronic Games

Thank you for your correspondence showing your interest in the classification of computer games. I note you support the introduction of an R.18+ classification for games.

You may be aware that there was talk of the Standing Committee of Attorneys-General releasing a discussion paper about this matter. I have been awaiting the release of this paper so I could bring it to your attention should you wish to make a submission. Your views on this issue would be better directed to that discussion than to me. Alas, the paper has not yet been released and, despite my inquiring, I do not know when it will be available. If you are interested in this paper, then I suggest you keep watch of these websites for its possible release:

- Standing Committees of Attorneys-General www.scag.gov.au; and
- Office of Film and Literature Classification www.oflc.gov.au.

I want the discussion paper released as soon as possible and have done nothing to impede its release.

The framework for the Australian classification system is established in Commonwealth legislation and the relevant Federal Government body is the Office of Film and Literature Classification (O.F.L.C.). In Australia, before a computer game or film can be made legally available to the public, it must be classified by the Classification Board. These classification decisions can be reviewed by the Classification Review Board. Films and games are generally classified according to the same guidelines and using the same categories and symbols under the classification codes, albeit there are a broader range of classifications for films than for computer games.

Given the Federal nature of classifications, they are overseen by the Standing Committee of Attorneys-General (SCAG). SCAG includes Attorneys-General from all States, Territories and the Commonwealth. Most members are also the relevant minister for classifications in their jurisdiction. The R.18+ game debate is not new - the question of whether we should have an R.18+ category for computer games was on the SCAG agenda before I took office. With a change of SCAG membership, the R.18+ classification issue has again been brought to

the Committee's attention. Although some members are advocates of this classification, I believe other Attorneys-General, like me, reject it. Hitherto, Attorneys-General have not agreed to create an R.18+ category for computer games. Other Attorneys-General who are opposed to introducing an R.18+ classification for computer games are content to let me be the lightning rod for the gamers.

Under the Federal legislation, one minister can veto changes to our classification system in Australia. Since I became Attorney-General in 2002, I have been opposed to introducing an R.18+ classification for computer games. To this point, I have been the one minister and member on SCAG who has stood against changes to our classification code - especially on the issue of the introduction of an R.18+ classification for computer games.

In Australia there is merit in a national classification scheme that requires unanimity between jurisdictions. State and Territory borders are incapable of restricting media to jurisdictions: once games classified R.18+ are available in one State they will be readily available in others. It will be no different from visitors to the Australian Capital Territory taking home explicit pornography, which they could not purchase in their own State. With people travelling so readily between States and Territories, a State-based classification coding system would be unworkable and useless. If Victoria introduced an R.18+ classification and South Australia did not, we could not prevent R.18+ games coming into this State.

I have considered the statistics. I am well aware that many game players are adults. Indeed, a whole generation has now grown-up with computer games. It is not surprising that those who enjoyed gaming as children go on playing into adult life and, indeed, play electronic games with their own children. Added to this, games grow ever more sophisticated, challenging and entertaining, and, accordingly, more attractive to adult players. My three sons are always playing computer games at home and one of them is now 22.

However, it is important you do not confuse the classification rating of a game with the game's sophistication, or the challenge or interest to the player. I understand the *Wii* console has been phenomenally successful for Nintendo and that system provides many games to challenge and develop skill, physically and intellectually, without depraved sex, gore and cruelty. Depending on tastes and interests, adult gamers will find something challenging to play in all of the categories of games now available. It does not follow that a game is more interesting to an adult simply because it contains extreme violence, explicit sexual material or highly offensive language. Indeed, with all the effort and money that goes into game development, coupled with the effects and graphics now available, there is no need to introduce these extreme elements. I am baffled and worried about why proponents of R.18+ games are putting up their hands and saying 'Give us more cruel sex and extreme violence!'

Some of the kinds of games that I expect would be available on the Australian market under an R.18+ classification include *Blitz the League*, an American football game where illegal performance enhancing drugs can be dispensed by the gamer to the football players and fake urine samples can be used so players avoid positive drug tests. Another is *Narc* - as in narcotics - which allows a gamer to choose that his game character take illegal drugs, including heroin, speed, L.S.D., marijuana and ecstasy. The gamer can have his character take ecstasy so it is immune to attack and the character can escape. Further, when given speed, the character can run faster and catch opponents. These are all activities that are illegal for individuals in the real world so why ask governments to give people the right to do them virtually?

You may recall earlier this year media reports that Amazon decided it would not allow a 'third-party merchant' to sell *Rapelay*, a Japanese video game, on its site. It was reported that the gamer could simulate rape in the game. It was also reported that the game manufacturer had other game-titles including *Battle Raper* and *Artificial Girl*. These kinds of depraved and sickening games are well protected from sale in Australia under our current classification regime. Although I expect this game studio would never seek an Australian classification, there have been other studios that have tried their luck with titles that have been restricted for sexual references and nudity. *Leisure Suit Larry: Magna Cum Laude* was Refused Classification in September, 2004 and was reported to include 'implied sexual activity', nudity and sexual references.

In the case of the more violent games refused classification, reading through game descriptions set out in the decisions can be like reading through a virtual living hell - one that I imagine is all the more disturbing as it plays out before a gamer. The 2003 Classification Board Report of *The Getaway* gives details about electric-shock torture to a person suspended from a roof. The description paints sadistic imagery of the body swaying and crying.

From the *Grand Theft Auto* series, the Classification Board's 2001 decision about the series' third game says that after engagement with a prostitute the player can chase the prostitute on foot or with vehicle and strike the character with the vehicle or another weapon. That attack can include blood sprays and may leave the body in a pool of its blood. The Classification Board's decision about *Dark Sector*, which resulted in R.C., describes that the violence in the game "includes decapitation, dismemberment of limbs accompanied by large blood spurts, neck breaking twists and exploded bodies with post-action twitching body parts." The Report explains that when a circular, three-bladed weapon is used to cut-off limbs, blood spray and screams accompany.

The Classification Board's decision to refuse classification for *Soldier of Fortune: Payback* states:

Successfully shooting an opponent results in the depiction of blood spray. When the enemy is shot from close range, the blood spray is substantial, especially when a high-calibre weapon is used, and blood splatters onto the ground and walls in the environment. The player may target various limbs of the opponents and this can result in the limb being dismembered. Large amounts of blood spray forth from the stump with the opponent sometimes remaining alive before eventually dying from the wounds.

Blood remains on the ground as do the dead bodies. Dead bodies on the ground may be repeatedly attacked. The limbs may be shot off, resulting in large amounts of blood spray and the depiction of torn flesh and protruding bone from the dismembered limb. Shooting the head of a body will cause it to explode in a large spray of blood, leaving a bloody stump above the shoulders. Bodies will eventually disappear from the environment.

'Interactive Australia 2007', a report prepared by Bond University for the Interactive Entertainment Association, surveyed 1,606 Australian households randomly. The report found "79% of Australian households have a device for computer and video games". Further,

62% of Australians in these gaming households “say the classification of a game has no influence on their buying decision”.

Given this data, I cannot fathom what State-enforced safeguards could exist to prevent R.18+ games being bought by households with children and how children can be stopped from using these games once the games are in the home. If adult gamers are so keen to have R.18+ games, I expect children would be just as keen.

Classification of electronic games is very different from the classification of film. In cinemas, the age of movie-goers can be regulated. An article from the *Sydney Morning Herald* website early this year reported that “Australians spent nearly \$2 billion on video games and consoles in 2008...” and that “[m]ore money was spent on gaming than cinema or D.V.D. videos” (Jason Hill, 29 January, 2009). Rising game and console sales make it clear that this is a growing area that needs careful regulation, even more so than cinemas and private D.V.D. hire and purchase. Access to electronic games, once in the home, cannot be policed and therefore the games are easily accessible to children. If adults think they can devise a lock-out system to defeat children, tell ‘em they’re dreaming.

What the present law does is to keep the most extreme material off the shelves. It is true that this restricts adult liberty to a small degree, however, I am prepared to accept this infringement in the circumstances.

In practical terms, this infringement stops very few games from being refused classification in Australia. A search of the O.F.L.C. on-line database shows that in 2009 four games were refused classification: *Necrovision* in April, *Sexy Poker* in May, *Risen* in July and recently, in September, the zombie-killing game *Left 4 Dead 2*. A search of 2008 shows five R.C. games: *Dark Sector*, *Shellshock 2: Bloodtrails*, *Fallout 3*, *Silent Hill: Homecoming* and *F.E.A.R. 2: Project Origin*. Further, a search of 2007 produces only two R.C. games. The *Classification Board and Classification Review Board Annual Reports 2007-2008* states that the Classification Board made 961 classification decisions about computer games. In that year, the Report says the Classification Board received 969 applications for computer game classification and shows how many games were allocated to each classification. These are:

•	G.	General Classification	526	(54%)
•	P.G.	Parental Guidance Recommended	247	(26%)
•	M.	Recommended Mature Audience	130	(14%)
•	M.A.15+	Mature (not suitable for children under 15 years)	55	(5.5%)
•	R.C.	Refused Classification	3	(0.5%)
•	(Withdrawn		8)	

I am concerned about the level of violence in society and the widespread acceptance of simulated violence as a form of entertainment. I am particularly concerned about the impact of this extreme content on children and vulnerable adults. On balance, the rejection of less than a handful of games each year has a trifling impact on the choices available to Australian adult gamers, compared with the impact extremely violent and sexually explicit games would have on at-risk adults and minors.

Children are the most computer literate and computer savvy group in our society and the interactive nature of electronic games has a high impact. I watch my own children become obsessed with games and I can find it difficult to drag them away from the gaming console.

I believe the repeated act of killing a computer-generated person or creature desensitises them to violence. Moreover, this makes violence part of their everyday lives and what is especially worrying is that it is their recreation. To my mind, a child being able to watch depraved sex and extreme violence in a movie is damaging to the child, but the child's participating in depraved sex and extreme violence in a computer game is worse.

Game-houses are always free to adapt games that would otherwise be R.C. and modify the game content to be in line with the M.A.15+ classification. Decisions of the Classification Board show that in February, 2008 *Dark Sector* was refused classification and a revised version was classified M.A.15+ in July that year. I understand *Grand Theft Auto IV* is another game modified by the game's producer to meet the Australian classification code. The modification of the original *Grand Theft Auto IV* game shows that the game can be played in an M.A.15+ format and can still be popular without the R.18+ content. I do not accept that this destroys the artistic integrity of the game - excusing gore and depraved sex as art is an immature argument.

Contrarily, it has been suggested that games that would otherwise be classified R.18+ are instead slipping through as M.A.15+ and becoming accessible to children. This argument does not support an R.18+ classification for games. There may be games some people consider too violent for the M.A.15+ classification but the solution is not to create a classification to permit even more violent games in Australia. M.A.15+ games are restricted to children over 15 and if younger children access these games it further justifies complete protection from R.18+ games. It is up to parents and responsible adults to ensure a game is appropriate for a minor whatever age he or she is. It is up to members of the Classification Board to apply the Guidelines correctly and not to try to defeat the Guidelines because they disagree with the outcome of the deliberations of elected officials in a democratic rule-of-law society.

Earlier this year I was fortunate to meet with American researcher and Professor of Psychology Craig Anderson who has produced studies about the impact of violence in the media. I was interested to hear his views about how the interactivity of computer games increases the impact of the graphics. I understood his argument to be that interaction in violent activities on-screen can heighten the player's aggression.

Professor Anderson raised a good point about research in this area, which caused me to think about the contribution to this debate of reports about how gamers feel about playing games, especially violent games. Asking an adult how he or she feels about playing violent games gives you his or her opinion only - it does not look at how the game affects them, physically and emotionally. Of course, if a gamer thinks it is fun to play violent games, it is probable that he will say it is not harmful; and if he wants to play even more violent games, he will tell you that is what he wants, that is how he *feels*. This is a very different and inferior angle from those studies that look at changes in his behaviour and his brain and neurological function when he plays violent games.

A recent study co-authored by Professor Anderson causes me concern as a parent. This study looked at the impact of violent media on people's capacity to help others in need. The research, 'Comfortably Numb: Desensitizing Effects of Violent Media on Helping Others', observed how 320 tertiary students reacted to a posed violent event after playing a computer game. Some subjects played a violent game and others played a non-violent game. After gaming they answered questions in a room. During this time a recorded mock-fight, which resulted in injury, was played outside. Interestingly, the researchers observed a difference

between how the two groups responded: the students engaged in the violent game thought the fight was less serious than those who played the non-violent game; the violent-game players took longer to provide assistance to the victim and were less likely to pay attention to the incident.

If you are interested in Professor Anderson's research, you can find information on the Young Media Website - www.youngmedia.org.au.

I acknowledge that others have opinions different from mine. However, I will maintain my reasoned and considered position on this issue and continue to campaign against the introduction of an R.18+ classification for computer games.

I am next up for election in March, 2010. The State District I represent is called Croydon. I would welcome advocates of R.18+ computer games testing public acceptance of my policy by standing a candidate against me in that general election. I think you will find this issue has little traction with my constituents who are more concerned with real-life issues than home entertainment in imaginary worlds.

Yours sincerely



Michael Atkinson
Attorney-General

P.S. I'm grateful for the support of the Liberal Party for my stance on this.