

1 June 2023

# Screen Producers Australia's submission to the Draft Guidelines for the Classification of Computer Games 2023

## About Screen Producers Australia

Screen Producers Australia (SPA) was formed by the screen industry businesses representing large and small enterprises across a diverse production all forms and formats of screen content.

As the peak industry and trade body, we consult with a membership of more than 800 production businesses in the preparation of our submissions. This consultation is augmented by ongoing discussions with our elected Council and members. Our members employ hundreds of producers, thousands of related industry practitioners, and drive between \$1 billion and \$2 billion worth of annual production activity from the independent sector.

SPA's members are drawn from all elements of the Australian production ecosystem, including emerging and established producers, production businesses, services, and facilities. Our members vary in size from large internationally owned entities, to partnerships, to sole traders and other corporate entities, and are found in every region, state, and territory of Australia.

SPA's membership includes a number of screen producers who are actively involved in games development. The Australian video games industry is a screen industry success story and last financial year was worth more than \$226 million in revenue.

On behalf of these businesses, we are focused on delivering a healthy commercial environment for the entire screen industry through ongoing engagement with elements of the labour force, including directors, writers, actors, and crew, as well as with broadcasters, distributors, and government in all its various forms. This coordinated dialogue ensures that our industry is successful, employment levels are strong and the community's expectations of access to high quality Australian content have been met.

Screen Producers Australia welcomes the opportunity to submit to the *Draft Guidelines for the Classification of Computer Games 2023* ("**the Guidelines**")

For further information about this submission please contact Andy Barclay, Business & Legal Affairs Manager ([andy.barclay@screenproducers.org.au](mailto:andy.barclay@screenproducers.org.au))

## Executive Summary

- SPA welcomes the Australian Government’s recognition of the need to develop appropriate classification guidelines which cover computer games that contain simulated gambling and loot boxes.
- SPA supports the submission submitted by the Interactive Games & Entertainment Association (“**IGEA**”).
- SPA, like IGEA, is concerned that incorporating the definition of ‘simulated gambling’ from the *Interactive Gambling Act 2001* (Cth) (“**IGA**”) may have unintended consequences and apply to broader selection of games that the Government may not consider a gambling service.

## Recommendations

1. SPA recommends that the definition for ‘simulated gambling’ should be amended to capture only games that exclusively deal with simulated gambling elements.

## Introduction

SPA welcomes the publication of the Draft Guidelines for the Classification of Compute Games 2023 (“the Guidelines”).

SPA has had the opportunity to consult with its members and receive their feedback on the Guidelines.

SPA supports the submission of the Interactive Games & Entertainment Association with regard to the Guidelines. In particular, SPA shares IGEA’s concern that unintended consequences may likely occur as a result of the Guidelines including a broad definition of ‘gambling services’.

SPA believes the purpose of the reforming Guidelines should be to protect young gamers from simulated gambling games that mimic real world gambling (i.e., online casinos, virtual slot machines), not impact games developers’ ability to market and sell their games because their product contains elements of chance.

SPA asks the Department to consider this before the Guidelines move forward.

## Comments on specific clauses

### Definition of ‘Simulated Gambling’

SPA notes the definition of ‘Simulated Gambling’ in the draft Guidelines has been adopted from the *Interactive Gambling Act 2001* (Cth).

SPA submits that the definition, as currently drafted, is too broad and is likely to extend beyond simulated casino/gambling games to computer games that contain games with an element of chance in them.

SPA anticipates this definition could cause unintended consequences which would significantly hinder games developers from developing and exploiting games which include games with elements of chance but do not exclusively deal with simulated gambling games.

SPA suggests a bespoke definition of 'Simulated Gambling' be drafted for the Guidelines. One that captures games which *exclusively* deal with simulated casino/gambling games to the exclusion of all other games.