



interactive games & entertainment association

Submission to the Department of Communications and the Arts

Response to the review of Australian classification regulation

February 2020

Interactive Games & Entertainment Association

Introduction

The Interactive Games & Entertainment Association (IGEA) is the peak industry association representing the business and public policy interests of Australian and New Zealand companies in the interactive games industry. Our members publish, market, develop and distribute interactive games and entertainment content and related hardware. Games published by our members likely comprise the overwhelming majority of the video games that are submitted for classification to the Classification Board (the Board).

We appreciate the opportunity to contribute to the review of the National Classification Scheme (the Scheme). This review is significant and has been a long time coming. Over the past two decades, IGEA has developed a strong relationship with the Board and the Classification Branch (the Branch), first in the Attorney-General's Department and then later when it was transferred to the Department of Communications and the Arts (the Department). We have worked closely with the Board and the Branch to ensure industry compliance with classification regulation, to support the effective and efficient operation of the Scheme and to advocate for appropriate legal and policy reforms.

The past decade has seen some vital reforms for the classification of video games.¹ For many years we advocated tirelessly for an R18+ classification category for video games, which was finally achieved at the start of 2013. We participated closely in the Australian Law Reform Commission's Inquiry into Content Regulation and Convergent Media (the ALRC Inquiry), an Inquiry that IGEA also supported as a member of the steering committee. That Inquiry delivered a final report and a range of recommendations that unfortunately has been ignored by the government of the day and governments since.

We have also worked closely with the federal government to deliver two major pieces of practical reform. The first reform concerned changing the 'modifications rule' to enable video games that are modified to continue using the original classification of the video game. The second was amendments to the legislation to enable the Minister for Communications and the Arts to approve Classification tools that can make legally valid classification decisions. We subsequently supported the federal government's partnership with the International Age Rating Coalition (IARC) to implement the IARC classification tool in Australia, a tool that the Government co-governs as a member of the IARC Board.

However, these reforms do not change the fact that the Scheme and all the legislation that underpins it is desperately out of date. The *Classification (Publications, Films and Computer Games) Act 1995* (the Act), the *Classification Code 2005* (the Code) and all three classification guidelines² have largely been unchanged since 1995 when they all came into place and have not been subject to a comprehensive review since

¹ While classification laws refer to the term 'computer games', in this submission we refer to the more commonly used term 'video games', except when directly quoting legislation.

² In this submission, references to the 'guidelines' (without capitalisation) refer to the classification guidelines collectively, while references to the 'Guidelines' (capitalised) refer specifically to the *Guidelines for the Classification of Computer Games 2012*.

the early 2000s. The language and practicality of these laws still reflect the industries, technologies and entertainment environment of the early to mid-1990s, with most of their provisions designed for a pre-internet age. The community standards enshrined in these laws, unfortunately, reflect many of the baseless fears and moral panics that surrounded video games during that decade and assumed, incorrectly even then, that video games were only played by children. None of these laws are reflective of where society is in 2020 and the rich, complex and profoundly popular entertainment medium that video games are now today.

We are pleased that the Government has committed to reforming the Scheme. We are acutely aware of the difficulties involved in reforming the Scheme, which will either involve obtaining consensus with the states and territories on a path forward should major reform of the Act or any changes to the Code or guidelines be required. Alternatively, we note that it is open to the Government to unilaterally implement a brand new Scheme, with the ALRC Inquiry finding that the Commonwealth likely has Constitutional remit. To help inform the direction of future reform, we have answered each of the discussion questions and have laid out a range of recommendations in this submission. We look forward to further discussions with the Government throughout the year to support the progress of this very necessary and important reform process.

Melbourne-made game AO Tennis 2 is one of many classified by IARC



Source: Art of Ash Barty from AO Tennis 2, Big Ant Studios and BIGBEN

Background and context

Trends in the classification of video games

Since the start of the Scheme in 1995, our industry has maintained a policy of strict compliance to ensure that games that are bought or distributed in Australia, and their associated advertising, are appropriately classified. Our publishers and distributors have worked closely with retail outlets to ensure that video games are sold in compliance with necessary state and territory classification enforcement laws and carry all the appropriate classification markings. This environment has resulted in many thousands of games being legally classified and enjoyed throughout Australia. Where video games have been Refused Classification – and there have been many over the years both before and after the R18+ category – our industry has similarly adopted a policy of strict compliance, even where we have disagreed with the decision.

The biggest industry change that we have seen over the past decade from a classification perspective has been the rise of the digital distribution of video games, which the classification legislation did not foresee and preceded the current rise of digitally-distributed films. This rise was driven by the explosion of mobile gaming in the 2010s, largely comprising hundreds of thousands of video games being distributed on Android and Apple mobile devices. This had two significant implications for classification. The first was that it would be physically impossible for any Board to manually classify such a large volume of video games if they were ever to be submitted for classification in Australia. The second implication was that as many of these games were free games or sold for a very small fee, it would be impossible or at least highly unfeasible for a small game developer, often distributing a modest free game, to submit their game for classification. The cost of obtaining multiple classification ratings for a global release can easily reach tens of thousands of dollars.

Industry and the Government recognised this problem early and immediately worked together on a solution. This relationship underpinned the development of the IARC classification tool for online and mobile games. Our industry built this tool in collaboration with government and non-government ratings agencies around the world, including Australia which showed leadership to pass legislation to enable tools to classify content here and to invest resources for its implementation. The Government now sits on the IARC Board of Directors. The IARC tool has been rolled out on Google Play, the Nintendo eShop, the Microsoft Windows and Xbox stores, the Oculus store and Electronic Arts' Origin, with the implementation of IARC on the PlayStation Store currently rolling out across regions. Hundreds of thousands of games, if not millions, have been given legally recognised classification ratings through the IARC tool, giving guidance to children, their parents and guardians and adult gamers that would otherwise not be possible.

A long-term indirect impact of the increased digitalisation of video games is the challenge that it has placed on the physical (boxed) games sector. This challenge has put sustained pressure on the retail games market that has driven so much of

the Board's video game classification work over the past two and a half decades. With symbolic timing, the day after this consultation process was launched, EB Games, one of the biggest video game retailers in Australia, announced that it would be closing 19 unprofitable stores. Another key trend in the video games environment has been the diversification of video games business models towards many developers and publishers focussing more heavily on a smaller number of titles so that rather than making a greater number of games, they invest more heavily on supporting fewer games to ensure their greater longevity, with some games still popular after a decade.

The pressures on the retail market and the evolution of business models mean that fewer games are being released in physical (boxed) format. It therefore also means that the number of video games that are being submitted for classification is getting fewer and fewer, as the table below shows. While we believe there will continue to be a market for physical games for the foreseeable future, we do anticipate that the ongoing decline in the number of games submitted for classification will continue. One of the implications of this, which we cover further in our response to the discussion questions in Part 2, is that the sustainability of the current model of classification by the Board will continue to deteriorate, including from a government budgetary perspective, over the medium rather than long term and we believe it is now the time for a fundamental rethink of how classification runs.

Total number of video games classified by the Board from 2009-2010

Year	Total computer game decisions	% rise/fall from the previous year	overall % fall since 2009-10
2018-19	392	-11%	-63%
2017-18	442	-11%	-58%
2016-17	498	+4%	-53%
2015-16	477	-7%	-55%
2014-15	514	+12%	-51%
2013-14	458	-34%	-57%
2012-13	695	-16%	-34%
2011-12	827	-7%	-22%
2010-11	891	-16%	-16%
2009-10	1,055		

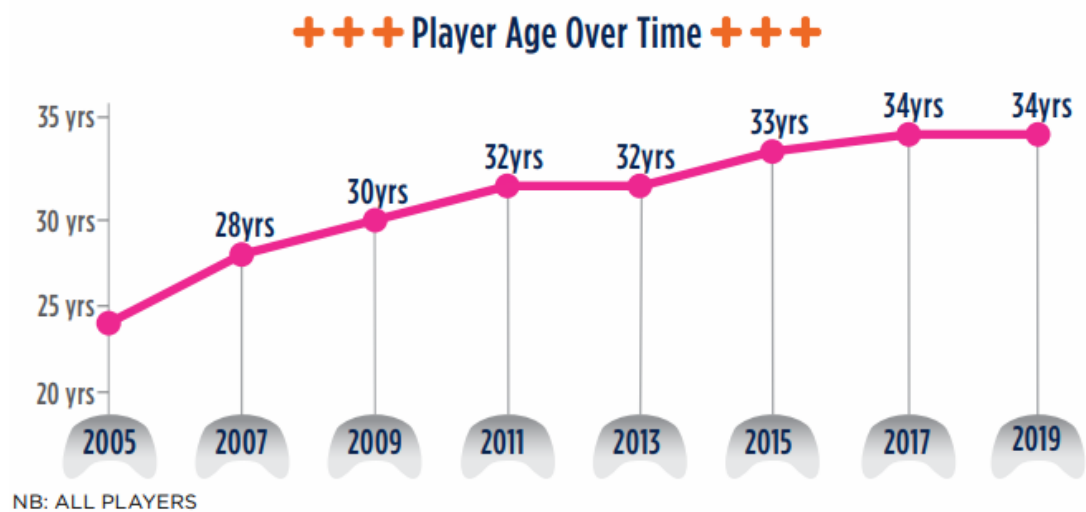
Source: Classification Board annual reports 2009 to 2019

Changing (and diminishing) views on classification

Just like how the games industry has changed, the gaming community has likewise evolved since the mid-1990s when the current Scheme was designed and implemented. Video games were already a highly popular medium back then and its popularity has continued to expand year-on-year. All kinds of Australians across all demographics are now playing games, making it one of the most popular leisure activities. For 14 years, IGEA and Bond University have researched game-playing in the community through our Digital Australia project, making this work the longest-running series of its kind in the world.

Our latest research conducted in 2019 found that two-thirds of Australians are game players. Furthermore, the research told us that the average age of an Australian game player is 34 years old and that over three-quarters of Australian players are adults, not children or teenagers. The average age of a gamer is a figure that has steadily risen since we started our research, as the chart below shows. 42 per cent of Australians aged 65 and over play video games, with older Australians now amongst the fastest growing cohort of game players. Our full Digital Australia 2020 research is available [here](#).

The average age of an Australian video game player from 2005-2019



Source: Digital Australia 2020

Community attitudes towards classification have also changed over the years, and we believe that while classification still plays a role in the community, especially for younger children and their parents and guardians, we believe this role is far less significant than it used to be. Our longitudinal Digital Australia research suggests that there has been a decline over the years in parents who suggest that classification plays a key role in guiding them.

The Department has conducted a wide range of community research that consistently highlights a growing sense of ambivalence towards the Scheme. For example, in 2016, the Branch conducted a comprehensive research project into the community's usage of, and attitudes towards, classification.³ According to the research's findings, while the community is generally positive about classification, they are not particularly engaged and they feel that the cultural significance and prominence of ratings has diminished.

Adults almost never use classification for their own choices, and parents and guardians were less reliant on classification for games as they were for other kinds of content, and they were generally more anxious about sensitive content on social media than they were on video games.⁴

A better informed and equipped community

There are many reasons for the overall diminishing community perceptions of the role and relevance of classification, but we will highlight three key ones.

First, parents are far savvier about media now than they were in the 1990s. There are many more sources of information about the appropriateness of media for their children, mostly via the internet, including in-depth reviews, gameplay footage on YouTube or Twitch, alternate ratings systems, other advisory resources such as Common Sense Media and online parental forums, which also allow parents to share their own views and of others and engage in debate. According to the Department's usage and attitudes study, people noted that they can now simply google for further information on films and games. In other words, while in the 1990s classification ratings were the only way that parents could get information to guide them on what content was suitable for their children, it is now one of many ways, and often not even the most detailed way. Social media also allows parents to challenge and provide feedback to content makers directly.

The second reason, aided by the first, is that parents appear more able and willing to make their own decisions about what content their children should watch or play. Much of this comes from the greater availability of information to them. However, parents are also far more confident about content generally, especially video games, than they used to be, with parents of young children more likely to be gamers themselves or have experience with video games than parents were in the 1990s. Combined with the increased availability of content-on-demand, parents can much more easily try watching a part of a show or playtesting a bit of game first. Our Digital Australia 2020 research also shows that parents are increasingly playing games with their children, with 59 per cent of parents playing games with their children in the same room and 83 per cent talking to their children about playing games safely online. These statistics suggest that they are likely to be better equipped to apply

³ Department of Communications and the Arts, *Classification: usage and attitudes study*, November 2016, <https://www.classification.gov.au/sites/default/files/2019-10/classification-usage-and-attitudes-study-november2016.pptx>

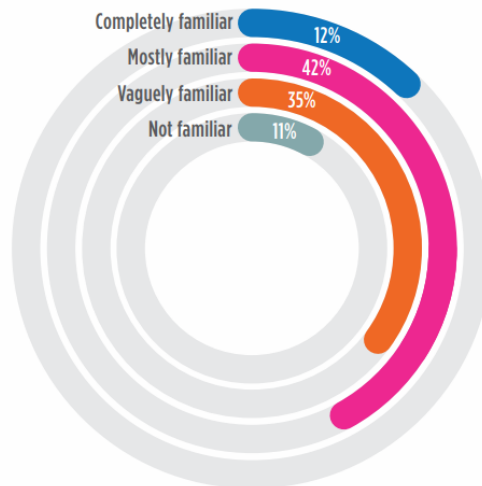
⁴ Department of Communications and the Arts, *Classification: usage and attitudes study*, November 2016, <https://www.classification.gov.au/sites/default/files/2019-10/classification-usage-and-attitudes-study-november2016.pptx>, slides 9, 11 and 15

their own judgement and take active responsibility for what their children watch and play. This greater empowerment is consistent with research conducted by the Department, discussed below, that found that the public is treating classification ratings less like rules and more like guidance.

The third reason is that the increased digitalisation of games has increased the range of technology-based tools that are available to parents and guardians to manage their children's access to content, especially games. What this means is that parent and guardians are being empowered with increasing means to monitor and control what their children play and watch and can utilise tools beyond classification that did not exist when the Scheme was born. Tools on consoles and mobile devices include special child accounts, age-gated download and content restrictions, parental control apps, passkey locks, in-device internet filters, text filters, time limits and alarms, monitoring of what and when children play, and communications restrictions. Tools within games include customisable 'graphic content' settings and the ability to mute, block and report other players and content. Based on our research, 89 per cent of parents are familiar with these controls, with over half completely or mostly familiar. While not every parent is familiar with family controls yet, we believe that their usage is improving, aided by ongoing investment by industry, not-for-profit organisations and governments to increase awareness.

Australian parents' familiarity with family controls

+++ Parents' Familiarity with Family Controls +++



Source: Digital Australia 2020

Industry's leadership role

IGEA, its members, and our counterparts from around the world take our responsibilities very seriously for protecting children from content that may be inappropriate for them and our industry's investment in the IARC tool and all the child safety tools and features discussed above are just some of the ways this has been demonstrated. Much of the content below has been prepared for our concurrent submission to the review of the Online Safety Act but we consider that it is worth including in this submission also.

The video games industry has taken a proactive approach to raise awareness and education around parental controls and responsible gaming. IGEA's website provides information on [parental controls](#) and we will always support other organisations in Australia that help to promote the use of these controls. IGEA has previously published videos educating parents about gaming and we also support the www.askaboutgames.com resource and parents' guides developed by our global industry counterparts.

Together with our fellow industry associations from around the world, we have established www.healthyvideogaming.com, a portal to guide parents and guardians about safety features and controls that they can use on the most popular gaming platforms. The portal also provides research on other issues like screen time and healthy gaming. Our website and many of the websites of our members also provide links to external resources, including www.classification.gov.au. Increasing transparency and addressing community concern is a focus of our industry, with an example being our [industry's announcement](#) that starting from this year consumers will be more informed about the probability of receiving items in loot boxes (drop rates).

We have made sure in designing our Digital Australia series of research that we ask hard questions not only about classification but about broader issues that are of most concern to parents and guardians, including their concerns about content. We work hand-in-hand with Bond University to undertake this research to ensure that it is robust, objective and consistently conducted so that we can track changes in perceptions over time. The results of our research are provided to our members to help them to understand risks and opportunities with online safety in their games. We particularly recognise the importance of parents and guardians monitoring and playing games with their children. We encourage this type of play and are pleased that families are increasingly enjoying gaming together and managing their online safety.

Many of the largest video game companies in the world, including the parent companies of many IGEA members, have banded together with other stakeholders in the industry to create the [Fair Play Alliance](#), gaming professionals and companies committed exchange learnings on methods to encourage healthy and positive communities and player interactions in online gaming.

By way of further example, Electronic Arts (EA), a key member of IGEA, runs the [Building Healthy Communities Program](#). This program establishes a Player Council

which, in turn, provides ongoing feedback to inform EA programs, policies and suggestions but also supplies additional avenues for community feedback. In partnership with players, EA develops new anti-toxicity tools and in-game features to more easily manage and effectively report disruptive behaviour across its services. Through keeping their player community informed on a quarterly basis, new initiatives are communicated and toxicity is mitigated.

The video games industry is also implementing steps to ensure esports, a burgeoning industry still in its infancy, prioritises its responsibility for safeguarding its participants and its viewers. Together with our international counterparts, we have established the [Universal Principles for Fun & Fair Play](#) which outlines four core values applicable in all aspects of the global esports environment: safety and well-being, integrity and fair play, respect and diversity, and positive and enriching gameplay.

A panel hosted by IGEA at PAX Australia 2019 discussed moral panic, classification and family controls and the positive role of games in society



Source: IGEA

Part 1: Classification categories and standards for films and computer games

1. Classification categories

Question 1. Are the classification categories for films and computer games still appropriate and useful? If not, how should they change?

We generally support the existing classification categories for video games with the exception of MA15+, although we also recognise that there are problems with PG and M. We recommend that MA15+ be merged with M into a non-restricted category which we discuss in detail in our response to question 9. We are aware that some stakeholders support a new category between PG and M, such as PG-12 or PG-13. While this is not a priority for our industry, we are happy to consider this further if needed.

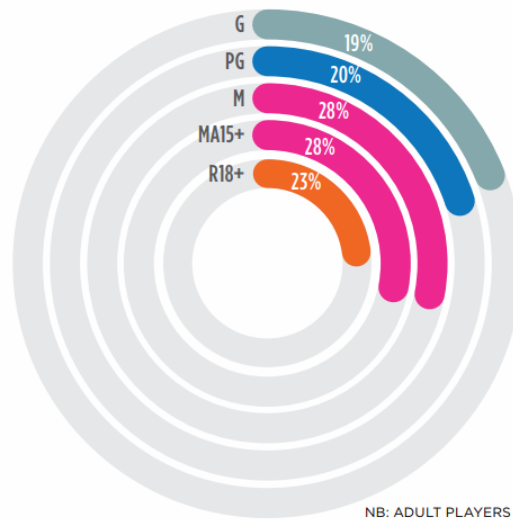
There is no doubt that there continues to be a role for the classification categories. While perhaps only a minority of adults use the categories for their own media, it is for many parents a useful resource. Whether the current categories remain appropriate and useful is a more complex question. On the one hand, it is clear that many ratings schemes around the world, both government-run and industry-led, have shifted to an age-based advisory or guidance model. For example, PEGI in Europe uses the ratings of 3, 7, 12, 16 and 18, which clearly indicates the age suitability of content. The ESRB also takes an age-based approach and provides ratings of E (everyone), E10+, T (teens 13+), M (mature 17+) and AO (adults 18+). The IARC ratings categories for non-participating regions likewise adopts age-based numbers.

Meanwhile, Australia has maintained the same categories since the Scheme was implemented, G, PG, M, MA15+ and R18+, although the category of R18+ for video games was only introduced in 2013 – almost 20 years after it was introduced for films. Video games and films share the same categories, except films which also has X18+. The difficulties involved in changing the categories, which requires a consensus between the federal and state and territory governments, is the key reason why the categories largely have not changed, even if there was evidence that revisions would be constructive.

Our research shows that there is a reasonably strong familiarity with the current categories in the community. Around four-fifths of Australian adult gamers that participated in our Digital Australia 2020 research were familiar with the G and PG ratings, while over three-quarters were familiar with the R18+ categories. The mid-level categories of M and MA15+ were more problematic, where less than three-quarters of respondents said that they were familiar with them. These results are not surprising, given that it is not immediately obvious what the difference between M and MA15+ is. This has led to confusion around these categories and particularly MA15+, which we discuss in our response to question 9. See the chart below for the specific breakdown of our survey results.

Australian adult gamers' familiarity with the classification categories

+++ Unfamiliar Classifications +++



Source: Digital Australia 2020

The Department's research also appears to indicate a level of confusion with the mid-to-high level categories and some community support for moving to an age-based guidance model. Research conducted in 2015 concluded that the M and MA15+ categories were confusing, with 76 per cent of respondents providing an incorrect definition of MA15+ and 36 per cent of respondents agreeing or strongly agreeing that they were confused about the difference between the M and MA15+ ratings.⁵ At the lower end of ratings, further research indicated that 65 per cent of adults and 73 per cent of parents would prefer that material for children carry age recommendations.⁶ Separate Departmental research has also indicated that the volume and variety of material covered by the PG category may be impractical to parents and potentially did not provide enough guidance to parents, with many respondents advocating for alternative ratings such as 8+, 10+, 12+ and 13+.⁷

However, while we know that this consultation process provides an opportunity for a significant overhaul of the classification categories and note that there is some evidence for moving towards a clearer age-based guidance model, there would also be risks attached.

The age and history of the current categories means that the symbols have significant recognisability across the community, even if people do not always fully understand what each category precisely means. Many parents in 2020 have grown up with the

⁵ Attorney-General's Department, *Classification ratings: research with the general public*, July 2015, <https://www.classification.gov.au/sites/default/files/2019-10/classification-ratings-research-with-the-general-public.pdf>, p.8

⁶ Department of Communications and the Arts, *Classification: usage and attitudes study*, November 2016, <https://www.classification.gov.au/sites/default/files/2019-10/classification-usage-and-attitudes-study-november2016.pptx>, slide 23

⁷ Department of Communications and the Arts, *Community standards and media content – research with the general public*, May 2017, <https://www.classification.gov.au/sites/default/files/2019-10/community-standards-and-media-content-research-with-the-general-public.pdf>, p.14

same markings that they are using now for their own children, while they are likely to also be recognisable to grandparents. We are also acutely aware that new categories would need to be complemented by a significant investment in education and awareness-raising.

The Government would also need to achieve agreement or at least broad support for an alternative set of categories. Both the ALRC Inquiry as well as the Department have previously undertaken research and run consultations on whether and what alternative model of classification categories should be adopted. We understand the outcome of both of these consultations were inconclusive and that community and stakeholder views were divided. Given all of this, we are not sure whether there is sufficiently clear and convincing evidence for wholesale changes to the categories at this time.

In this submission, we will be arguing for the removal of the access restrictions around MA15+ and R18+ video games on the basis that these restrictions are outdated and ineffective. We discuss this in our response to question 9 and if such a reform were to be implemented, we suggest that the MA15+ category is superfluous and should be removed entirely, while still maintaining the M category. We otherwise do not consider changes to the other classification categories as matters of high priority.

Having said that, we anticipate that some stakeholders may advocate for changes to the mid-level categories to address some of the issues that we have discussed above. In particular, some may propose a new additional PG category, such as a PG12 or PG13 category, to sit between the current PG and M categories. This could address one recurring concern that the three current categories of PG, M and MA15+ all revolve around the (arbitrary) age of 15 years. The Scheme currently treats video games more harshly than films, and video games are arguably rated more conservatively in Australia than in many other regions, with games that are on the border between PG and M likely to be classified M. A new PG category may therefore solve this.

While a new PG12 or PG13 category is not a priority for our members, if the Government were to support this new category, we would be happy to consider this idea further and to engage in further discussions with the Government and our fellow industries on its development and scope.

2. Classifiable elements

a) Themes

Question 2a). Do the provisions in the Code, the Films Guidelines or the Computer Games Guidelines relating to ‘themes’ reflect community standards and concerns? Do they need to change in any particular classification category or overall? Are ‘themes’ understood and is there sufficient guidance on what they mean?

We support the existing treatment of themes in the Guidelines and only recommend changes to the definition of ‘themes’ to ensure that it remains broadly scoped.

We do not see the need for changes in any of the provisions in the Code or the Guidelines relating to the treatment of the classifiable element of themes. From our perspective, themes are currently being applied effectively and consistently with Australian community standards. Themes are one of the more challenging classifiable elements to define but the fact that the Guidelines are not overly proscriptive on themes, unlike how some of the other elements are addressed in the Guidelines, is positive. ‘Themes’ has a very broad scope and we believe that the flexibility of this category is its strength. Unlike other parts of the Guidelines, the treatment of themes is approached maturely and does not automatically assume that games are dangerous. On that, we also note the Department’s research that parents consider the portrayal of strong themes in media to have benefits for young people.⁸

The flexibility of themes has been key to the Board’s ability to respond to the increasing complex, narrative-driven and richly contextual nature of contemporary video games and this characteristic will be vital to classification as games continue to evolve in the future. While ‘themes’ itself may be a broad term, it is generally understood and is complemented effectively by the consumer advice (CA) process which has allowed the Board to specify certain themes to highlight. We also note that ‘themes’ has been a highly effective way for the Board to classify games with simulated gambling appropriately, often with consumer advice of ‘simulated gambling’. The only change we would suggest is that the definition of ‘themes’ in the Guidelines be reviewed to avoid any doubt that the classifiable element is not limited to ‘social issues’ as per the current definition, but also encompasses a broader range of topics of ideas that can be explored through the medium of games.

⁸ Department of Communications and the Arts, *Community standards and media content – research with the general public*, May 2017, <https://www.classification.gov.au/sites/default/files/2019-10/community-standards-and-media-content-research-with-the-general-public.pdf>, p.13

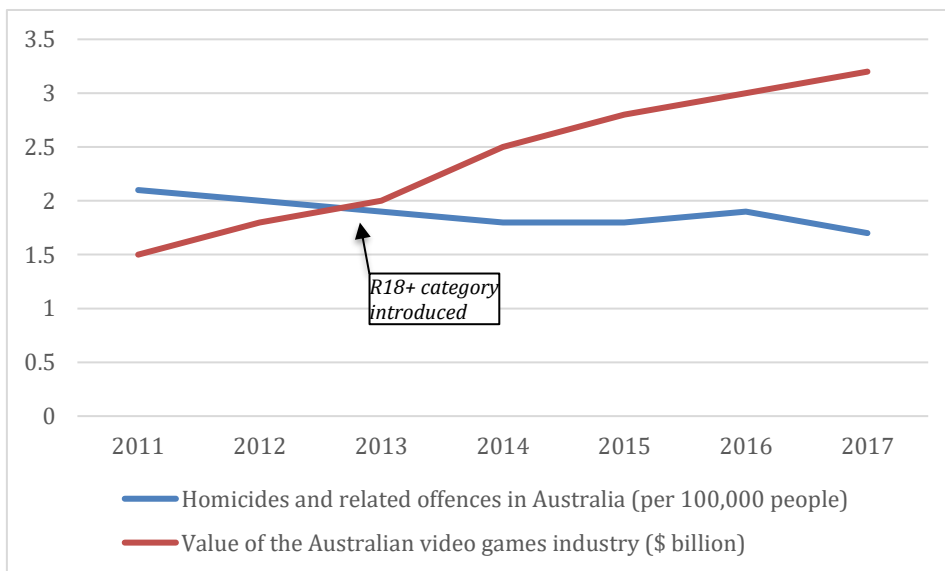
b) Violence

Question 2b). Do the provisions in the Code, the Films Guidelines or the Computer Games Guidelines relating to ‘violence’ reflect community standards and concerns? Do they need to be changed in any particular classification category or overall?

Violence is treated more harshly in video games than in films, even when interactivity has no impact. Violence is also treated more harshly in Australia than in most comparable jurisdictions around the world. We do not believe that the Guidelines’ treatment of violence reflects Australian community standards. We recommend that the Guidelines be amended so that, interactivity aside, similar or equivalent violent content in films and video games are treated equally.

The Code and the Guidelines were drafted at a time where there was an ongoing debate about the links between games and community violence. Even at the time, this debate was being criticised as an irrational moral panic, and in 2020 the debate has long been settled. While from time to time violence in games is brought up by politicians for scapegoating purposes and to deflect from more difficult policy issues, academic discourse has long since dismissed any links between violence in video games and violence or aggression in the community. This conclusion is consistent with almost any comparisons of crime and video game data sets. There is no need to discuss this topic any further but summaries of recent significant independent studies looking into the supposed link between games and violence is provided at **Attachment A**.

Violent crimes in Australia vs. Video game sales in Australia (2011-17)



Source: Australian Institute of Criminology (Crime Statistics Australia) data and IGEA industry data

Note: Sales data includes physical and digital sales, except for 2011 (physical) and 2012 (physical + estimated digital)

There is no evidence that the Board’s consideration of violence in video games is too lax for Australian community standards, nor are we aware of any broader community concern about violence in games or any concerns raised by the Department’s community research. Rather, Australia has traditionally lain on the ‘stricter’ side of its treatment of violence in video games in comparison to other jurisdictions, with no evidence to suggest that Australian community standards show a lower tolerance for such content compared to others. For example, the table below shows that the Australian classifications for two of the most popular games in Australia, *Fortnite* and *League of Legends*, were higher than their corresponding ratings in other countries. There are several more prominent examples, especially around the midrange categories of PG and M.

Comparative international ratings for two popular games with mild violence

Country / region	Fortnite	League of Legends
Australia	M	M
United States	T (13)	T (13)
Europe (PEGI)	12	12
Germany	12	12
Brazil	12	12
South Korea	12	12
Singapore	12	12

Source: IMDB and various classification databases

A key reason for the relative harshness of the treatment of violence in games under the Scheme is the history of political anxiety towards such content, and games generally, in past years. It was not so long ago that Australia did not have an R18+ classification category for video games, which only came after a process of almost a decade of debate. All of the arguments for an R18+ category were there. Almost every other comparable jurisdiction had an equivalent category. There was already a principle under the Scheme that adults should be able to watch and play whatever they want. The overwhelming community supported an R18+ category. Educating and busting myths about video games to politicians is one of IGEA’s highest priorities and one that we are incredibly proud of our industry’s efforts.

We commend Board members over the second half of the 2010s for improving the Board’s consistency in its treatment of violence in games and for decisions that we believe mostly reflect the community’s expectations. However, we know that the quality of Board decisions is highly dependent on the ever-changing composition of the Board, so this could change or deteriorate in the future. This is why it is vital that we use every opportunity to get the Guidelines right, even if the changes that need to be made seem relatively minor.

On that note, we do believe changes must be made to the Guidelines regarding its treatment of violence. A common theme in this submission will be the harsher standard that the guidelines impose on video games in comparison to films. At

Attachment B, we have compared the guidelines side-by-side and highlight all the ways where they impose a stricter threshold on video games than on films. These include:

- MA15+: The Guidelines state that “strong and realistic violence should not be frequent or unduly repetitive”, while the film guidelines simply state that violence should be justified by context. Similarly, implied sexual violence justified by context is permitted in film, but not games.
- R18+: The Guidelines provide several limitations around ‘high impact violence’, while the film guidelines have no such restrictions. Similarly, depictions of sexual violence are permitted in film, but not games. Such content found in video games will lead to the game being RC.
- RC: There are prohibitions around certain ‘realistic’ and ‘repetitive’ violence in video games not found in the film guidelines.

We dispute the assumption that the interactive nature of video games means that violent content (or any content) in a game will automatically be higher in impact than the equivalent content in a film. In some circumstances, interactivity may increase the impact of violent content in a game, but in most games, we would argue that interactivity has little to no effect on impact. We also note that many of the arbitrary rules in the Guidelines (that we advocate for the removal of throughout this submission) do not even differentiate between content that is interactive and content that is non-interactive, such as content in a static cutscene. In some circumstances still, interactivity may even *lessen* the impact of violence. After conducting focus groups to assess community standards, the Department published findings that:

“interactivity appeared to lessen the impact of violence on participants, reportedly due to a sense of control over the action in games, greater tolerance of violence when they themselves were perpetrating it ... and being focussed on the problem solving and skills aspects of gameplay while seeing violence as simply a means to an end.”⁹

While we acknowledge that in some circumstances interactivity may increase the impact of violence in a game, this has already been addressed in the Guidelines which states, in several places, that interactivity in games may increase the impact of certain content compared to the equivalent content in films. This guidance already provides a clear expectation to the Board that interactivity must be very carefully considered, while also providing the Board with the ability to assess the specific content, the context and the level of interactivity involved in a game on its own merits. We believe this is more than sufficient to adequately address the issue of interactivity in games.

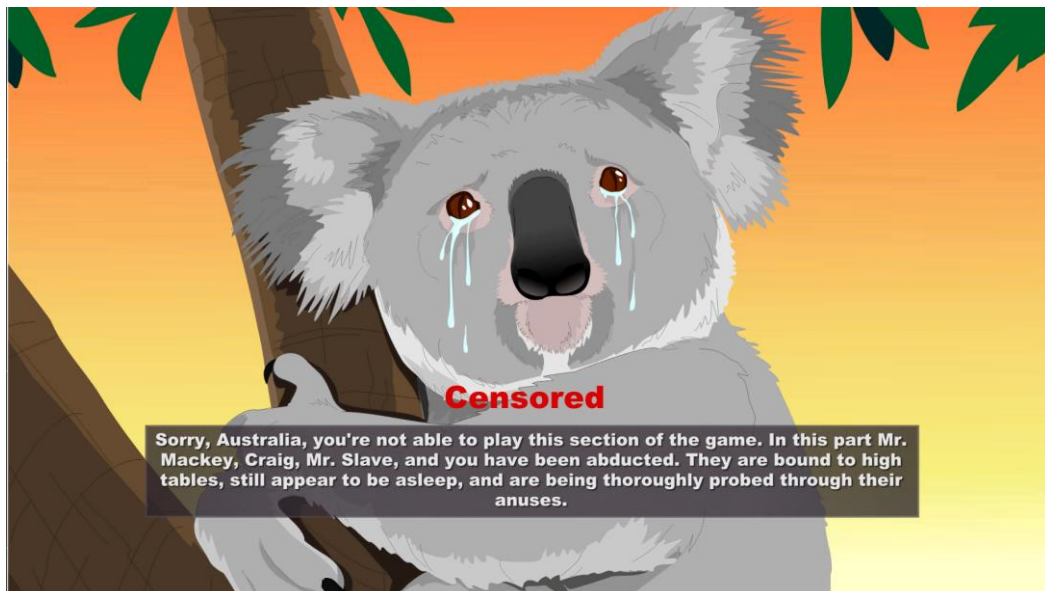
By contrast, the discriminatory and rigid rules in the Guidelines around the specific treatment of violence at each classification level such as those addressed above are not evidence-based and will continue to create unjust decisions. The rules are not suited to the increasingly nuanced, thematic and narrative-driven games that exist

⁹ Department of Communications and the Arts, *Community standards and media content – research with the general public*, May 2017, <https://www.classification.gov.au/sites/default/files/2019-10/community-standards-and-media-content-research-with-the-general-public.pdf>, p.10

now and will surely be unsuitable for future games as they continue to evolve in in future. These rules also do not equip the Board to apply the appropriate discretion that a situation demands.

One oft-cited example is the original 2013 RC decision given to the video game *South Park: The Stick of Truth*, based on the popular satirical cartoon, due to interactive animated sequences depicting ‘sexual violence’ against both adults and minors.¹⁰ There is no doubt that there is content falling under this description that should deservedly cause a game to be RC, but there will also be content that does not. Because of the inflexible Guidelines, the Board had no choice but to RC *South Park* regardless of actual impact, resulting in Australia and a very small number of Asian countries being the only territories not to allow the sale of the original version of the game in at least one format.

After initially being Refused Classification, a version of South Park: The Stick of Truth was classified R18+ in Australia with scenes removed



Source: Screenshot from South Park: The Stick of Truth, Obsidian Entertainment

Under a reformed Scheme, these peculiar and anachronistic rules should be removed, not just the ones relating to violence but for all the classifiable elements, and the treatment of content should no longer systemically discriminate between films and computer games as is currently the case.

¹⁰ For the full decision report, please see: http://cdn2.sbnation.com/assets/3745411/ScanDoc_2013_12_18_16_42_21_840.pdf

c) Sex

Question 2c). Do the provisions in the Code, the Films Guidelines or the Computer Games Guidelines relating to 'sex' reflect community standards and concerns? Do they need to be changed in any particular classification category or overall?

We recommend that the Guidelines at the R18+ level be amended so that the same level of sexual activity that is permitted in films is also permitted in computer games. Any activity that is legal in the real world should be able to be legally depicted. We also recommend removing the specific rules around games with sex linked to incentives and rewards. This kind of content is more flexibly addressed through the overall consideration of interactivity in video games.

We find the treatment of sex by the Board and under the Guidelines to be generally appropriate and consistent with community expectations. However, once again, we consider to be unfair the different standards set by the Guidelines for sex in video games compared to the guidelines for film, as we have highlighted in **Attachment B**. These include:

- M15+: A specific prohibition against sexual activity related to incentives or rewards in video games.
- R18+: The standards between sex in games and films are drafted completely differently, including the specific prohibition against explicit and realistic simulated sexual activity in games, which don't apply to the same content in films.

We see no reason why certain kinds of simulated sexual activity in films is permissible at the R18+ while the same kind of activity is not possible just because it is in a video game. This holds true even when the simulated sexual activity is not only unrelated to incentives and rewards, but also in a non-interactive part of a game such as a cutscene. More broadly, we believe that any activity that is legal in the real world should be able to be depicted in a game or film. It is sufficient that interactivity is already a consideration for the Board when determining whether the specific depiction of high impact sex can be accommodated at R18+.

We do not support the current prohibition, at all levels below R18+, against sex related to incentives and rewards. This rule is necessarily inflexible and unique to Australia. While this rule is less problematic than the equivalent rule for drug use (where such content will always be RC) and few if any of our members publish games with sex linked to incentives and rewards, we nevertheless urge change. We call for this on the basis that we support a more modern and principles-based approach taken in a reformed Guidelines that does not take positions on specific kinds of content but enables classification decisions to actually reflect community standards as they evolve, rather than seek to dictate them.

d) Language

Question 2d). Do the provisions in the Code, the Films Guidelines or the Computer Games Guidelines relating to ‘language’ reflect community standards and concerns? Do they need to be changed in any particular classification category or overall?

We recommend that the Guidelines at the M and MA15+ level be amended so that the same level of language that is permitted in films is also permitted in computer games.

As with the previous classifiable elements that we have discussed, the Guidelines impose a higher standard for language in video games than in films. The specific differences, as we’ve outlined in detail at **Attachment B**, are:

- **M:** The Guidelines treat language in video games the same as the film guidelines treat language, except that the Guidelines inexplicably impose a further restriction that language in video games should not be “gratuitous, exploitative or offensive”.
- **MA15+:** The Guidelines treat language in video games the same as the film guidelines treat language, except that the Guidelines impose a further restriction that language in video games should not be “exploitative or offensive”.

These differences mean that there is language that is permitted in a film that would not be permitted in a video game, even if it occurred in a non-interactive cinematic part of the game. As with the previous classifiable elements that we have discussed, there is no logical basis for these differences in standards, which appear arbitrary and not evidence-based. We believe the only reason for these differences is simply the moral panic around ‘dangerous games’ that unfortunately existed during the 1990s and influenced political and policy discourse. In 2020, it is time to finally fix this.

e) Drug use

Question 2e). Do the provisions in the Code, the Films Guidelines and the Computer Games Guidelines relating to ‘drug use’ reflect community standards and concerns? Do they need to be changed in any particular classification category or overall?

We recommend that the Guidelines at the PG level be amended so that the same level of drug use that is permitted in films is also permitted in video games. The Guidelines should also clarify what is meant by ‘drugs’ and that the definition should exclude fictional drugs and medicines. We also call for the softening of the rule regarding interactive drug use, especially at the R18+ level, and the outright removal of the rule that causes drug use linked to incentives and rewards to be RC. Both of these aspects of drug use in video games are already being addressed through consideration of context and interactivity.

The Guidelines have a high prescriptive and sometimes baffling approach to drug use, which we’ve highlighted at **Attachment B**. The Guidelines impose a harsher standard for drug use in video games than the equivalent content in films, regardless of the level of interactivity, such as at the PG level where drug use must be infrequent as well as justified by context. We see no reason why the standard for drug use in video games should not be the same as in film, especially (but not solely) if it is non-interactive. We note that our Digital Australia 2020 research highlighted that drug use is one the least concerning elements of media content to parents and adults in general, perhaps reflecting a more mature understanding of how this topic can be addressed in media.

There are also two further specific rules for drug use in video games that we urge be fixed. First, there is a rule stating that “interactive illicit or proscribed drug use is not permitted” at all levels except for R18+, where “interactive illicit or proscribed drug use that is detailed and realistic is not permitted”. While we understand that in the 1990s the idea of drug use in video games may have caused greater fear that it would now, times have changed, and classification must change with it. For example, the video game *Beyond: Two Souls* features a scene where the protagonist, a young female, is offered a marijuana joint in a party setting. If the player chooses to accept the joint, she coughs violently, becomes visibly affected and unsteady and has other party-goers ask if she is OK. The ‘interactivity’ in this scene was one of the reasons why the game was required to be classified R18+ under the Guidelines.

The game Beyond: Two Souls addresses peer pressure thoughtfully



Source: Screenshot from Beyond: Two Souls, Quantic Dream

This scene is not in any way exploitative, gratuitous, detailed or glorifying of drug use but rather, is challenging and thoughtful and addresses drug use in the same thematic way many programs and films aimed at teenagers do (and arguably does it better than most). For example, this highly contextualised scene, which unambiguously highlights the negative consequences of drug use, has a higher classification than the MA15+ film *Pineapple Express*, a ‘stoner’ film literally named after a strain of marijuana. Even the Department’s research into this scene appeared to indicate that the Guidelines did not meet community expectations, with around three-quarters of respondents saying that the level of impact in this scene was very mild, mild or moderate.¹¹ We believe that it is sufficient that interactivity be an additional consideration for the classification of drug use in video games and there is no need for arbitrary rule-setting that invariably becomes problematic when applied.

However, this is not even the most problematic aspect of the Guidelines’ treatment of drug use. At all levels from G to R18+, the Guidelines states that “drug use related to incentive or rewards is not permitted”. This is one of the rules that has led to the most RC decisions related to video games and one that as far as we know exists nowhere else in the world. Among the games affected by this rule are *DayZ*, due to the presence of a restorative ‘cannabis’ resource, which for a time led to worldwide self-censorship due to the difficulties of creating two versions of a game (one for Australia and one for everyone else). This decision and other decisions regarding marijuana are made even more incongruous by the spreading legalisation of cannabis all around the world, the undisputed therapeutic value of cannabis, the legality of medicinal cannabis in Australia and the growing prospect of legal

¹¹ Department of Communications and the Arts, *Community standards and media content – research with the general public*, May 2017, <https://www.classification.gov.au/sites/default/files/2019-10/community-standards-and-media-content-research-with-the-general-public.pdf>, p.159

recreational marijuana use in Australia, with the personal use of marijuana in the ACT being decriminalised even during this consultation period.

Other RC decisions in Australia have been just as uncomfortable. These include the fictional psychedelic used in the game *We Happy Few* which reduces gameplay difficulty, generically-named power-ups in *The Bug Butcher*, and the existence of the legal medication Adderall in *Paranautical Activity*. In all of these games, it is our understanding that Australia is the only territory that these games were ‘censored’ and it is hard to understand why games with such features should not be accommodated – at the very least – at the R18+ level. We feel that even the Board itself has increasingly grown tired of this rule. The Board noted in its response to the *DayZ* decision that the game would otherwise have been able to be accommodated at the MA15+ level had this rule not restrained them, and pointedly referred to this consultation process to review the Code and guidelines in its media release.¹²

The decisions for *DayZ*, *We Happy Few*, *The Bug Butcher* and *Paranautical Activity* discussed above also highlight a lack of clarity around the definition and scope of ‘drug’ under the Guidelines. If the basis of concern about drug use in games is the risk of imitable behaviour, surely entirely fictional drugs and medicines should be out of scope. Furthermore, given the legal ambiguity around both marijuana and pharmaceuticals generally, there should be a consideration as to whether ‘drugs’ should *generally* be limited to certain classes of high risk legally scheduled narcotics instead.

¹² Classification Board, *Media statement – classification history of the game DayZ*, 13 August 2019, <https://www.classification.gov.au/about-us/media-and-news/media-releases/media-statement-classification-history-game-dayz>

f) Nudity

2f). Do the provisions in the Code, the Films Guidelines or the Computer Games Guidelines relating to 'nudity' reflect community standards and concerns? Do they need to be changed in any particular classification category or overall?

We recommend that the Guidelines at the G and PG level be amended so that the same standard of nudity is applied to both video games and films. We also recommend removing the specific rules around games with nudity linked to incentives and rewards. Video games will already be assessed more critically due to the Board's requirement to consider the impact of interactivity and the context of the nudity.

Just like with the discrimination that occurs with each of the other classifiable elements, nudity is treated different under the guidelines depending on whether it is in a video game or a film. While nudity is permitted at G and PG levels in films as long as it is justified by context, the same content in video games must also be infrequent. We believe the same standard of nudity should apply across both video games and films. There does not appear to be any logical reason for this higher standard, not in the 1990s and certainly not in the 2020s. Even without this specific rule, we note that nudity will still be inherent treated under a higher threshold given the Board's requirement to consider the impact of the level of interactivity in a video game.

There is also a prohibition at all levels below R18+ against nudity related to incentives and rewards. This is yet another rule that is unreasonably inflexible and unique to Australia and one that we do not support. While this rule is less problematic than the equivalent rule for drug use where such content cannot even be accommodated at R18+, and few if any of our members publish games with nudity linked to incentives and rewards, we nevertheless urge reform on the basis of poor policy. It is not the role of the Scheme to set community standards but to simply reflect them. We therefore support a more modern and principles-based approach taken in a reformed Guidelines that does not take positions on specific kinds of content but enables classification decisions to adapt to and reflect community expectations as they evolve.

3. Other comments

3a). What aspects of the current Code, Films Guidelines or Computer Games Guidelines are working well and should be maintained?

3b). Are there other issues that the Code, the Films Guidelines and/or the Computer Games Guidelines need to take into account or are there any other aspects that need to change?

We generally support the current principles outlined in the Code and especially the first principle that “adults should be able to read, hear, see and play what they want”. This principle must be central to any reformed Scheme. While we generally support the rest of the principles, future reform provides an opportunity to update their language.

We also recommend a move away from the Board’s current ‘free text’ approach to Consumer Advice (CA) towards a more consistent and standardised version of CA that will make it easier for classification tools and trained industry classifiers.

The Code sets out four principles that classification decisions are to give effect to, with the first principle being that “adults should be able to read, hear, see and play whatever they want”. This principle is the first one in the list for a reason – it represented the transformation from the censorship regime that Australia had for most of the twentieth century to a more modern Classification regime. This principle should remain forefront under any reformed Scheme and properly given effect to, something that we believe the current Guidelines have not been able to achieve.

We are largely supportive of the other principles outlined in the Code, although we query whether some of its language is still appropriate and relevant. For example, the second and third principles still adopt a highly black-and-white and ‘Government knows best’ approach to the exposure of content to the community. While we acknowledge that protecting the community is one of the roles of classification, throughout this submission we have also noted the evolving role of classification towards one of providing guidance and empowerment to the community to help them be informed of their choices and to make their own decisions. Furthermore, we question whether the archaic reference to ‘offensiveness’ in the third principle, rather than harm, should still be a relevant standard for a modern Scheme. Finally, we note that since the current Scheme started, there has been confusion around the meaning of “the portrayal of persons in a demeaning manner” in the fourth principle and urge the Department to consider whether and to what extent it is still relevant.

Having already covered the categories and classifiable elements in this submission, we now turn to CA, one of the most challenging aspects of the classification process. Looking at the Department’s research, there appear to be diverse community reviews regarding CA. Among adults, only 14 per cent of the community uses CA frequently for their own media choices (which is similar to the usage of classification) while among parents and guardians CA was used less than ratings, and was used more

for cinema than games.¹³ Overall, the research found that CA is sometimes useful but has limitations.

While there are many good aspects of the current CA model, including enabling very specific and tailored CA to be given and its overall flexibility, there are also some drawbacks. First, the flexibility that is given to the Board to determine whatever CA it wishes to be means that there can be inconsistency in advice. Different Board compositions can favour different approaches which means that over the years, CA can vary significantly in language, structure, tone and content. The absolute discretion that is given to the Board to determine whatever CA it considers appropriate also contrasts greatly with the otherwise prescriptive nature of the Act, the Code and the guidelines.

While we are aware that some of the Department's research has found that some members of the public would prefer more detail in CA, we also note that the kind of detail they are likely to want most is the paragraph-long detailed synopsis that CA will never be able to accommodate, and that this content is more suited to the many other sources of information available to complement ratings and CA including review and parental websites and forums. CA will also never be able to cover all potential 'trigger warnings' in content and other sources of information will be better for the people who are seeking those.

Our recommendation regarding CA is also linked to the proven and desirable move towards the use of automated classification tools. Both the IARC and Netflix classification tools have operated for many years now and have made hundreds of thousands of decisions if not more, largely without controversy. Countries including Australia, New Zealand and the United Kingdom are building or scoping classification tools of their own and a questionnaire approach has also been in use in the Netherlands for over a decade.

Our recommendation is also informed by one of the current challenges faced by trained content assessors when recommending to the Board the CA for a video game, being the (at times) difficult task of following changing Board preferences or trying to predict what the Board would determine. In a future world where we see classification tools and trained industry classifiers making the majority of decisions, which we cover in Part 2 of this submission, the existence of a consistent, streamlined and community-tested list of agreed CA or CA formula, possibly managed by the regulator, is the most sensible approach. The increased practicality of CA would offset any loss of flexibility of the current approach and would also be informed by periodic reviews.

¹³ Department of Communications and the Arts, *Classification: usage and attitudes study*, November 2016, <https://www.classification.gov.au/sites/default/files/2019-10/classification-usage-and-attitudes-study-november2016.pptx>, p.12

Part 2: Modernising classification legislation

4. Content to be classified

Question 4). Considering the scope of entertainment content available in a modern media environment, what content should be required to be classified?

We support the ALRC Inquiry’s recommendation that video games likely to be classified G, PG or M could instead be subject to voluntary classification through an industry code. IGEA would be well placed to implement and administer this code.

We also recommend that it be clarified that the scope of the future Scheme as it applies to film only applies to films and episodic content and will not inadvertently cover live content like esports broadcasts.

We supported, in full or in part, many of the ALRC Inquiry’s recommendations for the reform of the Scheme. For the most part, these recommendations were thoughtfully considered and evidence-based, taking into account a comprehensive stakeholder consultation and legal analysis process. We note that the ALRC made some specific recommendations about the scope of a future Scheme, including:

- Recommendation 6–2: The Classification of Media Content Act should provide that computer games that are: (a) likely to be classified MA 15+ or higher; and (b) likely to have a significant Australian audience; and (c) made and distributed on a commercial basis, should be classified before content providers sell, screen, provide online, or otherwise distribute them to the Australian public.
- Recommendation 6-4: The Classification of Media Content Act should enable the Regulator to approve industry codes that provide for the voluntary classification and marking of content that is not required to be classified. The Regulator should encourage the development of such codes for ... computer games likely to be classified below MA 15+.

We agreed with these two recommendations when they were made and continue to support the view that video games likely to be classified G, PG or M should not need to be classified under the proposed new legislation but rather under an industry code. The ALRC was compelled by the flexibility that this approach would provide to a new Scheme and we believe there are many reasons why it will lead to better, more and more effective classifications.

First, our members are all committed to providing guidance to the community, from G to R18+, and reducing the scope of the legal requirement for classification is not going to change the fact that our members will continue to ensure that their games are appropriately classified. Our industry is a part of a global industry that has built and run industry-led ratings systems around the world in the absence of legislative requirement, including in North America and Europe. There are also likely to be publishers who will still prefer to entrust the Board, or its replacement body, with classifying their content.

Second, these recommendations are not simply deregulation, but rather moving to a co-regulatory model where the Government is still providing oversight of industry's responsibilities through a code, presumably with legislative powers to intervene if needed. Rather than being a radical step, it is similar in practice to the current co-regulatory scheme for television classification, except in our case the Board would still have the power to make classifications upon application. As a trusted trade association, we have enjoyed a long and mutually respectful relationship with the Government and we are well placed to administer the code on behalf of our industry.

Furthermore, it will solve, for the most part, one of the greatest difficulties of the implementation of the IARC system in Australia, which is the legislation. To give decisions of the IARC tool legal validity in Australia under the current Scheme, they must be deemed to be decisions of the Board. From time to time, the decisions that IARC make need to be amended, such as when corrections are made to the input questionnaire. In all jurisdictions apart from Australia, these amendments can be automatically made by administrators within ratings authorities, with one of the benefits being that a correction to a rating made by one participating jurisdiction will cause a correction to all equivalent local ratings except for Australia. Australia misses out because of the legal requirement that only the Board can change a classification and can only do so by manually revoking decisions of the tool and making its own ones. This problem will be fixed under the ALRC's recommended approach.

Another key benefit of a code-based approach to the classification of video games likely to be rated G, PG or M is that it makes the Scheme more flexible and sustainable for the future. If the current governance approach is kept where all states and territories must agree to changes to the Scheme, by carving out G, PG and M from the formal scope of the Scheme it may mean that those categories may be more flexibly updated in the future. A more flexible code-based system will also be more appealing in an increasingly digital content world. By creating a modern scheme, rather than the current one that imperfectly extends offline regulation online, it will hopefully encourage some current gaming platforms that are non-compliant (none of which are our members) to become compliant, while also ensuring they have far less of an excuse not to provide appropriate classification information.

Finally, we have entered an age where the lines are blurred between films, video games and other digital content. Many video games are more linear and less interactive, almost akin to films, while film studios and streaming services are experimenting with interactive content. Many entertainment, wellbeing and educational apps are adopting gamification techniques without necessarily meeting the definition of a game. These are all kinds of content where classification could be encouraged where it can be appropriately applied, whether or not they are strictly a game. For example, one of the reasons why the IARC system is not currently displaying Australian classification ratings for non-game apps on the Google Play platform (it is instead displaying generic IARC age ratings) is because technically such apps cannot be classified because they do not fall within the legal definition of a 'computer game'.

Finally, we would like to quickly address the scope of a proposed new Scheme as it applies to film. We note that under the current proposal, films and episodic series in physical media, broadcast television, online catch-up and digital storefronts fall within the definition of films that should be classified. However, when it comes to commercial video-on-demand services, the current proposal does not specifically state that only films and episodic series fall within the scope. This uncertainty should be clarified so that non-film and non-episodic content such as live broadcasts (eg. of esports) are not inadvertently covered.

5. Applying the same classification standards across delivery formats

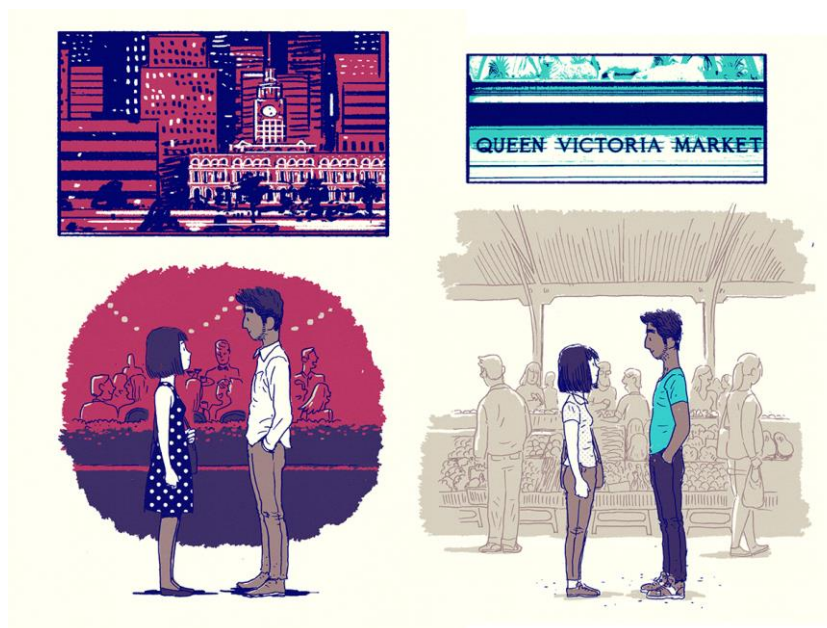
5). Should the same classification guidelines for classifiable content apply across all delivery formats (e.g. television, cinema, DVD and Blu-ray, video on demand, computer games)?

We support a single set of classification guidelines for both video games and films, as was recommended by the ALRC Inquiry.

As we have outlined in our responses to questions 2(a)-(f), almost each of the differences between the computer game and film guidelines, highlighted at **Attachment B**, are superfluous and no longer reflective of community standards (if they ever were). To ensure that a future combined set of guidelines can adequately assess films, games and everything in between, it is sufficient that the guidelines provide direction on how interactivity can affect the impact of the classifiable elements. This will provide a more effective and future-proofed approach to classifying not only games but a broad range of content in an increasingly converged and unpredictable media environment.

We have already spoken about the increasingly blurred lines between films and video games – or what was traditionally considered linear content and interactive content. From a video games perspective, developers and publishers have been pushing boundaries and changing expectations around what a ‘game’ is, with many games now feature highly linear narratives and limited interactivity designed primarily to bring the player closer into the story.

The Australian-made ‘game’ Florence, regarded as one of the best mobile games of recent years, is alternatively considered an interactive story



Source: Art from Florence, Mountains

From a film perspective, it is clear that there is a significant level of experimentation with interactivity occurring and we may see significant changes to how we experience films and shows in the future. Digital media platforms provide the opportunity for interactive filmmaking and user input in storytelling, such as Netflix’s *Bandersnatch* and *You vs. Wild*. Films are also increasingly being told through virtual reality, creating a medium that is not a video game yet arguably involves far more interactivity than many games. In other words, the assumption that films will always be passive linear content has gone. Similarly, the popularity of mixed and augmented reality has not only broken down barriers between video games, non-game apps and digital art, it has also blurred the lines between digital media and the real world.

Finally, we also see an increasing diversification of content distribution, or in other words, and amalgamation of different content on platforms. Most popular consoles and devices already have storefronts that offer both video games and films, and with the increasing investment in video game streaming services from both video game businesses and businesses that have traditionally provided linear content, we see these trends continuing. This means that the traditional distribution chains and segmented markets that made it easier to separate the regulation of films and games are diminishing.

The examples of convergence discussed in the preceding paragraphs are likely to be joined by many more in the coming years, including ones we cannot foresee. The current Scheme still differentiates films and video games, a distinction that is becoming less relevant, and forces classifiers first to determine what kind of media a particular content is and then apply different standards based on that decision, a process that is becoming less helpful. A future Scheme with a single set of guidelines that can flexibly be used to classify a broad spectrum of diverse content is a far better approach.

Having said all of this, we know that the Department’s research shows that there is still a segment of the community that worries about content in games more than in films. We do not believe this is evidence for the need to have separate guidelines. The same research also shows that the reason for this stems not from a belief that content in video games are inherently more impactful than films, but from the outdated stereotype that “games are for kids”.¹⁴ We know this stereotype is incorrect and a major objective of our 14-year history of publishing and presenting on our Digital Australia research is to defeat this stereotype, and we believe the Australian community year by year is becoming more mature with its views on gaming.

¹⁴ Department of Communications and the Arts, *Community standards and media content – research with the general public*, May 2017, <https://www.classification.gov.au/sites/default/files/2019-10/community-standards-and-media-content-research-with-the-general-public.pdf>, p.56-7

6. Classification processes

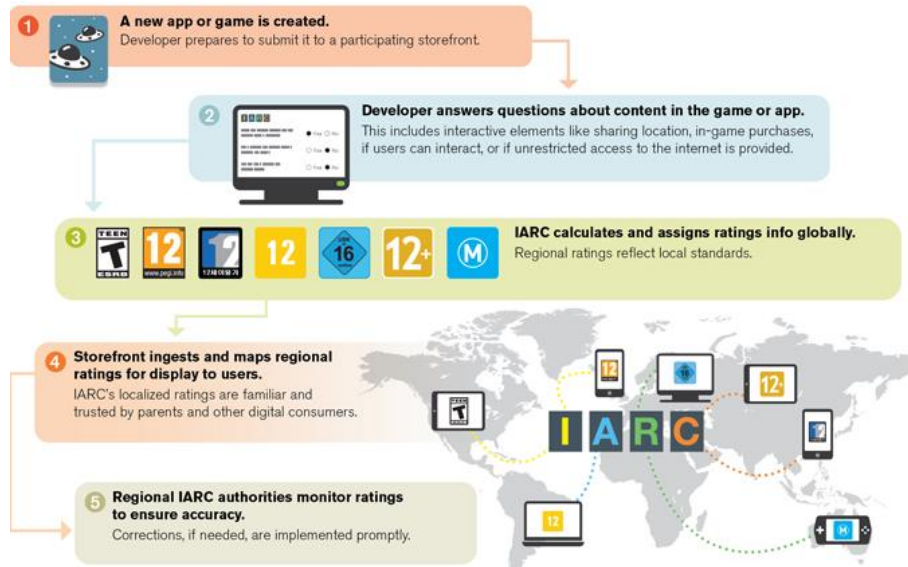
Question 6). Consistent with the current broadcasting model, could all classifiable content be classified by industry, either using Government-approved classification tools or trained staff classifiers, with oversight by a single Government regulator? Are there other opportunities to harmonise the regulatory framework for classification?

We support a flexible co-regulatory approach to classifying content involving ‘mixed modes’ of classification using Government-approved classification tools, trained industry classifiers and a single Government regulatory that can also make classification decisions upon application.

We consider that this approach, similar to the one recommended by the ALRC, will provide for a more effective and efficient classification framework. It will not only lead to more content being classified than ever, and faster, but it is the only approach that will ensure that the government’s role and the cost to government remain sustainable. We also note research from the Department suggesting that the community supports greater co-regulation.¹⁵

From a video games perspective, we feel that the path towards this co-regulatory model already started many years ago. The use of classification tools is one that the Government has embraced and trusts and no matter what reforms will be implemented, the use of the IARC tool is expected to continue and expand in the future.

Both global and local: the process for classifying video games under IARC



Source: www.globalratings.com

¹⁵ Attorney-General's Department, *Classification ratings: research with the general public*, July 2015, <https://www.classification.gov.au/sites/default/files/2019-10/classification-ratings-research-with-the-general-public.pdf>, p.26-7

Also, for years trained industry assessors have already been able to assess video games and make recommended ratings, essentially job-sharing classification with the Board. Industry assessors have also already been able to autonomously assess content for advertising purposes. The classification of television programs under the broadcast codes also demonstrates that industry can be trusted to assess content responsibly and efficiently.

We believe there will still need to be a regulator to both oversee the new Scheme but also to classify content upon application. We expect that some publishers and distributors will still prefer to entrust assessors in the regulator to classify certain high profile or sensitive games or games with borderline ratings. We also see a role for the regulator to set expectations for the kinds of content that can be accommodated at each classification level, thereby helping to ensure that tools and industry assessors continue to make decisions that reflect contemporary community standards.

This mixed-mode co-regulatory model of classification would have benefits for both industry and the Government. From industry's point of view, it will enable games to be classified faster, noting that the timeframes that Australian applicants currently have to classify content are getting shorter (which is generally out of our members' control) and are often less than the 20 days that the Board may legally take to classify content under the legislation. While the Board does not publish figures on the number of applicants who submit their games with an additional \$420 fee priority processing (which reduces the classification time to a maximum of 5 days under the legislation), many of our members tell us that they have no choice but to seek the priority route.

We believe the much cheaper cost of classification for industry under a reformed model will help to reduce the regulatory cost of bringing games to physical media, an increasingly challenging sector that not only supports local Australian distributors but thousands of retail stores across Australia. It will also incentivise many of our members' competitors – overseas-based 'grey market' distributors unfairly selling unmarked games via online marketplaces like eBay and Amazon, as well as non-compliant digital storefronts like Apple and Steam – to get their games appropriately classified in Australia.

We believe this model would also decrease the cost to the Government, including by moving from a Classification Board to a model where the regulator itself can make and review decisions through staff assessors. The Board is a very expensive way to classify content. For some reason, the pay and conditions for Board members have been set by the Remuneration Tribunal as though they were members of governance boards, such as the Board of Directors of a government agency or businesses. While the remuneration for some Board members used to be even higher, we believe they are likely to still be among the highest of classifiers anywhere in the world.

We are confident that staff assessors employed by the regulator can in the future perform the current role of the Board and that there are various models, such as those used by overseas ratings bodies, that could be used to ensure that such assessors remain broadly representative of the community. The rest of the regulator's responsibilities would otherwise be limited to oversight and a far smaller

number of operational support staff to assist the assessors and administer industry training, especially given that the Branch is already moving to an automated online training model. A small research function to monitor community views could be kept in-house or outsourced.

This model would also result in a smaller regulator with a smaller profile than the current Branch, meaning that the regulator need not be a standalone organisation and would likely be small enough to sit within a larger organisation such as the Department or the ACMA. To do nothing, meaning to retain the current expensive Board model and outsized Branch, while industry fees will continue declining over the coming years, is not a feasible option for the Government even for the short to medium term.

7. Review of classification decisions

Question 7). If a classification decision needs to be reviewed, who should review it in a new regulatory framework?

Assessors working for the regulator should be responsible in the circumstances where there is a need for classification decisions to be reviewed, although we believe there are other ways to ensure trust in decisions made by industry under a co-regulatory model. Should a decision made by the regulator itself need to be reviewed, the review can be conducted by different assessors and there is no need for a ‘Review Board’.

As we have outlined in our response to the previous question, we recommend that under a reformed Scheme, the current Board should be disbanded and the role of making classification decisions upon application be given to staff assessors working for the regulator. We have outlined the various benefits of this approach in our previous response which we will not repeat here.

However, under a co-regulatory model where decisions may be made with classification tools and trained industry assessors, we do not expect reviews to be common. Unlike the current framework, decisions made by the IARC system (and presumably other tools) should in future be able to be amended or corrected through the system itself, rather than needing to go the Board. It is also important that decisions that are made by trained industry assessors are able to be relied upon, especially for physical boxed products so that publisher and distributors can manufacture packaging material confidently. Rather than enabling the regulator to change these decisions at any time, we believe there are other controls to ensure trust in industry ratings, including various safeguards outlined in a code between IGEA and the Government such as training requirements and complaints-handling, audits conducted by the regulator, regular reporting of decisions and the threat of sanctions. We note that this is not dissimilar to the approach to classification that has been adopted in the television space where any regulatory action that the ACMA takes is generally post-broadcast such as complaints-handling and monitoring.

Where an industry applicant applies to the regulator for a decision, they should also have recourse to a review as they currently do now, although we expect them to be rare. Our members seldom seek reviews of decisions made by the Board, even if they disagree with them, mainly because of the \$10,000 fee, an amount that is surely the most expensive fee of its kind in the world. Under a reformed Scheme, we do not see the need for a Classification Review Board. Rather, any review could simply be performed by different assessors working for the regulator. This is consistent with the approach recommended by the ALRC Inquiry that suggested that the Review Board be disbanded and supported the view that the Board could be responsible for reviewing its own decisions, using new Board members, within the bounds of natural justice. Under a reformed Scheme, we expect the fee for a review would be similar to the fee for having a video game classified for the first time given that they follow the same process.

8. Classification governance

Question 8). Is the current co-operative scheme between the Australian Government and the states and territories fit for purpose in a modern content environment? If not, how should it be changed?

The current cooperative scheme between the Australian Government and the states and territories was appropriate for its time but is no longer fit for purpose in a modern policy or content environment. It is time for the constituent governments to recognise this and to move to a Scheme that is administered entirely at the Commonwealth level.

Several reasons led to the development of a cooperative approach in the 1990s and we will briefly describe a few key ones. First, censorship was a genuine policy and policing priority of Australian governments for much of the twentieth century and the move from a censorship-focussed to a national classification-based system was a major reform. Some jurisdictions still had residual doubts about the Scheme, such as the states that continued to keep their own state classification apparatus as a contingency. Second, the fear of offensive, abhorrent and generally anti-social entertainment content in the community was a genuine concern of many governments. Video games in particular were seen as an unknown, with alarmist views, not helped by the media, that games like *Mortal Kombat* would corrupt a generation of children.

Third, there was a belief among state leaders and attorneys-general at the time, whether based on fact or not, that their states had different community standards from each other (eg. that South Australians had higher community standards and a lower threshold for offensiveness than Victorians, or vice versa). Forth, as films were only shown in physical cinemas, VHS and video games were only available from bricks and mortar stores, and adult content only available from adult stores, it was relatively easy for states, who have primary responsibility for community safety, to regulate the content market.

Each of these reasons meant that the Commonwealth and the states and territories were unwilling to agree to any scheme where they could not co-govern and could not veto. Each of those reasons is no longer relevant. From what we can tell, classification is one of the lowest policy priorities of state and territory attorneys-general and compliance with classification laws are so far down the list of policing policy that the laws are essentially ignored and unenforced. The cause of this is not deficient policy or policing, but simply a change of attitude in the Government towards games where law reform has simply not caught up. There is far less fear about the dangers of video games and much more recognition of the beauty of the art form, its education benefits and the good that it can do by bringing family and friends together.

For many years we have not heard any view espoused that different states hold different community standards. Even the states that feared that they would disagree with Board decision so much that they established their own classification boards as contingencies have over the past decade allowed their own boards to fall into disuse,

with South Australia even taking the significant step in 2019 to discard its board entirely through legislative repeal. Finally, given the rise of digital media, the reality is that the states no longer have the practical ability to regulate content like it could in the 1990s.

We believe that it is time for the Scheme to move to a Commonwealth only model. It is the approach that the ALRC suggested was necessary even back in 2012 when it drafted its final report and the reasons for governance reform have certainly strengthened even more since then. The ALRC also noted that the Commonwealth had the constitutional power to take over the Scheme so even if the states and territories do not agree to move away from the national model, the Commonwealth could even take over the Scheme unilaterally.

The main benefit of moving to a Commonwealth-only model is that it can make changes to the Code and guidelines and implement significant reform without the need for state and territory consensus. Otherwise, it will remain near impossible to update the Code and Guidelines and any other kind of broader reform will continue to be subject to glacially-paced governance processes. Moving to a Commonwealth-only model will also enable the Government to finally unify and modernise its expectations for how classification ratings should be provided to the community, replacing current state and territory laws that are not only inconsistent across jurisdictions, but in many places cannot even be practically complied with in a modern content environment, let alone enforced.

Under the Intergovernmental Agreement on Censorship, changes to the Code and Guidelines will only succeed if they achieve national consensus twice – generally also requiring a national public consultation in between

PART VI - AMENDMENT OF CODES AND GUIDELINES

- 9. The Code or classification guidelines are not to be amended unless:**
- (a) the Ministers agree to a proposal made by any of the Ministers;**
 - (b) that proposal, unless considered minor by the Ministers, is the subject of a process, as determined by the Ministers, of public consultation which at least involves the invitation of submissions by the public;**
 - (c) after consideration of those submissions and the opinions expressed in public consultations the Ministers are to resolve whether the proposal and an amendment or amendments to give effect thereto should proceed;**

Source: Copy of signed Intergovernmental Agreement on Censorship

9. Other comments

Question 9). Are there other issues that a new classification regulatory framework needs to take into account?

We recommend that a new Scheme be changed to an entirely advisory system without legal access restrictions on any categories. In particular, we support removing legal access restrictions on MA15+ which the ALRC supported and ask whether it is now also the time to remove the problematic MA15+ category, merging it with the M non-restrictive category.

For both policy and practical reasons, we recommend the establishment of a new Scheme without restricted categories, with the current MA15+ category being particularly unsuitable for continued age restrictions. This reform would cause the Scheme to become an advisory model only, consistent with the most effective and trusted schemes from around the world and also consistent with the Australian community's expectations, with the Department's research finding a prevailing view, even in 2014, that classification should move toward an advisory function with a greater focus on education.¹⁶

The ALRC's final report, at recommendation 10-4 called on the future Scheme to not require access restrictions on MA15+ content. Rather, voluntary access restrictions could be developed under industry codes, such as for cinemas and retail outlets. In reaching this recommendation, the ALRC concluded that:

"Preventing persons under the age of 15 from accessing MA 15+ films and computer games is problematic offline and near impossible online. The existing laws that endeavour to restrict online access to MA 15+ content are widely seen as ineffective and unenforceable."¹⁷

The ALRC's reasoning was not just one of pragmatism, and the Commission also questioned whether MA15+ was even still helpful to the community:

The classification symbols and warnings may serve a useful purpose as consumer advice, but arguably there is little or no further practical benefit in legal access restrictions for this content, particularly online. Few countries impose mandatory access restrictions on content at the MA 15+ level."¹⁸

The closer that you look at the MA15+ category, the more problems come to light. In the offline world, the legal restrictions that MA15+ supposedly carry are difficult to comply with in practice, are applied inconsistently and are entirely unenforced both offline and online.

First, it ensures that teenagers who wish to watch or buy MA15+ content must have proof of age ID of some kind, disadvantaging those too young to get a driver's

¹⁶ Attorney-General's Department, *Classification ratings: research with the general public*, July 2015, <https://www.classification.gov.au/sites/default/files/2019-10/classification-ratings-research-with-the-general-public.pdf>, p.6

¹⁷ Australian Law Reform Commission, *Classification-Content regulation and convergent media*, final report, ALRC 118, February 2012, p.255

¹⁸ Ibid.

licenses, choose not to get a license or passport or cannot afford one. While in the 1990s having a driver's license was almost a rite of passage, it is less common now among kids. Second, responsibility for compliance has in the physical world been delegated entirely to cinema counter staff, now usually at the concession stand, and to retail staff at DVD and game stores who are often themselves minors.

As cinema ticketing has moved largely to an online booking system and physical boxed games are increasingly sold online and delivered to the home, the ability to conduct age checks gets even harder. While our observations are that most retail stores that sell video games do check for ID, we also note that these legal restrictions can also be easily circumvented by a minor under the age of 15 simply watching a movie or buying a game with an older friend, not necessarily a parent or guardian, or asking them to buy a ticket or product for them. Access restrictions are also simply 'gatekeeping' processes that do nothing to stop minors from playing MA15+ games by themselves after the game has been bought for them or gifted to them, something that is better addressed by better education to parents and guardians.

Despite the legal restrictions on MA15+ that exist on paper – which confusingly differ from jurisdiction to jurisdiction – these laws are unenforced in reality. While we acknowledge that we have limited visibility of policing, in relation to the MA15+ restrictions we are not aware of any state or territory police that has conducted systematic compliance checks on any storefronts that sell video games in recent history, nor anyone being charged for non-compliance. It is our general view that laws that are not being actively enforced are not good policy as they erode the value and credibility of the laws and put compliant businesses, like our members who go through significant expense to have their games appropriately classified and properly packaged, at a disadvantage against the many stores, both physical and on online marketplaces, selling unclassified or foreign labelled products.

Finally, one of the biggest contradictions of the MA15+ rating is that while the category under the Scheme carries legal access restrictions, the MA15+ under the broadcasting codes have no such restrictions.¹⁹ Instead, MA15+ content is directly broadcast into any household that has a television, which is arguably far more intrusive and unsolicited than physical or online media. While MA15+ content can only be broadcast in the evenings and at night, this is not analogous to the legal restrictions that apply under the Scheme. Furthermore, the time zone restrictions are not onerous given that they have in recent years been brought earlier to 8:30 pm and are also often not applied to the same broadcasters online catch-up TV-on-demand services, defeating the purpose of the time zone in the first place.

These are just the challenges to the MA15+ legal restrictions as they apply offline. Online, these restrictions are not only unenforceable, but they cannot even be sensibly complied with in the first place. Not only do the inconsistent requirements and dated language of the various state and territory laws mean that they are incompatible with the digital environment, verifying the age of any person is near impossible online and, arguably, actually impossible for a 15, 16 or 17-year-old minor.

¹⁹ While the content permissible at MA15+ under the National Classification Scheme and under the broadcasting codes may not be identical, they are very similar.

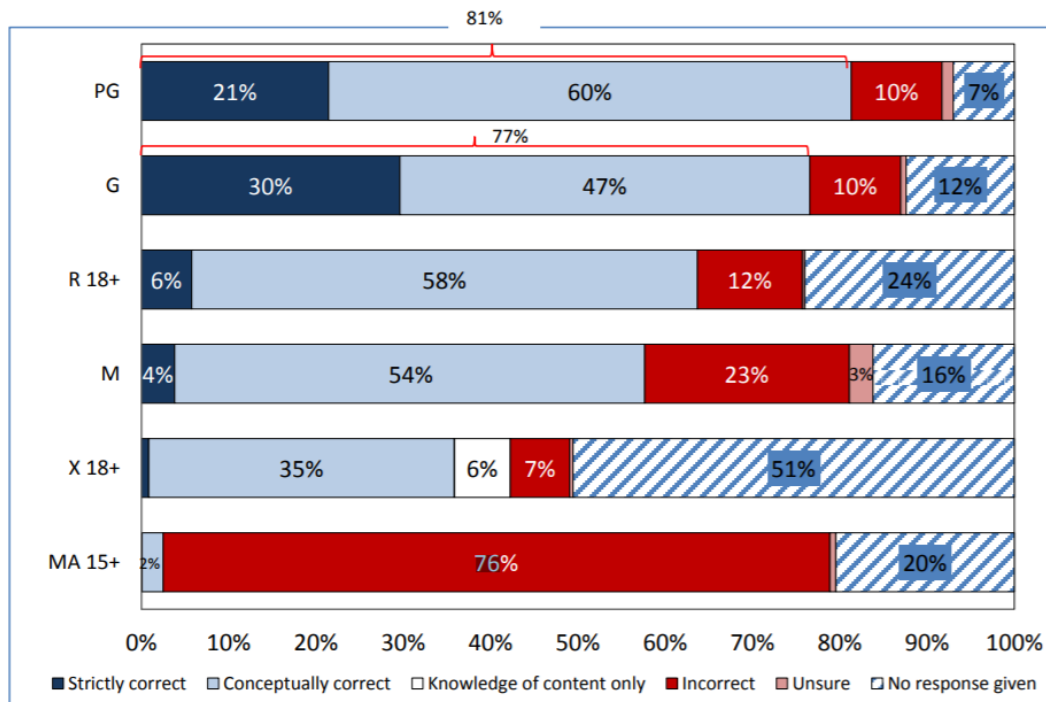
Even in 2012, the ALRC was recommending that the MA15+ access restrictions be discarded. In the eight years that have passed, the continued evolution and strengthening of alternative solutions such as parental and family controls on consoles, devices and games including passcode locks have surely only strengthened the basis of the ALRC's recommendation.

Not only do we support the ALRC's recommendation to remove access restrictions on MA15+, we go even further and question whether there is still even a need to keep this category at all if we already have M. As we have already discussed, the M and MA15+ classification categories are the most confusing of all the categories and MA15+ in particular is the least understood. Both M and MA15+ say that content is not recommended for children under the age of 15 and both still allow children under the age of 15 to access the content legally. The distinction between the two is difficult enough for practitioners, with stakeholders consulted by the Department questioning the logic of having two similarly named categories with the same age reference point of 15.²⁰

MA15+, and its difference to M, is even more inscrutable for the public. Despite MA15+ existing for two and a half decades, almost no-one in the community truly understands it. According to a survey of over 1,000 Australians conducted by the Department in 2015, practically no-one had a strictly correct understanding of MA15+ and only 2 per cent had even a conceptually correct understanding. Three-quarters gave a flat out wrong response, indicating that they failed to understand MA15+ at all.

²⁰ Attorney-General's Department, *Classification ratings: stakeholder and practitioner consultation*, <https://www.classification.gov.au/sites/default/files/2019-10/classification-ratings-stakeholder-and-practitioner-consultation.pdf>, p.9

Australians' understanding of the classification categories, and almost complete misunderstanding of MA 15+



Source: Attorney-General's Department, *Classification ratings: research with the general public*, July 2015

We believe it is also worth considering whether the access restrictions for R18+ content are still effective or helpful, particularly in the digital environment. While it may seem like a radical step, we note that legal age restrictions on accessing or buying films and computer games, both offline and online, is already highly uncommon around the world. Discussions and policy consideration around online age verification, both globally and in Australia, have so far been limited to the context of access to adult online content and the few attempts at implementation have generally not gone well.

For example, the UK Government's recent decision to walk away from its proposal to implement an age verification regime for adult content, despite putting in place legislation and undertaking years of planning and investment. While the UK Government gave no reasons for the decision, commentators suggested several, including:

- Lack of trust and significant privacy concerns among the community around online age verification processes
- Significant concerns about the robustness of age verification solutions and the ease by which some have easily fooled²¹

²¹ For example, see: <https://www.theguardian.com/society/2019/apr/19/uks-porn-age-verification-rules-can-be-circumvented-in-minutes>

- The ease by which age verification technology generally can be evaded through VPNs and similar technologies
- Despite assurances from the age verification industry, there remain very real concerns about the ability of service providers to protect individuals' sensitive information
- Concerns that an age verification framework would only place a regulatory burden on compliant platforms while pushing audiences to higher risk non-compliant platforms
- Potential significant costs to both industry and government as well as to the community using the services.

We note that the House of Representatives Standing Committee on Social Policy and Legal Affairs is currently holding an Inquiry into age verification for online wagering and online pornography, and we will be interested in its findings. No matter what the Committee recommends, it is clear that we are still years away from governments, both around the world and in Australia, being willing and able to effectively verify age even for online adult content, let alone having a conversation about traditional content like film and games.

Attachment A – Recent significant studies disproving the link between video games and real-world violence and aggression

Przybylski, AK & Weinstein, N. *Violent Video Game Engagement is not Associated With Adolescents' Aggressive Behaviour: Evidence From a Registered Report*. Royal Society of Open Science 6, no. 2 (2019).

A study of 1,000 youths aged 14-15 indicated that video games do not cause aggressive behaviour and that “There was no evidence for a critical tipping point relating violent game engagement to aggressive behavior.” The research findings also suggested that “biases might have influenced previous studies on this topic, and have distorted our understanding of the effects of video games.”

Kuhn, Simone, et al. *Does playing violent video games cause aggression? A longitudinal intervention study*. Molecular Psychology, 2018.

- The study findings showed that an extensive game intervention over two months did not reveal any specific changes in aggression, empathy, interpersonal competencies, impulsivity-related constructs, depressivity, anxiety or executive control functions, neither in comparison to an active control group that played a non-violent video game, nor to a passive control group.

DeCamp, W. and Ferguson, C. *The Impact of Degree of Exposure to Violent Video Games, Family Background, and Other Factors on Youth Violence*. Journal of Youth and Adolescence 46 (2016):

- In a study examining video games, family background and other environmental factors, researchers found “video game violence is not a meaningful predictor of youth violence and, instead, support the conclusion that family and social variables are more influential factors.”

Ferguson, Christopher. *Do Angry Birds Make for Angry Children? A Meta-Analysis of Video Game Influences on Children's and Adolescents' Aggression, Mental Health, Prosocial Behavior, and Academic Performance*. Perspectives on Psychological Science 10 no. 5 (2015):

- The researcher notes that academic publishing suffers from publication bias when it comes to video games, stating: “the overall results of the meta-analysis indicate that video games, whether violent or nonviolent, have minimal deleterious influence on children's well-being.”

Source: Extracts from information sheet, Entertainment Software Association

Attachment B – Differences between the Classification Guidelines for Computer Games and Films

Highlighted text represents the higher standard placed on computer games compared to film

G – General

	Computer games	Films
Themes	The treatment of themes should have a very low sense of threat or menace, and be justified by context.	The treatment of themes should have a very low sense of threat or menace, and be justified by context.
Violence	Violence should have only a low sense of threat or menace, and be justified by context. Sexual violence, implied or otherwise, is not permitted.	Violence should have only a low sense of threat or menace, and be justified by context. Sexual violence is not permitted.
Sex	Sexual activity should be very mild and very discreetly implied, and be justified by context. Sexual activity must not be related to incentives or rewards.	Sexual activity should be very mild and very discreetly implied, and be justified by context.
Language	Coarse language should be very mild and infrequent, and be justified by context.	Coarse language should be very mild and infrequent, and be justified by context.
Drug use	Drug use should be implied only very discreetly, and be justified by context. Drug use related to incentives or rewards is not permitted. Interactive illicit or proscribed drug use is not permitted.	Drug use should be implied only very discreetly, and be justified by context.
Nudity	Nudity should be infrequent and justified by context. Nudity must not be related to incentives or rewards.	Nudity should be justified by context.

PG – Parental Guidance

	Computer games	Films
Themes	The treatment of themes should generally have a low sense of threat or menace and be justified by context.	The treatment of themes should generally have a low sense of threat or menace and be justified by context.
Violence	Violence should be mild and infrequent, and be justified by context. Sexual violence, implied or otherwise, is not permitted.	Violence should be mild and infrequent, and be justified by context. Sexual violence is not permitted.
Sex	Sexual activity should be mild and discreetly implied, and be justified by context. Sexual activity must not be related to incentives or rewards.	Sexual activity should be mild and discreetly implied, and be justified by context.
Language	Coarse language should be mild and infrequent, and be justified by context.	Coarse language should be mild and infrequent, and be justified by context.
Drug use	Drug use should be infrequent and justified by context. Drug use related to incentives or rewards is not permitted. Interactive illicit or proscribed drug use is not permitted.	Drug use should be justified by context.
Nudity	Nudity should be infrequent and justified by context. Nudity must not be related to incentives or rewards.	Nudity should be justified by context.

M – Mature

	Computer games	Films
Themes	The treatment of themes may have a moderate sense of threat or menace, if justified by context.	The treatment of themes may have a moderate sense of threat or menace, if justified by context.
Violence	Moderate violence is permitted, if justified by context. Sexual violence, implied or otherwise, is not permitted.	Moderate violence is permitted, if justified by context. Sexual violence should be very limited and justified by context.
Sex	Sexual activity should be discreetly implied, if justified by context. Sexual activity must not be related to incentives or rewards.	Sexual activity should be discreetly implied, if justified by context.
Language	Coarse language may be used. Aggressive or strong coarse language should be infrequent, justified by context, and not gratuitous, exploitative or offensive.	Coarse language may be used. Aggressive or strong coarse language should be infrequent and justified by context.
Drug use	Drug use should be justified by context. Drug use related to incentives or rewards is not permitted. Interactive illicit or proscribed drug use is not permitted.	Drug use should be justified by context.
Nudity	Nudity should be justified by context. Nudity must not be related to incentives or rewards.	Nudity should be justified by context.

MA15+ - Mature Accompanied

	Computer games	Films
Themes	The treatment of strong themes should be justified by context.	The treatment of strong themes should be justified by context.
Violence	Violence should be justified by context. Strong and realistic violence should not be frequent or unduly repetitive. Sexual violence, implied or otherwise, is not permitted.	Violence should be justified by context. Sexual violence may be implied, if justified by context.
Sex	Sexual activity may be implied. Sexual activity must not be related to incentives or rewards.	Sexual activity may be implied.
Language	Strong coarse language may be used. Aggressive or strong coarse language should be infrequent, and not exploitative or offensive.	Strong coarse language may be used. Aggressive or very strong coarse language should be infrequent.
Drug use	Drug use should be justified by context. Drug use related to incentives or rewards is not permitted. Interactive illicit or proscribed drug use is not permitted.	Drug use should be justified by context.
Nudity	Nudity should be justified by context. Nudity must not be related to incentives or rewards.	Nudity should be justified by context.

R18+ - Restricted

	Computer games	Films
Themes	There are virtually no restrictions on the treatment of themes.	There are virtually no restrictions on the treatment of themes.
Violence	<p>Violence is permitted.</p> <p>High impact violence that is, in context, frequently gratuitous, exploitative and offensive to a reasonable adult will not be permitted.</p> <p>Actual sexual violence is not permitted.</p> <p>Implied sexual violence that is visually depicted, interactive, not justified by context or related to incentives or rewards is not permitted.</p>	<p>Violence is permitted.</p> <p>Sexual violence may be implied, if justified by context.</p>
Sex	<p>Depictions of actual sexual activity are not permitted.</p> <p>Depictions of simulated sexual activity may be permitted.</p> <p>Depictions of simulated sexual activity that are explicit and realistic are not permitted.</p>	<p>Sexual activity may be realistically simulated. The general rule is “simulation, yes – the real thing, no”.</p>
Language	There are virtually no restrictions on language.	There are virtually no restrictions on language.
Drug use	<p>Drug use is permitted.</p> <p>Drug use related to incentives and rewards is not permitted.</p> <p>Interactive illicit or proscribed drug use that is detailed and realistic is not permitted.</p>	Drug use is permitted.
Nudity	Nudity is permitted.	Nudity is permitted.

X18+

There is no equivalent computer game category for the X18+ category for sexually explicit content in films.

RC – Refused Classification

Computer games / films will be refused classification if they include or contain any of the following:

	Computer games	Films
Crime or Violence	<p>Detailed instruction or promotion in matters of crime or violence.</p> <p>The promotion or provision of instruction in paedophile activity.</p> <p>Descriptions or depictions of child sexual abuse or any other exploitative or offensive descriptions or depictions involving a person who is, or appears to be, a child under 18 years.</p> <p>Depictions <i>[whether or not gratuitous, exploitative or offensive]</i> of:</p> <p>(i) violence with a very high degree of impact which are excessively frequent, prolonged, detailed or repetitive;</p> <p>(ii) cruelty or realistic violence which are very detailed and which have a very high impact;</p> <p>(iii) actual sexual violence.</p> <p>Implied sexual violence related to incentives and rewards.</p>	<p>Detailed instruction or promotion in matters of crime or violence.</p> <p>The promotion or provision of instruction in paedophile activity.</p> <p>Descriptions or depictions of child sexual abuse or any other exploitative or offensive descriptions or depictions involving a person who is, or appears to be, a child under 18 years.</p> <p>Gratuitous, exploitative or offensive depictions of:</p> <p>(i) violence with a very high degree of impact or which are excessively frequent, prolonged or detailed;</p> <p>(ii) cruelty or real violence which are very detailed or which have a high impact;</p> <p>(iii) sexual violence.</p>
Sex	<p>Depictions of actual sexual activity are not permitted.</p> <p>Depictions of simulated sexual activity that are explicit and realistic are not permitted.</p> <p>Depictions of practices such as bestiality.</p>	<p>Depictions of practices such as bestiality.</p> <p>Gratuitous, exploitative or offensive depictions of:</p> <p>(i) activity accompanied by fetishes or practices which are offensive or abhorrent;</p>

	<p>Gratuitous, exploitative or offensive depictions of:</p> <p>(i) activity accompanied by fetishes or practices which are offensive or abhorrent;</p> <p>(ii) incest fantasies or other fantasies which are offensive or abhorrent.</p>	<p>(ii) incest fantasies or other fantasies which are offensive or abhorrent.</p>
<p>Drug Use</p>	<p>Detailed instruction in the use of proscribed drugs.</p> <p>Material promoting or encouraging proscribed drug use.</p> <p>Computer games will also be Refused Classification if they contain:</p> <p>(i) illicit or proscribed drug use related to incentives or rewards;</p> <p>(ii) interactive drug use which is detailed and realistic.</p>	<p>Detailed instruction in the use of proscribed drugs.</p> <p>Material promoting or encouraging proscribed drug use.</p>