

SECOND READING SPEECH

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) ENFORCEMENT AMENDMENT BILL **2012**

Mr Speaker, I move that the Bill now be read a second time.

The purpose of this Bill is to facilitate the advertising and sale of computer games classified R18+ (restricted to persons 18 years of age or over) in Tasmania. The Bill is the culmination of extensive work undertaken by Censorship Ministers and the Standing Council on Law and Justice.

Classification in Australia is jointly regulated by the Commonwealth and individual States and Territories. The Commonwealth regulates how material is classified in Australia; it provides the overarching mechanism for classification based on classification guidelines which are agreed by the Commonwealth, States and Territories. Individual jurisdictions regulate the distribution of that material: how that material may be advertised, displayed, sold or otherwise delivered in their jurisdiction. They are also responsible for enforcement of classification decisions and the rules about what must be displayed (the classification and viewer advice) and how or where publications, films and computer games may be sold.

The Guidelines for the Classification of Films and Computer Games, made under section 12 of the Commonwealth Classification Act, currently regulate the classification of computer games. I will explain these guidelines in more detail later in this second reading speech.

Commonwealth legislation to create an R18+ classification for computer games in Australia has already passed the Federal Parliament and the legislation is set to commence on 1 January

2013. The Tasmanian Act dealing with sale will commence to coincide with this.

To facilitate the sale of these games in Tasmania, the *Classification (Publications, Films and Computer Games) Act 1995* needs amending. This Act governs what may be sold and exhibited in Tasmania, how it may be sold or exhibited, and to whom it may be sold or exhibited. This Bill amends this Act.

In Australia at present, the highest classification available for a computer game is MA15+. Other classifications available include G, PG, M and RC (refused classification).

There has been strong community interest for some years in reviewing the current classification regime and introducing an R18+ classification for computer games. While computer games were once considered to be predominantly for children, research indicates a growing trend in adult consumers of games with the current average age of gamers reported to be around 30 years.

Australia is unique among countries that have a classification system for computer games because it is the only one which does not have a classification category that is designed to cover games which are intended for adults.

Public consultation on whether or not Australia should introduce an R18+ classification for computer games was undertaken in 2009–10 and received over 55,000 submissions. Overall, 98 per cent of submissions supported the introduction of an R 18+ classification for computer games. A subsequent telephone poll conducted in November 2010 found that 80 per cent of Australians support such a classification. As such, it can be clearly seen that this Bill has the support of the majority of our citizens.

Classification Guidelines are used by the Classification Board when making decisions as to whether material is suitable for distribution in Australia, and, if so, what classification category it should fall into.

In light of the findings of the public consultation process, Classification Ministers developed new draft guidelines for the classification of computer games to add an R 18+ category and make some changes to the lower categories. As part of that process the Guidelines for the Classification of Films and Computer Games have been redrafted so that there will now be separate sets of guidelines for the various categories of films and for computer games.

The proposed draft guidelines were released in May 2011 for public information and comment. This release included an online survey seeking feedback on whether respondents were for, or against, the proposed guidelines and the R 18+ category for computer games. The survey showed that support for an R 18+ category and for the proposed draft guidelines was 87.5 per cent of respondents.

The new guidelines for computer games will create a R18+ classification that will sit between games currently classified MA15+ and games which are Refused Classification. The Guidelines have been carefully crafted to ensure a balance between the rights of adults to see, hear and play what they want (one of the underpinning principles of the Classification Code) and the protection of minors from objectionable material. The new Guidelines specifically address concerns that the interactive nature of computer games may mean that they have a higher impact on individuals playing them than non-interactive material would. Interactivity must now be considered as a additional stand-alone criterion by the Classification Board when classifying computer games – this was not so when the same guidelines covered films and games.

The Bill now before the House will amend the Tasmanian Classification Act so that R18+ computer games will now be able to be sold in Tasmania. The regulation of these games will mirror the manner in which R18+ films are presently regulated here.

There will be restrictions on the advertising and exhibition of R18+ computer games and on who they may be sold to. While a computer game retailer will not be able to demonstrate the game in the store (they currently cannot demonstrate MA15+ games either), they will be able to display the packaged game (showing its classification) on the shelves and sell it to any individual who has attained the age of 18 years. This position is consistent with that proposed in all other Australian jurisdictions and with how R18+ films are already regulated here.

This move will allow adult gamers and parents alike to make informed purchasing decisions.

Contrary to arguments presented by some segments of the community, this Bill will not suddenly introduce prohibited and offensive material to Australia. The Refused Classification category will remain for offensive material. The mechanisms currently in place for consumers to complain about offensive material will remain and if objectionable material does appear, there is a tried and tested mechanism for its removal.

I am pleased to introduce this Bill to the House today. It is the culmination of significant work undertaken by a number of people, and I thank them for their efforts. The introduction of an R18+ classification is a great step forward in this modern age. Adult gamers of Tasmania will be able to play adult games.

I commend the Bill to the House.