

**CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES)
ENFORCEMENT AMENDMENT (R 18+ COMPUTER GAMES) BILL 2012**

PROOF

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Bill introduced on motion by Mr Greg Smith, read a first time and printed.

Second Reading

Mr GREG SMITH (Epping—Attorney General, and Minister for Justice) [12.12 p.m.]: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Classification (Publications, Films and Computer Games) Enforcement Amendment (R 18+ Computer Games) Bill 2012. The purpose of the bill is to amend the Classification (Publications, Films and Computer Games) Enforcement Act 1995 (NSW) to introduce enforcement provisions for an R18+ rating for computer games. Computer games are classified under the National Classification Scheme, which provides uniform national classification of publications, films and computer games. The national scheme operates with the support of all Australian jurisdictions.

The Classification Board and the Review Board, which decide appropriate classifications for individual films and computer games, are established under Commonwealth legislation. Procedures to enforce the classifications are set out in State and Territory laws. In New South Wales this law is the Classification (Publications, Films and Computer Games) Enforcement Act 1995. At the moment, unlike films, computer games can only be classified as: G, general, which signifies the content as very mild; PG, parental guidance, which signifies the content as mild; M, mature, which signifies the content as moderate; and MA15+, mature accompanied, which signifies the content as strong.

Generally, the same considerations apply in classifying films and computer games. Until now there has been no classification for computer games equivalent to the R18+ rating for films that would allow games appropriate for adults to be legally available in Australia. After a lengthy consultation process, the Commonwealth and all States and Territories agreed last year to introduce an R18+ classification for computer games and Commonwealth legislation has been amended to permit computer games to be classified R18+ from 1 January 2013. The bill will amend the Classification (Publications, Films and Computer Games) Enforcement Act 1995. It will introduce provisions into the New South Wales enforcement regime that will permit and regulate the sale, delivery and exhibition of computer games that have been classified R18+ and create associated offences.

An R18+ classification for computer games will bring the treatment of computer games into line with the treatment of films and it will make the Australian regime more consistent with international standards. An R 18+ rating will identify a computer game as unsuitable for minors while allowing it to be available to adults. Introducing the R18+ rating reflects the principles that underpin the National Classification Scheme—that adults should be able to read, hear and see what they want, while protecting minors from material likely to harm or disturb them. It takes account of community concerns about content that condones or incites violence, particularly sexual violence, or portrays people in a demeaning manner, and it will

allow adults to be protected from being unwittingly exposed to unsolicited material that might offend them.

Because the highest classification available now for computer games is MA15+, any computer game that is at present determined to exceed the MA15+ guidelines—including any computer game designed specifically for adults—is refused classification by the Classification Board. The question of whether it is appropriate to introduce an R18+ classification has been the subject of extensive public consultation and has received widespread support throughout Australia. More than 58,000 individuals and organisations nationwide provided written submissions to a discussion paper in early 2010. Of those, 98 per cent thought an R18+ rating should be introduced and 80 per cent of the 2,000 Australians polled later in 2010 agreed, including 76 per cent of adults from households with children under 18.

The guidelines that govern the Classification Board's decisions have been amended to incorporate the new adults-only R18+ rating to provide detailed guidance in relation to sexual violence and illicit drug use. Content is allowed to include material with high impact, including violence, provided it is not frequently gratuitous, exploitative or offensive to a reasonable adult. Content that includes actual sexual violence, implied sexual violence that is visually depicted, interactive, not justified by context or is related to incentives or rewards, explicit depictions of actual or simulated sexual activity, or interactive illicit drug use, will not be permitted in R18+ computer games and will continue to be refused classification. Consensual sexually explicit material akin to content that is permitted in films classified X18+ will also continue to be refused classification in computer games.

The introduction of the R18+ classification is likely to push violent content at the upper limits of the current MA15+ into R18+ territory and lead to some MA15+ games being reclassified as R18+. The actual provisions in this bill mirror those that govern the sale and exhibition of R18+ films. Computer games that are classified R18+ must be clearly marked and public demonstrations are prohibited in the presence of minors. Games with a rating of R18+ cannot be sold, delivered or privately demonstrated to a child under 18 years of age, except by the child's parent or guardian. These provisions provide effective protection for children from being exposed to adult-only content in the outside world. Parents must take responsibility for ensuring that children are protected from inappropriate material at home. The addition of an R18+ classification and the provisions in the bill represent a sensible extension to the National Classification Scheme that properly balances the interests of adult gamers with the protection of children. I commend the bill to the House.

Debate adjourned on motion by Mr Paul Lynch and set down as an order of the day for a future day.