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Ms. Roxane Le Guen

Secretary

Senate Select Committee on Community Standards Relevant to the Supply of Services Utilising
Electronic Technologies

Parliament House

Canberra ACT 2601

**A Supplement to my Submission to the Committee of Ministers on the Portrayal of
Violence in the Electronic Media
dated 6 June 1996**

RE: The Case Against Increased Computer Games Censorship

Introduction

Dear Madam Secretary and Committee Members,

I have written this supplement to my earlier submission to present both new information that promotes the cause of computer games players, and to re-emphasise certain points I have made previously - both in writing and in person at the Committee's public hearing of 29 November 1996 at Parliament House, Canberra (see Appendix C). I maintain my firm belief in everything I have written and spoken about previously on the issue of the portrayal violence in the electronic media. This new document should be read in the context of my original submission and my comments in the Hansard of the Committee's public hearing. I ask that all three sources of representative computer gamer expression be carefully considered before any action against computer games, computer games players, or both, is taken.

Like hundreds of thousands of other law abiding, non-violent Australians with similar interests, I reject and deplore the way a pro-censorship crackdown on certain forms of computer game content appears imminent and intend to attempt to persuade you to reverse these moves. The computer games players of this country already have their freedoms restricted intolerably under the existing misguided, out-of-touch censorship regime. To crack down even further would defy all reason and place Australia well outside the ranks of freedom loving democratic countries to which it claims to belong.

This submission refutes nine commonly held falsehoods regarding the censorship of computer games so that you may make a more informed decision regarding what (if anything) should be done about the portrayal of violence in this form of media. It is intended to persuade you to realise that no crackdown

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in any form is needed against computer games and, if anything, what this media needs is **less** rather than more censorship.

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Computer Games Fallacies

Fallacy #1: *The public demands that the Government crack down harshly on all forms of violence portrayed by the electronic media, including violent depictions in computer games.*

You might make the retort that you are simply following community opinion that was confirmed both by the 99% of public submissions on this issue that allegedly supported the Government's moves against violence in the media and by the resoundingly pro-increase censorship discussion at the public hearing in November. After all, democratically elected governments are supposed to rule by the consent of the people they govern, so why not tighten up our censorship laws?

As a refutation of this incorrect assumption, I put to you these points:

- X In the *House of Representatives Hansard* (Question Time) for 6 May 1996, Prime Minister John Howard is quoted as saying, "I abhor censorship as a general proposition. I share the view generally speaking that people, particularly adults, should make their own judgments about what they see, what they read and what they hear. I am sure that I would share the view of most Australians that we do have a responsibility in respect of our children and I take the opportunity to reinforce the ongoing responsibility of parents in matters of this nature. There is a limit to what any government can do or ought to do in relation to the surveillance of the material that children see on television and parents cannot escape their responsibility in relation to it. I have asked the group of ministers to meet as soon as possible and to put some recommendations to the government. I hope it is something that can be dealt with in a sensible fashion." In other words, what the Prime Minister was encouraging is wide consultation with all interested parties, parental responsibility, and definite limits placed on the actions of the Government. Instead, what has happened is that the computer gaming public has not been properly consulted and the moves planned against them are way beyond what one would expect from a fair and democratic First World government.
- X Even 700 submissions represents only the viewpoints of perhaps a few thousand people who account for less than two hundredths of one percent of Australia's population.
- X After having read several of the submissions myself and, after listening to the discussion at the Committee's public hearing, it is clear that, while most of these people want some sort of tightening of restrictions, they do not necessarily want any or all of the draconian measures currently planned by the Government.

- X The people making the most noise are far from demographically representative of voters as a whole - mainly in terms of age. For example, at the recent hearing, I (a 23 year old) must have been the youngest person in the room - the average age being in the vicinity of 45-50 years in a country in which citizens may vote from 18 years of age. Furthermore, it is well worth noting that polls that show “community concern” about the levels of violence depicted in the media have consistently reported that a much lower number of young adults consider this to be a problem compared to older generations. In a Herald-McNair poll held in July 1996, it was found that, while 71% of respondents aged 55 and over thought there was too much violence on television, only 25% of people aged between 18 and 24 held this belief.
- X According to the 1990 National Committee on Violence in its apparently forgotten report on the causes of violence in our society, media influences were ranked at seventh place - well behind far more important factors such as child development, influence of the family, substance abuse, and mental illness. Parents realise this too (according to the OFLC’s *Families and Electronic Entertainment* research - monograph 6, pages 2 and 3) and have ranked quality of education, personal safety and security, and drugs to be the greatest concern in relation to the well being of their children. One wonders from where all the alleged “public outcry” regarding the portrayal of violence in the media is originating.
- X If you want to serve the “community”, you would best pay attention to the opinions of **all** the members of the community as opposed to merely a misguided elite. You plan to move against computer games, but where was the community consultation *among computer games players*? We use the Internet and read magazines specific to our interests and are generally a group of intelligent, reasonable people who would be happy to sit down and discuss our leisure time pursuits in a calm, objective manner. We are not unreasonable people and most understand the need for a system of games classification but not one as heavy handed and repressive as it is now and may continue to be. What this Committee has done so far is to make moves against computer games solely on the basis of the unjustified generalisations of people who have little or no idea of what they are talking about and certainly have not played a reasonable selection of games themselves. Industry representatives and sympathetic advocates such as myself have been deliberately excluded from all discussions or only allowed to make token comments such as the all too few three minutes I was allowed to speak at your recent public hearing at which I, with all my practical experience both as a player and communicating with hundreds of fellow game players, was not allowed to fully participate.

Is there *really* due cause for a crackdown on the portrayal of violence in the entertainment media - computer games in particular? In a word - **no!**

Fallacy #2: *Only children play computer games, therefore computer games containing mature subject matter, particularly if violent, have no place in Australian society.*

What your Committee has been doing to computer games players is ignoring them and treating them as

second-class citizens. Before you make thousands of otherwise peaceful, law-abiding citizens criminals merely for owning games that may legally be sold to adults in all other developed countries, you should realise that a very large percentage, if not a majority of computer games players are adults. As adults have different psychological needs than children, and of course have the most disposable income, it is only natural that computer games publishers are targeting them in increasingly larger numbers. We do not want immature, childish titles, but require more sophisticated products for our enjoyment in the same way that we enjoy M, MA, R, and X rated movies.

Here is but a small sample of the mountain of recent evidence that very large percentages of adults play computer games probably account for the **majority** of computer games players:

- X According to the Australian Bureau of Statistics in its report *Household Use of Information Technology - Australia, February 1996*, computer games playing is the most frequent use for home computers. Out of the estimated 2,346,000 computer games players, only 50.4% are aged 17 and under. Of the rest - all adults of course - 13.3% of Australian computer games players are aged 18-25, 19.9% are aged 26-40, 13.3% are aged 41-55, and 3.1% are 55 years old or more. Please read this report, particularly Tables 17 and 18. If ABS data is nationally and internationally recognised as being able to provide accurate Australian unemployment rate and national accounts data, then it should be trusted to provide accurate statistics on the demographics of computer games players in this country.
- X On the basis of an extensive reader survey, leading Australian computer games magazine *PC PowerPlay* found that over 60% of its readers are aged over 18 (November 1996 issue, page 25).
- X Also in the November 1996 issue of *PC PowerPlay* (page 29), Peter Mackay, former Senior Classifier (Computer Games and Publications) with the Office of Film and Literature Classification, is quoted as saying, "...in the interests of consistency and adults rights, and in the light of the OFLC's [research] findings, the naive assertions put forward by this Committee [on Community Standards Relevant to the Supply of Services Utilising Electronic Technologies] must be laid to rest and those same people should acknowledge that the gaming culture they so adamantly believed was only the domain of children, is actually dominated by those over the voting age, and that number is growing rapidly. And further, that those adults have the right to a classification system that is consistent and equitable to those for film and video."
- X Australian computer games distributor *Manacomm* thinks that the "games for adults" cause is so important that it distributed a petition among many computer games retailers during the month of October 1996 to obtain as many signatures as possible to have games rated in the same way as movies.
- X In the Syte section of *The Weekend Australian* (19-20/10/96, page 8), Sam Stewart of Psygnosis Australia (a computer games publisher) stated that the computer games industry has matured, with around 75% of today's game players being over 18.
- X At the entertainment software industry's largest trade show, the *Electronic Entertainment Expo (E3)*, held in Los Angeles in the middle of May 1996, Doug Lowenstein of the Interactive

Digital Software Association presented the results of the most comprehensive survey ever conducted into the games industry to a large audience of key industry representatives. He remarked that 72% of computer games players were over 18 and half of those were over 35 years of age.

- X The CEO of Apogee, a leading games publisher based in the USA is quoted in the May 1996 issue of *PC PowerPlay* as saying "...many future games from us will be adult oriented. We're not interested in the kid's market any more. We want to design games that would interest us. The movie industry has adult movies, it's time for our industry to have adult games. We're perfectly willing to forfeit the younger market."
- X Even more convincingly, Ken Williams, CEO of the world's largest producer of entertainment software, Sierra On-Line, had this to say in the Holiday 1995 issue of his company's magazine *Interaction*, "Isn't it about time that computer games grew up? It's a fair question. After all, if not for books and movies meant for adults, our libraries, bookstores, and movie theatres would be practically empty. Doesn't the adult population of the world that watches *Pulp Fiction* and reads [horror novels written by] Anne Rice deserve mature interactive entertainment as well? We think it does."

The time for dismissing computer games as purely a children's phenomenon thereby giving license to crack down as harshly on them as possible, has long gone. The Government must wake up to the fact that adults not only play computer games (particularly those with mature themes that are targeted at their level of maturity) but also have a right to do so. Making it illegal merely to possess games not suitable for children mocks not only the dignity of the adult voting population but shows abysmal abundance of ignorance about the place of computer gaming in today's society.

Fallacy #3: *If computer games containing mature subject matter were allowed into this country, children would be able to obtain them with ease and have their psychological development deeply disturbed as a result.*

No doubt you might protest, "We're just trying to protect the children", or words to that effect. I have just shown that, at the very least, half the people who play computer games in Australia are aged 18 and over and are therefore adults who need far less protection than children. Thus, the problem is not as great as it might seem at first. As for the remainder of computer games players who are under 18, here are some factors to take under consideration:

- X Please realise that the average computer game (and certainly the vast majority of new releases) costs in the vicinity of \$90 - hardly within the reach of most children. These are not products that may easily be bought without the knowledge of their parents. For example, they might be birthday or Christmas presents and, because family computers are usually in family rooms, it would be hard to play a contentious computer game without drawing the attention of the child's parents (the OFLC's *Families and Electronic Entertainment* research - monograph 6 -

- shows in Table 6 that only about 15% of all children have computers in their bedrooms).
- X In a welcome move to be more socially responsible, most computer games that contain contentious material - and here I am thinking in particular of two very popular, mainstream titles that have caused much undue controversy in Australia, namely *Phantasmagoria* and the unmodified version of *Duke Nukem 3D* - have had inbuilt censoring features incorporated into them by their publishers. The intent is to allow parents and adults of squeamish natures to block out certain scenes or images from the game so that its overall impact is toned down considerably. To activate the censor features, a password must be entered and the same password entered again if these features are to be deactivated. Naturally, a responsible adult enters the password in both cases and chooses one any children under their care will not be able to guess. This password protection system is very similar to the PICS ratings system for the Internet recently endorsed by the Australian Broadcasting Authority in their 1996 *Investigation into the Content of On-Line Services* for use in classifying Internet sites. Under PICS, sites are given ratings and parents may block Internet browsing software from accessing sites above a certain rating through the use of a password protection system. So, rather than ban access to certain sites to everyone, regardless of their age, common sense and parental responsibility is considered the best and fairest option. This is exactly the same way computer games should be treated. Games containing contentious material but also come with an inbuilt censoring system as described above should be treated more leniently than those that do not rather than banned outright to absolutely everyone.
- X Finally, and perhaps most obviously, you must consider that there are already many aspects of adult life prohibited or restricted to children. Access to alcohol and to MA, R, and X rated videos are classic examples. In cases where a purchaser's adulthood is open to question, identification such as a driver's license is required. There is no harm whatsoever in allowing computer games that are currently banned or unclassified from being given an R rating and treated in the same way. A Government that does not do this clearly distrusts its citizens to handle material that is legal in comparable developed countries and displays an alarming degree of fear of new technology that may reap disastrous economic consequences as we enter an age in which computers and computer knowledge is playing an increasingly important role in our lives.

By all means protect children via the means suggested in this section, but do not trample on the freedoms of adults in the process.

Fallacy #4: Parents and guardians of minors do not possess sufficient technological expertise to adequately supervise computer game playing by their children.

No doubt, the concern that parents do not possess the technological knowledge to adequately supervise their children with computer games might be expressed. Once again, recent research has proven such an anti-games assumption to be incorrect:

- X Many parents, especially young parents who went to school in the 1980's possess computer literacy skills. If they do not, then most workplaces strongly encourage their employees to obtain them or risk losing their jobs in the face of rapid technological change. According to the Australian Bureau of Statistics in its report *Household Use of Information Technology - Australia, February 1996*, on Table 19, there are many places outside primary and secondary school from which adults receive computer training. The most popular are: university and TAFE (who often provide adult education courses), from a commercial organisation, an employer, and the computer equipment supplier. Personally, I lacked adequate computer skills at age 18 but since then have acquired considerable knowledge in this area via tertiary education and self-tuition.
- X According to the OFLC's *Families and Electronic Entertainment* research - monograph 6- on pages xiv, xv, 32, and 62-65, parents are able to competently make rules regarding their children's use of all forms of electronic entertainment. The fact that mothers are the main rule makers but many now work outside the home was not found to have any bearing whatsoever on the ability of children to be properly supervised.

So much for Recommendation #4 made by your Committee in its 1993 *Report on Video and Computer Games and Classification Issues*. Part of the reason computer games are currently dealt with so harshly in Australia is that parents were not seen to have the competency to adequately supervise their children in regard to their use of new electronic technologies. This assumption has just been proven completely groundless.

Fallacy #5: *Computer games Refused Classification in Australia are titles of no merit whatsoever that no one is allowed to play in other countries.*

A further objection might be made that computer games banned or unclassified in Australia are so depraved and utterly without worth that no one else in the First World is permitted to play them either. Nothing could be further from the truth. By banning certain popular and mainstream titles, Australia is showing that it is out of touch with many of the countries that it likes to compare itself with and that its censorship authorities have great trouble understanding the exact nature of the market for computer games.

It was highly disturbing to read what a Russian games player Alex M. Tourkin (Internet email: tour@cell.ru) thinks of Australia's existing computer games censorship regime and the imminent harsh crackdown on certain types of computer games when he sent me the following message:

The most soft word for Australian [censorship] laws is stupid. Believe me, I know what I am talking about. My country was in complete censorship for more than 70 years [under Communism]. Now everybody can decide for themselves what they do

need and what they don't... I wish Australia real democracy.

The existing computer games censorship laws and the planned crackdown indeed make a mockery of the number one principle of Australia's supposedly democratic censorship system that "adults should be able to read, hear and see what they want" (within a very wide range of parameters). At present, they do not allow for the facts that a considerable percentage of computer games players are adults or that computer games are no more or less disturbing to the mind than the more established forms of entertainment media.

Here are some international comparisons of computer games censorship systems. It is interesting to note that almost all games that enter Australia - whether approved by the OFLC or not - already contain one of more stickers or other form of box marking that indicates the game's censorship rating overseas. Every single game that has been banned in Australia has received ratings in the UK and the USA at the upper end of the scales referred to in this section. The systems that are discussed respect the rights of adults to play games aimed at their maturity while providing plenty of warning regarding the more violent and/or sexually explicit content for the benefit of those who feel the need to censor games brought into their homes. These systems are also much more detailed and informative than anything devised in this country. Confidence in the fairness of these foreign systems is high while there is little or no confidence among mature computer game players of Australia's overly restrictive system. Above all, no one in either the UK or the USA is punished merely for possessing a computer game not classified by the appropriate censorship authorities. Please read on to discover some welcome and highly workable ideas from overseas as to how Australia's own computer games ratings system may be reformed so that, while protecting children and squeamish adults, it does not infringe on the rights of adults in this country to freely possess and purchase the same major computer gaming titles as their overseas counterparts.

In the United Kingdom, computer games are classified by the **Entertainment and Leisure Software Publishers' Association** (ELSPA), with most titles rated 15+ or 18+ being submitted to the British Board of Film Classification for ratings verification. According to ELSPA, "The system is designed to ensure responsible behaviour by members and to allow parents to make informed choices about the game playing of their children." More importantly, it goes on to say that, "It accepts that there is a legitimate market for computer and video games with a more mature theme as long as they are provided to the market in a responsible and lawful manner." ELSPA has an 18+ rating for computer and video games. If you look in almost any British computer games magazines, you will find advertisements for games banned in Australia (*Phantasmagoria* - see Appendix A - , *Strip Poker*, etc.) with 18+ classifications. In other words, computer games prohibited from sale in Australia may be freely sold to all interested adults in the UK.

Please visit: <http://www.firefly.co.uk/firefly/clients/elspa/elspa.htm>
and <http://www.firefly.co.uk/firefly/clients/elspa/> on the Internet for further information.

In the United States of America, games software is not legally obliged to be classified, but I have yet to learn of a computer games publisher who has not submitted their products for classification to either the **Entertainment Software Rating Board** (ESRB), the Recreational Software Advisory Council (see below), or both in recent years.

Adults are well catered for in the ESRB scheme, with ratings categories ranging from “Early Childhood” to “Adults Only”. In addition, content descriptors are added so that consumers may gain some idea of why a title was classified the way it was. In the higher classifications, simulated sexual and violent content may exist to a considerably greater degree than is allowed under Australia’s overly confining games ratings system.

For example, the unmodified version of *Duke Nukem 3D* that remains unclassified in Australia and therefore may not be sold was rated M17+ for Animated Blood and Gore, Animated Violence, and Strong Sexual Content. *Phantasmagoria* (banned in Australia) was also rated M17+, this time for Realistic Blood and Gore, and Strong Sexual Content. Finally, *Voyeur* (also banned in Australia) was rated M17+ for Mature Sexual Themes and Realistic Violence. Note that M17+ was also given to games that are perfectly legal in this country such as *Ripper* and *Gabriel Knight 2: The Beast Within*. M17+ is not even the highest ratings category used by the ESRB - there is still room for stronger content under the AO classification.

The ESRB system is fair and just because it does not infringe upon the right of every adult in a truly free and democratic society to read, see, hear and play whatever they want, whenever they want - providing the rights of any third party are not infringed. This is accomplished in the USA by vigilant supervision of games software purchases by both software retailers and parents and thus ensures that minors cannot access material that may harm or disturb them.

Please visit: <http://www.esrb.org/> on the Internet for further information.

A highly qualified team of academics, psychologists, educators, and industry representatives are behind the success of the **Recreational Software Advisory Council** (RSAC) games ratings scheme - an alternative to the ESRB. Over 400 titles from over 100 publishers have been classified by this organization so far. Games are assessed according to the levels of violence (V), nudity/sex (NS), and language (L) they contain - from level 0 through to 4. If the level of any of these categories within a particular game exceeds 0, then a thermometer icon or icons are included on the box’s ratings sticker with the level of each of the contentious elements present in the title filled in. As with most classification systems, consumer advice is added to the numerical rating(s).

Examples of rated titles include (all of these were Refused Classification or remain unclassified in Australia):

X *Dream Web* - V4: wanton and gratuitous violence; NS3: frontal nudity, non-explicit sexual

- activity; L2: profanity.
- X *Duke Nukem 3D* [Unmodified USA version] - V4: wanton and gratuitous violence; NS1: revealing attire; L1: mild expletives.
- X *Phantasmagoria* - V3: blood and gore; NS3: partial nudity, non-explicit sexual activity; L3: strong, vulgar language.
- X *Voyeur* - V3: blood and gore; NS3: non-explicit sexual activity, revealing attire; L4: crude or explicit sexual references.

As is the case with the ESRB, the RSAC's idea is not to ban or censor any titles and to deny adults the right to play computer and video games designed specifically for them, but to classify titles so that consumers may make an informed choice over their gaming purchases for both themselves and their families.

Please visit: <http://www.rsac.org/> on the Internet for further information.

According to the Committee and other Australian censorship authorities, Australians cannot be trusted to handle computer games containing violence and/or sex above a childish level while the adult citizens of the UK and USA are freely able to access these titles. These foreign countries are not filled with evil, corrupt people - rather they are the societies from which Australians for two centuries have drawn ideas on which to build our own community. In the case of the UK, perhaps the majority of Australians can trace their ancestry back to that land, and, as for the USA, its entertainment exports of all descriptions are eagerly purchased by Australians of all walks of life. But we are supposed to somehow know better than these dominant sources of worldwide culture! (Please read Appendix B)

Fallacy #6: *Players of computer games become violent in the real world as a direct result of such entertainment activities.*

In fact, Australian Government research, to anyone who takes the bother to read it as I have, has proven beyond a doubt that computer games are far from the promoters of violence that they are made out to be. Here, a few of the most significant findings from the main local study in this area (*Computer Games - their effects on young people: a review* by Dr. Kevin Durkin, Associate Professor of Psychology at the University of Western Australia. 1995) will be summarised. Please note that this study was conducted on behalf of the OFLC as part of their continuing investigations into computer games. You will note that, according to the extensive research undertaken by this qualified academic, computer games are far from the destroyers of society or the chief cause of the corruption of our youth as they are all too often made out to be.

- X “Over the past decade, a body of research has grown. Although the research is not exhaustive and my no means conclusive, it indicates that the stronger negative claims [about computer games] are not supported.” (p. 71)

- X “Computer games have not led to the development of a generation of isolated, antisocial, compulsive computer users with strong propensities for aggression.” (p. 71)
- X Rather than out of any feeling of destructive, real-life aggression, computer games are played mainly for challenge, followed by fun, and the need to escape outside pressures. (p. 57).
- X “Computer games can promote high levels of family involvement, reviving patterns of family togetherness that, for many, seemed to have died out or diminished with the advent of television.” (p.71)
- X “In respect of one of the most controversial aspects of game content, violence, it may be more productive to move beyond global condemnation of a little-studied entertainment form towards more extensive analyses of what is actually involved, what it means to different players, and what the outcomes are. From the perspective of those making classification decisions, all of this information and more bears on the difficult task of serving community interests in the face of a new and diverse technology.” (p. 72)

In support of his findings, Dr. Durkin, in an article in Brisbane’s *Courier Mail* newspaper of July 7, 1996, page 13, is quoted as saying that:

- X “even quite young children can differentiate between fantasy and reality.”
- X “a typical 12 year old might be desensitised to the explosion of bodies on the screen. But take the same child and show him a news report on the Port Arthur tragedy and you’ll find the child will be distressed like most Australians were...We’re not desensitised to violence in the real world and will still find it disturbing when we encounter it...even quite young people can distinguish between the two.”

In that same article, Mr. John Dickie, Director of the OFLC, remarks in reference to a pilot study into computer games conducted by his agency that, “the reaction [of the computer games players under study] was that if they were competing against someone on the screen, it was a fantasy enemy - there was no identification with it being another human person. It was quite clear it was an imaginary thing they were dealing with.”

There is no evidence that violence in computer games causes violence in real life. In view of this fact, some prejudiced people would say that this was because the researchers were not looking hard enough. No - the researchers did not find a link because there is none - a plainly obvious answer to this question, particularly to anyone with any real knowledge of the well-adjusted, non-violent nature of the computer games playing community.

Fallacy #7: *Violence is inherently evil and must never be depicted, even when expressed through a work of fiction that causes no harm in the real world.*

With absolutely no valid justification for maintaining the obscenely over-restrictive levels of censorship

currently inflicted on computer games in this country and certainly no reason for increasing such censorship, the temptation might arise to ban the sale and possession of games refused classification due to violent content on purely moral grounds. That is to say if some particular violent act of scene is depicted in a computer game, then Australian society would be better off without having any copies of that game within its territory. This belief relies on the incorrect assumption that depictions of violence can never be justified and must therefore all be harmful to society without exception. In response, please consider these points:

- X If a violent act is depicted on a computer screen while a computer game is being played, it is not real. No real person is physically or mentally harmed by it. The characters in the game are either cartoon like and therefore entirely unrealistic and computer generated, or are real human actors who are just doing their job to simulate reality as they do in countless television programs and in films.
- X It has been proven many times that playing computer games does not lead to real world violence and, because no real violence is actually shown in computer games, the thought that someone might be prosecuted merely for seeing a story acted out in front of them is utterly ridiculous. In every controversial computer game I have played or read about, there is no content that cannot also be seen in an M or MA rated movie.
- X In movies and on television, as is the case in computer games, violence committed by the main characters occurs mostly for reasons of self-defence or the protection of others. This may include situations as diverse as a day in the life of a police officer or soldier to a heroic fantasy character saving defenceless villagers from some sort of attack. Quite often, desperate circumstances dictate that one fights or loses one's own life and the lives of loved ones. The truly depraved acts of merciless violence are always committed by the villain - the antithesis of the main character. Censorship authorities that truly respect the people they serve will certainly consider who it is who perpetrates the violence and why in making classification decisions.
- X These principles have applied to all the dramatic arts of humanity since at least the time of the Ancient Greeks. The philosopher Aristotle in his work, *Poetica*, wrote of the concept of *catharsis*. In particular reference to tragic stage plays involving pretend tension and violence that were popular in his society, he stated that watching fiction actually leads to a calming effect that drains away tension that might otherwise be released in a destructive manner.

No one can deny that some quite disturbing acts of simulated violence are shown in computer games, but where is it written that a grown adult cannot be shocked or disturbed? Why can adults not be permitted to make choices regarding the playing of computer games for themselves rather than have true choice taken away by Government officials who are either entirely unsympathetic or who do not properly listen to the people they are supposed to serve? If an M, MA, or R rated movie can shock, then computer games must be allowed to do the same. If Australia is to move into the twenty-first century and embrace the benefits of computer technology with a high degree of confidence, then one form of entertainment media must not be treated any differently than the others.

Fallacy #8: *Computer games are more impactful than other forms of entertainment media because they are interactive - so much so that players cannot distinguish between fantasy and reality.*

There has been some concern that the interactivity of computer games makes them more impactful. Yes, computer games are indeed an interactive medium while films and television programs are essentially passive. To the extent allowed by the computer game's creator, the player may influence the outcome of the storyline. It has often been incorrectly stated that the player feels as if they are actually perpetrating the acts of violence and rapidly become desensitised to violence in the real world. Here is the truth:

- X To repeat an earlier point made by Dr. Durkin in relation to his research into the effects of computer games on their players in Brisbane's *Courier Mail* newspaper of July 7, 1996, page 13, "even quite young children can differentiate between fantasy and reality." Also, "a typical 12 year old might be desensitised to the explosion of bodies on the screen. But take the same child and show him a news report on the Port Arthur tragedy and you'll find the child will be distressed like most Australians were...We're not desensitised to violence in the real world and will still find it disturbing when we encounter it...even quite young people can distinguish between the two."
- X Personally, I am as sickened when I hear about real world murders and massacres as any other reasonable adult. Why? Because it happened in the real world and many people's lives are either finished or devastated as a result. In a computer game, whatever happens is not real and has nowhere near the impact of a real event such as the Port Arthur massacre.
- X Just because violence is depicted in a computer game, it does not mean that the character under the limited control of the player commits or even encourages such actions. The most infamous examples of this form of ignorance regarding computer games began with the classification of the title *Phantasmagoria* in which the player's character is the victim of an inexplicit and unavoidable sexual assault crucial to the overall storyline, and continued with the prohibition on the sale of the unmodified USA version of *Duke Nukem 3D* where the object is to stop the alien invaders who are capturing and tying up Earth women rather than join them in their misdeeds. In both these games, the perpetrators of unjustified and malicious violence are shown to be defeated and punished for their actions.
- X Personally, I feel that the interactivity of computer games (however limited it may be for one particular title), is even less harmful than the innocent play of children and also allows for a level of intellectual thought unable to be promoted via more traditional, passive entertainment media.

Computer games players can readily distinguish between fantasy and reality. There are both "good" and "bad" expressions of violence in games. True atrocities are only committed by the forces the player is trying to oppose and these villains are shown to be punished. Surely the message that should be promoted here is that good eventually triumphs over evil rather than being a victim of violence is just as evil and disgraceful as being a perpetrator of unjustified violence? At the moment, only the latter

concept is being promoted - an idea absolutely repugnant to all reasonable adults and children.

Fallacy #9: *The highest classification level for computer games - MA 15+- allows for enough violent material as it is, there is no need to go any higher.*

The final fallacy to be noted in this supplementary submission is that it currently takes very little to cause a computer game to be rated MA 15+ - the highest OFLC classification that allows for the legal sale of a computer game.

- X In one classic case, *The Pandora Directive*, the summary sheet produced by the OFLC that outlines the reasons why that game was rated MA 15+, states that it was because the player sees three “corpses” in the game. One is decayed and the others are recently deceased and have small trickles of blood running from the sides of their mouths. Having played this game for myself and having watched a fair amount of television and films, I can honestly say that such depictions in other electronic media could easily be accommodated by the much lower PG rating. What we have here is a game restricted to people over fifteen years of age and just below the borderline of being Refused Classification - all for the sake of almost still pictures with a bit of blood that are shown on screen for no more than a minute in total.
- X In another example of a ridiculous overreaction to violence, the strategy computer game, *Command and Conquer*, that allows the players to assume the role of an army general and direct their troops on various battlefields, has recently been reclassified from G 8+ to MA 15+ by the OFLC. As this game includes the occasion brief scene involving human actors, I can only assume that there was one non-interactive movie scene that caused the controversy - not among players of the game but among the censors who are presumably under increased pressure from above to crack down on all media material deemed violent. And this game was previously rated merely G 8+ for well over a year!

Both adult and younger players of computer games cannot have any confidence in a games ratings system that even now is applied much too harshly and unreasonably. Is the Government really going to crack down on “violence” mildly above *The Pandora Directive* level? What if someone buys a game at a fairly low level rating, but, one day, is suddenly and secretly reclassified to a much higher classification or Refused Classification altogether? As reported throughout this submission, there are many factors connected to computer games censorship that should be but have not yet been considered.

Conclusion

Attacking computer games of any description in the name of protecting society against real world violence is misguided at best and a violation of people’s democratic rights at worst. Throughout history, there have been many well-meaning but naive attempts to seek simplistic answers to the problem of

violence in society. In the past century, these attempts have concentrated on innovations in the entertainment industry. From films, to television, to comic books, to rock and roll music, people have stood in the way of cultural enhancements to protect the existing order on the grounds that things that are both new and popular can do nothing but harm. This has never and will never prove to be true. Computer games are here to stay and appeal to as broad an audience as do films and television programs. The Australian people expect that their Government will allow them as much freedom to enjoy this new form of entertainment technology as it allows for the more established forms.

To the informed adult computer games player (and there are **many** of us), the current computer and video games classification system in Australia is truly a national disgrace and makes this country look backward to developed, English-speaking nations with cultures similar to our own. It regrettably ignores the well-proven facts that adults form a very large percentage of computer games players and that playing such entertainment does not cause an increase in real world violence. Other countries have realised these facts for years, so why can't Australia do the same and allow games containing mature subject matter just as it allows M, MA, R, and X rated movies?

What I have presented is current research conducted by a responsible adult computer games player with the assistance of the Internet and people and organizations that know how to treat computer and video games fairly because they have conducted unbiased surveys on the true demographics of games players. What Australia's current computer games legislation and guidelines are based on is obsolete data, a failure to understand the worldwide context of games classification, a woeful lack of community consultation, ignorance, hysteria, and technophobia. The sooner these injustices are corrected, the fairer our games classification system will be.

Thank you for your consideration of my latest submission. Please treat the computer gaming population of this country with the high degree of respect and consultation that it deserves rather than inflict further penalties against them without regard to all the evidence presented in my submissions to your Committee. At the very least, any and all moves against computer games and those who play them should be postponed until after a proper inquiry into computer games alone that involves Government officials, players, and industry representatives can be conducted. Only then should any changes to existing policies be considered.

APPENDICES

**Appendix A: Representative Computer Gaming Community Reaction to the Australian
Banning of the Popular Computer Game *Phantasmagoria*.**

From *Hyper* (a leading Australian computer and video games magazine) October 1995, p.8:

Turning 18 used to be something to look forward to. It was the gateway to adulthood, the dawning of the age of freedom of choice. In the years leading up to your 18th birthday your tastes will inevitably change and mature, and you will no doubt come into contact (however peripherally) with all aspects of life, including sex, drugs and violence.

At 18 you can vote, drink, smoke, be conscripted into the army in the event of war, have sex (both straight and gay) and also watch whatever movie you choose. If however, you want no part of it, then as an adult we can simply decide not to drink, not to smoke, not to have sex or not to watch movies that are likely to shock or scare us. You know your own taste and can make appropriate decisions; see a movie without sex and violence, one without the tell-tale "R" sticker on the front.

It's a good system because it works. Over 18's whose sensibilities are easily offended can avoid the video, book, magazine or TV show that bears the "R" rating. It's also a handy reference for parents, so they know what parts of their own collection to stash in the "out of bounds" hiding place. Material suitable only for adults is not banned outright in Australia, it's merely restricted to those mature enough to deal with it (extreme examples are of course banned, but the defining guidelines are sensible and fair).

The glaring exception is the video game. With recently passed Federal legislation, the Restricted category no longer exists for games. This decision is narrow-minded, draconian and condescending. It clearly assumes that people cease playing video games the moment they turn 18 - either that or their maturing tastes halt at age 18, stagnating forevermore regardless of the individual's cultural growth in other areas. Adult gamers have been left out in the cold by ignorant politicians bowing to pressure from the same ill-informed minorities that want the Internet banned because they think it's a festering hive of child pornography.

Now the theory has become practice. Sierras' *Phantasmagoria* is Australia's very first nationally banned computer game.

Evil Forces

What we have with *Phantasmagoria*, is an extravagantly produced multi-million dollar piece of entertainment. It comes from the traditionally family oriented company Sierra, but is geared specifically to adult tastes. It is basically a horror movie on CD ROM with adventure game interactivity. The player assumes the role of a young woman, Adrienne, who together with her husband, has moved into a stereotypical haunted house. Over the ensuing days, he begins to succumb to the evil forces in the house, committing dark deeds while she (you) tries to figure it all out and put a stop to it.

There are several contentious scenes but the one that led to the game being banned, was a (clothed) sex scene between Adrienne and her husband where sexual violence is intimated.

Having seen the scene, there is absolutely no doubt that the content exceeds the current maximum rating of MA 15+. However, it is certainly no more extreme than anything an R rated movie has to offer.

The hypocrisy is absurd. An adult today can purchase and enjoy any form of restricted material that takes their fancy - except video games. No sensible argument exists for the imposition of this outrageous condition. Are Australian adults too naive and emotionally delicate to make their own decisions? Who gave the ponies in Canberra the right to wave their wand of disapproval over video games? It certainly wasn't a prominent issue at the last election.

Sure, the material that caused *Phantasmagoria's* banning may be offensive to some, but it comprises only a brief few seconds and is by no means gratuitous as it's critical to the plot. Compare this to the horror movies that are both start to finish carnage, and attract vast hordes of barely 18's. If *Phantasmagoria* was a movie (which it almost is) and not a game, it's likely it would be rated MA, not R.

The censor's main concern is that because games are "interactive", the player is more likely to feel they are committing these atrocious acts themselves, instead of being merely a passive observer, as is the case with films. This is complete rubbish. *Phantasmagoria's* contentious scenes are streaming video that the player has no control over - the player is a passive observer. Even if the scene were interactive, the context is eminently justifiable. The player is the victim, not the aggressor. The player represents good, while the husband has been possessed by evil. And if you know that you're shocked by sex or violence then the game comes with a built-in censor feature which cuts the high level scenes out entirely. But because the classification guidelines are so tight, none of these mitigating circumstances can be taken into consideration by the censors. The ignorance of the policy makers is astounding, and it's clear that those responsible for making these decisions are those least qualified to do so.

With the games industry now comparable with the movie business, isn't it time it was treated with the

same consideration? The Office of Film and Literature Classification readily admits that their knowledge of video games is not comprehensive enough to let them make accurate and informed decisions about the medium. They are a fair and intelligent organisation, but their learning process has been stopped in its tracks by the passing whims of vote seeking politicians who felt the need to express outrage, because conservative community groups have deluded themselves that games are corrupting our society and breeding rapists and murderers.

While games like *Phantasmagoria* may be shocking to kids, so are R rated movies. However, we have the R rating to ensure the well being of our kids' sanity and to allow access for the adults the products were intended for.

Adults Play Games

Around one third of HYPER readers are over 18. While tastes differ and over-18's don't necessarily want to play R rated games, they should be available to those that want to play them, just as R rated movies are there for people who wish to view them. The banning of *Phantasmagoria* is a shock, but it's just the beginning, as games are only starting to cover "adult" themes. Our freedom of choice has been torn away by bureaucrats who have neither the right nor the informed judgement to make such decisions. Don't take this lying down! If the gaming community apathetically accepts the current situation, the politicians will have won and Australia will miss out on the rich gaming experiences the rest of the world are able to enjoy.

What can you do? Make your opinions known! Write to your local member, write to us and write to the Office of Film and Literature Classification. We'll be giving *Phantasmagoria* a full review next issue, so you'll get the facts, not the hype.

*

Appendix B: The Perils of Increased Censorship on Society

From a Letter to the Editor of *The Courier Mail* by B. Bartlett c.1985:

(Please note that the term “computer games” could easily be added to Bartlett’s somewhat satirical discussion)

Where will it stop?

So, the authorities want to ban
All movies and videos that are
X-rated or contain violence.

That is fair enough.

After all, the average adult
Has no idea of what he or she likes.

When all the movies containing
Violence or sex are gone, we will have
Good entertainment to watch,
Like old John Wayne westerns...

Wait a minute - he shoots people!
Ban them too.

We will still have comedy.
Oh, oh!

The Three Stooges are hitting each other with hammers!
Ban them!

Let's watch some cartoons. Yuk!
That cat just ate Tweety Pie.
How sick!
No more cartoons.

There's still the evening news.
Wrong! It's full of violence -
Ban it!
Who needs TV anyway?
We have the radio.

Wrong again! Violent news, and
We all know rock and roll is the work of the devil.
No more radio!

Better not go out driving.
The kids might see an accident -
So no more cars.

Let's stay at home and play some games.
Better not -
Whoever loses might become violent.

Well, it looks like an early night.
No way!
We all know what goes on in the bedroom -
BAN IT!

No more babies within a matter of years.
The human race ceases to exist.
At least one good thing came out of it all -
Total world peace.

*

**Appendix C: My Comments in the Committee's Public Hearing Hansard from 29
November 1996 - pages 99-100**

(Edited for clarity)

Mr LARME I am a private citizen with a special interest in computer games. That is a topic that has not received reasonable attention by this Committee since 1993 [in its *Report and Video and Computer Games and Classification Issues*].

One of the misconceptions about computer games is that they are an exclusively children's phenomena. They are not. A recent Australian Bureau of Statistics booklet that was released only in September was called, *Household Use of Information Technology*. According to the Australian Bureau of Statistics in that booklet, 50 per cent of the people who play computer games in this country are adults. At the moment, they are not being treated that way by the games classification system.

I will give you a practical example of this injustice: The Office of Film and Literature Classification produces a summary sheet of the reasons they classified a particular movie or a particular computer game the way they did. These summary sheets are available if you ask them. This summary sheet is for a movie called, *Rob Roy*. It is a movie about a Scottish outlaw in the 1700's. It was produced in 1995 and it was rated M. It begins, "In the opinion of the [Classification] Board, this film can be accommodated in the M classification for depictions of realistic violence of low intensity and some sexual references...." I will read to you the violence section. Keep in mind that the M classification means it is recommended for people 15 and above, but it has no legal force:

Violence: a female is punched to the ground and then manhandled into a room where she is forced face down on the table and implicitly raped from behind by a male making thrusting movements. They both appear fully dressed and when the man is finished he asks his mate, who has been watching, if he wants a go "now that I have loosened her up".

There are various other acts of violence. For instance, a pregnant woman hangs herself and there are sexual references such as references to a paedophile.

I am going to compare this movie to a Refused Classification computer game. This game is called *Phantasmagoria*. This game has sold almost a million copies worldwide and is very popular overseas in the US, the UK and so forth. This is the primary reason why this game was banned. Keep in mind the quote I just read out from the *Rob Roy*. This is a banned computer game and *Rob Roy* is an M rated movie. A woman is at a mirror combing her hair....

Her husband walks up behind her, strokes her hair, runs his hand over her clothed breast. Angry from a prior scene argument, she brushes his hand away. He continues

his advances until they both willingly embrace and kiss.

This woman is sexually assaulted, and both participants - the perpetrator and the woman - are clothed as in the *Rob Roy* movie. This scene lasts for 40 seconds as opposed to the *Rob Roy* one which lasts at least two minutes. As a computer gamer, I am expected to accept this as banned and *Rob Roy* gets an M rating, which means that children can see it. There is a major discrepancy between the cinema ratings and the computer games ratings that needs to be addressed.

*

About the Author

Name: Anthony John Larme

Occupation: Student, Computer Games Players' Advocate, Internet Web Site Designer

Educational Qualifications:

- X *Bachelor of Arts* (History and Ancient History majors) from the University of Queensland 1993.
- X *Graduate Diploma in Library and Information Studies* from the Queensland University of Technology 1996.

Computer Gaming Experience:

- X I have either played, or watched someone else play, numerous computer games over the past three years in all genres and all censorship categories. In particular, I am very familiar with games that contain contentious violent depictions. I keep up to date with the latest developments via the Internet and by reading computer games magazines.
- X Through my World Wide Web site on the Internet at: <http://www.ozemail.com.au/~larme/> I am able to communicate my computer gaming thoughts to the world and encourage hundreds of people to write to me in response.

Computer Games Censorship Experience:

- X I have conducted extensive private research into the origins and development of Australia's computer games censorship system and how it compares to overseas systems.
- X On a regular basis, I engage in written correspondence with the OFLC in regard to computer games censorship and have made successful FOI requests for information concerning their classification of numerous titles.
- X I keep up to date with the latest developments in this area and was able to gain an invitation to the Committee's recent public hearing as a result.
- X I keep in touch with computer industry representatives who are as concerned as I am about our harsh games censorship regulations.
- X I succeed in getting my computer games censorship related protests published in computer magazines and *The Courier Mail*.
- X Through a subsection of my Internet site that begins on:

<http://www.ozemail.com.au/~larme/phci.html> I am able to communicate my computer games censorship thoughts to the world and encourage many people to write to me in response.

Glossary

(How these terms have been used in this document)

censorship

The classifying, modifying, limiting, and/or banning of electronic and print media material to some or all people within a particular society.

Committee

Senate Select Committee on Community Standards Relevant to the Supply of Services Utilising Electronic Technologies.

computer game

A game played on a personal computer that allows a degree of interaction to the extent allowed by the title's designer. Computer games may involve cartoon-like animation, real human actors, or both.

Altogether, gaming titles contain an array of storylines as diverse as those found in movies and are enjoyed by an equally diverse range of players - male and female, adults and children. Some computer games are suitable only for adults who account for at least half the players of this form of entertainment media.

contentious

Scenes depicted in computer games that cause them to be rated MA 15+ or Refused Classification by the OFLC.

democracy/democratic

Refers to the condition in a society where the people in charge listen and consult with the people who will be affected by any decisions they make - well before they are made. This is done to establish the widest possible information base from which fair and just policies may be formulated and implemented.

Duke Nukem 3D

An animated action/combat game seen from the first person perspective in which the player's character must stop hordes of aliens from taking over the Earth and kidnapping women. Produced in early 1996 by 3D Realms, it remains popular worldwide. In Australia alone, this game may only be

legally sold in a modified version that tones down the violence and removes all the depictions of women. This is accomplished by ensuring that the inbuilt parental censoring device (intended to be used at the discretion of adult players) cannot be turned off. There has been much outcry among the extensive Australian adult computer gaming community that this blatant form of censorship is both ignorant and patronising.

ELSPA

Entertainment and Leisure Software Publishers' Association. This private computer games ratings body based in the UK allows games to be rated as high as 18+

ESRB

Entertainment Software Ratings Board. A private body based in the USA, it classifies computer games by providing each with a rating and content descriptors. Allows games to be recommended for/rated for adults only.

FOI

Freedom of Information Act (Commonwealth).

Hyper

A leading Australian computer and video games magazine.

OFLC

Office of Film and Literature Classification - an Australian Government agency obliged to provide censorship ratings for all films, publications and computer games sold, hired, or demonstrated in this country. It Refuses Classification to many titles that the ESRB and RSAC would allow at the upper ends of their ratings scales.

PC PowerPlay

The leading Australian computer games magazine.

Phantasmagoria

An interactive movie for mature audiences involving human actors in which the player's character must stop the evil supernatural force that has taken over her husband's mind. Released in August 1995 by the world's largest publisher of entertainment software, Sierra On-Line, and designed by the world's best-selling computer games designer, Roberta Williams, this extremely popular mainstream adventure game has sold approximately a million copies worldwide to date. Despite being allowed for sale in not only the USA and UK, but also Germany, Brazil, Russia, and Israel (as well as numerous other countries), *Phantasmagoria* was Refused Classification by the OFLC in Australia because it contained a brief, inexplicit, non-interactive, contextually justified scene in which the player's character was the victim of a simulated sexual assault at the hands of her on screen husband. This unfortunate decision by the OFLC sends the repulsive message that being a victim of crime is just as evil

as being a perpetrator. Like *Duke Nukem 3D*, this game contains an inbuilt censoring feature that may be used to protect children and squeamish adults from witnessing some of the more contentious content. Representative Australian adult computer gaming community reaction to the banning of this title may be read in Appendix A.

PICS

Platform for Internet Content Selection. Recently endorsed by the Australian Broadcasting Authority as a suitable means by which parents may block access to adult sites on the Internet by their children. Under this system, a site is rated under various categories. If a parent has set their computer's Internet software not to allow access to certain sites that contain one or more categories above a certain level, then those sites cannot be accessed. Such home censorship is controlled via a password protection system set up by a responsible parent or guardian.

player's character

The fictional being that is under the control of the player in a computer game to the extent allowed by the game's designer. This character may be the victim as well as the perpetrator of violent acts. When the perpetrator however, the character either fights in self defence or in the defence of a noble cause.

Refused Classification

A computer game that has been banned from sale, hire, or demonstration in Australia by the OFLC.

Rob Roy

An Academy Award nominated film starring Liam Neeson that was released in 1995, it contains much **more** contentious material than the Refused Classification computer game *Phantasmagoria* yet, it was merely rated M by the OFLC meaning that anyone may legally see it regardless of their age.

RSAC

Recreational Software Advisory Council. Based in the USA, this private body classifies computer games and Internet sites according to their levels of violence, nudity/sex, and language. It allows for the fact that many adults play computer games.

unclassified

A computer game that has not been classified by the OFLC.

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**A Submission to
The Senate Select Committee on Community Standards Relevant to the Supply of
Services Utilising Electronic Technologies**

by

**Anthony Larme
Computer Games Players' Advocate**

23 December 1996

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Computer Games Players' Advocate

