

The Hon Michael Atkinson MP

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Thank-you for your response to my e-mail concerning the lack of an R18+ classification for video games. It is certainly refreshing to see that an MP is willing to engage in discussion with individual members of the public, even if it is by form letter.

As your response has spanned several pages, I will quote the relevant section of your letter as I respond to it.

“Although some members are advocates of this classification, I believe other Attorneys-General, like me, reject it. Hitherto, Attorneys-General have not agreed to create an R. 18+ category for computer games. Other Attorneys-General who are opposed to introducing an R. 18+ classification for computer games are content to let me be the lightning rod for the gamers.”

If I were in your position, I would be quite annoyed. That aside, your belief that other Attorneys-General support your position is not verifiable by any publicly available information. Indeed, most news reports seem to put the blame for the lack of a discussion paper squarely on your shoulders. There are many, many references to this online, but the most important I think is a direct quote of Victorian Attorney-General Rob Hulls; "I fully support there being consultation on this issue, but ultimately SCAG is waiting for the South Australian attorney to agree to consult on the matter."

“[...] With people travelling so readily between States and Territories, a State-based classification coding system would be unworkable and useless [...]"

I agree, the only way to properly introduce the rating is nationally through the OFLC.

“I am baffled and worried about why proponents of R. 18+ games are putting up their hands and saying 'Give us more cruel sex and extreme violence!'”

This is the crux of the argument, and I think the major point of contention between yourself and gamers such as myself. The point of having an R18+ classification is not to allow access to explicit content, the point is to enable adults to make their own decisions about what is and is not suitable for themselves and their children.

In your letter, you go on to cite many examples of games that have been refused classification on the grounds of containing extreme violence or explicit sexual content. The examples cited are relevant to this discussion in an ancillary fashion, but to debate the validity of each and every game between yourself, myself, and the Australian public is obviously not a workable model. The main point of contention as I mentioned earlier is not one game in particular, it is the ability for adults to decide for themselves what games they want to play.

“[...] These are all activities that are illegal for individuals in the real world so why ask governments to give people the right to do them virtually?”

Why ask governments to give people the right to watch films which contain illegal activity, or read books which contain illegal activity? It's a rhetorical question, and you're avoiding the issue by posing it.

“Given this data, I cannot fathom what State-enforced safeguards could exist to prevent R. 18+ games being bought by households with children and how children can be stopped from using these games once the games are in the home. If adult gamers are keen to have R. 18+ games, I expect children would be just as keen.”

Your inability to understand is a common theme in your stance on this issue. Here's an easily enforced safeguard: require proof of age for purchase of games rated R18+. It works for alcohol, cigarettes and everything else, so why not games?

“Access to electronic games, once in the home, cannot be policed and therefore the games are easily accessible to children. If adults think they can devise a lock-out system to defeat children, tell 'em they're dreaming.”

Replace the words “electronic games” with anything else (some examples: drugs, alcohol, cigarettes, pornography), and one is lead to ask, whose responsibility is it to protect children from explicit material? You've already answered my question:

“It is up to parents and responsible adults to ensure a game is appropriate for a minor whatever age he or she is.”

All modern gaming systems have parental control safeguards in place that allow the restriction of games operation on the device. It is possible to restrict a particular system, using a password, from playing games which are outside a parent-defined safe range. All of these systems require escalation to the relevant customer support agents to have “forgotten” parental control passwords reset (I.e., the child trying to circumvent the system would have to go to some lengths). This nullifies your assertion that parental controls are useless.

These systems are easy to use and setting them up is straightforward. There is no reason at all for parents not to make use of these systems if they are concerned about the material their children are able to access while playing electronic games. More to the point, introduction of an R18+ rating should have absolutely no effect on children what-so-ever. The Australian gaming public cannot understand how you are so ignorant of this fact. By definition, a person over the age of 18 is not a child, therefore the introduction of such a rating will have no effect upon children, as they are not legally allowed to view the material.

What happens if the safeguard does fail? You've answered that question:

“It is up to parents and responsible adults to ensure a game is appropriate for a minor whatever age he or she is.”

A parent intervening in their child's entertainment is normal; indeed it is expected of every responsible parent. You trying to govern in such a way as to protect the few children of irresponsible parents at the liberty of adults is unfair. “One bad apple spoils the cart” is an extreme

oversimplification of the issue.

“What the present law does is to keep the most extreme material off the shelves. It is true that this restricts the adult liberty to a small degree, however, I am prepared to accept this infringement in the circumstances.”

Once again we touch upon the crux of the argument: this is not about granting access to explicit material, it is about allowing adults to make their own decisions. You say that you are prepared to accept this infringement upon the liberty of an adult in order to protect children, despite the fact that this discussion and its potential outcome has no relevance at all to children.

“[...] There may be games some people consider too violent for M.A. 15+ but the solution is not to create a classification to permit even more violent games in Australia. [...]”

This kind of blanketing of the ratings system does not serve the best interests of parents or young children. I would say, and many would agree with me, that the OFLC having to shoe-horn games into a smaller number of classification categories would only serve to make decisions more difficult which would lead to a higher rate of poor decisions. Essentially, games which should receive an R18+ style rating may indeed be passed as MA15+ even though there are elements of which are not suitable for this rating. An example recently discussed is *Call of Duty: Modern Warfare 2*: during one scene the player takes on the role of a terrorist who is participating in an attack upon a commercial airport and has the option to kill innocent civilians. The fact that killing civilians is not required to fulfill the mission objectives is relevant, but despite that, this type of gameplay scenario really is better suited to adults.

“It is up to members of the Classification Board to apply the Guidelines correctly and not to try to defeat the Guidelines because they disagree with the outcome of the deliberations of elected officials in a democratic rule-of-law society.”

Your lack of confidence in the OFLC is well-known after your interview with the Peter Mares of the ABC recently. Your approach to this is confusing. You say that the OFLC does not make correct decisions, as you admitted that the MA15+ rating of *Modern Warfare 2* was inappropriate. Your criticism of the OFLC is unfounded: it is similar to asking a carpenter to produce a smooth wooden surface without using any high-grit sandpaper, or asking a painter to draw fine lines without a fine-tipped brush. Without the correct tools, neither the OFLC nor the carpenter and painter can do their job properly. Your argument here is circular: the OFLC makes incorrect decisions with the current ratings system, therefore the OFLC will continue to make incorrect decisions with a new ratings system. You are committing a logical fallacy.

You mentioned in your letter that recently the game *Left 4 Dead 2* was given an RC rating. A resubmitted version in which much of the violence and gore was removed has been approved by the OFLC at MA15+. Do you know that the majority of Australian gamers who play this game today are actually playing the RC version? This has been achieved using two popular methods: buying the overseas version (typically with a credit card, so under 18's need not apply), or, using a small computer programme to modify the game to enable the restricted content. This programme was created by an Australian gamer who was unhappy with the OFLC's decision and wanted to get the “full” version of the game. Any child with five minutes to spare can download this programme and enable the banned version of the game. What is my point? My point is that parents who made their decision about buying *Left 4 Dead 2* for their children based on the rating MA15+ have done so under a false pretense provided for them by OFLC; the OFLC has failed in this instance.

You repeatedly contradict yourself.

“[...] I am particularly concerned about the impact of this extreme content on children and vulnerable adults. [...]

But then you go on to state:

“It is up to parents and responsible adults to ensure a game is appropriate for a minor whatever age he or she is.”

So, which is it? Can adults make decisions for themselves or not? Please note that “adults” and “parents” are not mutually exclusive groups as your language seems to imply.

“I am next up for election in March, 2010. The State District I represent is called Croydon. I would welcome advocates of R. 18+ computer games testing public acceptance of my policy by standing a candidate against me in that general election. I think you will find this issue has little traction with my constituents who are more concerned with real-life issues than home entertainment in imaginary worlds.”

The Australian public is rising to your challenge. A group called “Gamers4Croydon” is in the process of establishing a competing candidate for this very election. Frankly, I am appalled by your lack of candour. Attempting to trivialise the discussion makes an example of your ignorance; summarising your “reasoned and considered” position with one of the most ignorant and illogical statements I've yet seen made on this topic only serves to bolster the arguments against your position.

You have demonstrated several times in this letter your lack of understanding of the subject at hand. Let's take a look at the language you've used throughout: “I believe”, “I am baffled and worried”, “I expect”, “I imagine”, “I cannot fathom”, “To my mind”, etc. This type of language indicates that you are following your personal beliefs which I have shown to be created through partial erroneous thought. Worryingly, your use of terms which directly indicate your lack of understanding are also common. If you really have so little comprehension of the topic, then how is it that you can consider yourself suitable for the position of advising on it?

Not only are your arguments logically flawed, your evidence is dubious at best. There have been so many studies conducted on the effect of violent games on children and young adults with none conclusively proving anything on either side of the argument. Your platform stands entirely upon a single study of dubious nature.

I sincerely hope that the Gamers4Croydon group are successful and the next election in the seat of Croydon sees you removed from office. Whatever the outcome of the election, your views as expressed in this correspondence and in news media are outdated and narrow-minded and your methods of enforcing said views are ham-fisted at best.

Yours sincerely,