

Submission from the
Australian Catholic Bishops
To
The Senate Legal and
Constitutional Affairs Committee
Inquiry into:
The Australian Classification Scheme

Note: In February 2010, the Australian Catholic Bishops made a submission to the Attorneys General Review of the Australian National Classification Scheme. That review, which is still being considered by the Attorneys General, considered a number of matters, but particularly concentrated on whether or not there should be an R18+ classification for computer games. It is noted that the current Inquiry specifically excludes consideration of that particular issue. However, many if not most of the issues being considered by the current Inquiry were also considered by the review by the Attorneys General. Attached is a copy of the submission from the Australian Catholic Bishops to the 2010 Review. The submission addresses many of the issues being considered by the current Inquiry.

In the 2010 submission, Bishop Peter Ingham, Chair Australian Catholic Media Council, made the following comments which he endorses for the current Inquiry:

“The Catholic Church in Australia is committed, within the framework of a liberal democracy, to promote classification which enables informed consent, the common good, subsidiarity, functionalism and human dignity.

Thank you for the opportunity to make a submission on behalf of Australian Catholic Bishops regarding this very important matter. If I or any of my colleagues or any official of the Catholic Church can provide further information or assistance, we will be happy to do so. We wish you well in your deliberations.”

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To

The Classification Review's

consideration of the Question:

**Should the
Australian National Classification Scheme
include an R 18+ classification for computer
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This submission is from the Australian Catholic Council for Film and Broadcasting on behalf of the Australian Catholic Bishops Conference.

2 Let there be no equivocation. In an ideal world, we would not be discussing the question: should the Australian National Classification Scheme include an 18+ classification for computer games? In an ideal world, the sort of material that is included in R18+ or higher classification films and computer games would never be seen in a civilised democracy. However, it is not an ideal world and, in the real world in which we live, such material unfortunately is produced and is available, sometimes legally and often illegally, within our society. Thus it is necessary to consider how access to such material, at least by children, can be best restricted. Banning such material would be desirable if it could be achieved. But much such material is available either via downloads or copies or it is already legal in some jurisdictions within Australia. The following recommendation and discussion should be seen within that context.

3 The preferred position is that R18+ material should not be available. But if such an outcome is not achievable then the Australian National Classification Scheme should include an R18+ classification category for computer games. However, the issue is very complex and thus this recommendation is qualified.

4 The present classification system goes as far as MA15+ and thereby excludes many games that have more serious adult content. In accepting an R18+ classification, no reasonable person would in any way support or promote some of those titles and the explicitly violent and sexually graphic material contained therein. Such support rests solely on having a uniform approach to media classification which enables parents and adults to have more information in regard to the content of some games and to make appropriate decisions about them.

5 We also need a nation-wide approach. At present some games are banned in one State but not in others. This makes enforcement of a ban nearly impossible. A national R18+ classification for computer games will also bring us into line with similar countries around the world.

Reasons

6 The Attorney General's Department would be aware of widespread community concerns about the nature and accessibility of films, videos, computer games, Internet sites and other media material that demean humanity and do not promote human or social dignity. The community is particularly concerned about the portrayal of violence, sexuality, language, marriage and family life which go beyond public opinion or changing community attitudes.

7 The following considers the issues from the perspective of three important principles:

- Informed Consent;
- Common good, subsidiarity and functionalism;
- Human dignity in community.

8 The principle of **Informed Consent** makes explicit the contract between the producer, distributor, OFLC and the consumer/spectator. It holds that the consumer has every right to expect the OFLC to give them as much information as possible so that he or she can make an informed decision about viewing a film, video, DVD or computer game.

9 While in general some of the developments in regard to consistent and more developed censorship categories contained in this review are welcome, even more can be done to alert the consumer/spectator to what he or she may be choosing to watch. As Australian society becomes more litigious there may be significant legal ramifications and challenges in the future for the OFLC in regard to the nature and content of its consumer advice.

10 Four values underpin the Principle of Informed Consent:

- The value of openness and transparency on the part of the censor;
- A duty of care to the spectator;
- Censorship decisions are made in the light of the virtue of charity that attends to motivation: Why are we classifying this film in this way? What are we saying or not saying about it in the classification that we are giving it?
- The consumer makes his or her decision in the light of the virtue of prudence: looking to make the best decision in the short term (what I see/hear/play right now) with an eye to the longer-term ramifications (what impact will this have on me and society later?)

11 Allied to informed consent is the equally important principle of **Common Good, Subsidiarity and Functionalism**. This principle holds that people at the local level take the best decisions when they are in possession of sufficient and right information and are made aware of the impact their viewing choices could have on the fabric of the wider community. It highlights that while an individual may make a decision on his or her own, the implications of his or her choice always has a social dimension. This principle counters the tendency to bureaucratic intervention, but alerts us to the critical role played by consumer education, academic studies on the effects of exposure to harmful forms of media and having clear and easily accessible channels for the community to give feedback to Government about censorship issues.

12 It reminds us that the value of free speech and access to all forms of media is a relative right that must be regularly revised in the light of studies that show how the common good is affected by the choices made by its individuals. This is especially true in regard to the impact some material has on the young and the vulnerable.

13 The principle of **Human Dignity in Community** holds that film censorship should aim for “the maximum integrated satisfaction of the innate and cultural needs of every human person (especially the most vulnerable) including their biological, psychological, ethical, and spiritual needs as members of the world community and national communities which exist for this purpose only.”(Ashley and O’Rourke: 1979:26)

14 All censorship is a failure of sorts, attending to the fact that some producers in the name of free speech and in pursuit of financial benefit will make and distribute material that has graphic representations of violence, sex, nudity, drug taking and other material that debases humanity. The right to free speech and access to material chosen by a reasonable adult must be weighed up against the protection or promotion of human dignity (even that of the adult viewing the material) and the common good. The tension in censorship guidelines between freedom and responsibility, due process (individuality) and equal protection (society) are inevitable but important.

15 There are two matters of particular concern:

- If there is to be a national approach, it should be genuinely national. The present arrangement in regard to DVDs, where the Australian Capital Territory and the Northern Territory can be the point of sale and rental for X rated material not available in the States, is absurd. There is no point in claiming to have a ‘national approach’ if material that is banned in States is available in the Territories. It is noted that there are some constitutional issues that prevent the Territory Governments from banning such material. But this arrangement has suited some politicians, both Federal and State, who wish to allow constituents to have access to X rated material without having outlets selling such material within their electorates. X rated computer games and DVDs should not be available in any State or Territory in Australia. The Commonwealth Government should use its powers to restrict such material in the ACT and NT in the same way that State Governments do so in the States. If such a restriction involves bans on imports then so be it. The present arrangement is both absurd and hypocritical.
- This new national approach needs to have more categories, be more descriptive of the material and have, as an essential part of its strategy, an on-going community education programme about its content and meaning. Age-based categories are reasonable and understandable. To avoid confusion the categories and symbols with which Australians are already familiar should be maintained. For clarity the following categories need to be adopted for computer games: *G, G8+, PG, PG13+, M15, MA15+, R18 and RC.*

16 In assessing the standards for what constitutes an R classification for a computer game, the following issues must be addressed and incorporated:

1. The violent nature of language. Language described as 'coarse' can be seen as an assault against decorum. However, such language is a form of violence. The civil and criminal codes recognise violent language as verbal abuse. Therefore the guidelines should be brought into line with how language is described in other legal codes and describe it under the category of violence.
2. Religiously offensive language. God, Jesus, Christ, Mohammed, Allah and Buddha are never taken into account when assessing the language content, but the abuse of them in the media can be as offensive as violent language to many reasonable, adult, religious Australians.
3. Offensive shorthand terms should be considered. "You are a mother.....!" for example; many people know what this term means even if the final word is not used.
4. Sufficient attention must be paid in the dominant effects to the importance of the sound track of visual media. The soundtrack can be one of the most influential aspects in the viewing experience, as it creates atmosphere and influences emotional responses.
5. A clear distinction should be made between computer gaming like MMORPG (massively multi-player online role playing games) and traditional video game playing (MUDs generally). It is essential for classifiers, consumers/spectators and especially parents to be informed about current issues in these developing interactive games which require a vastly different level of interaction than video games. Studies are already showing that MMORPGs have a greater influence on behavioural patterns (imitation) than traditional video games. As technology develops, many more such issues will make classification of computer games even more complex. But complexity should not be an excuse for inaction on such an important issue.

Conclusion

17 The most vulnerable members of our community are our children and adolescents. Their needs and the needs of their parents must be given the highest priority in deciding the content, application and defence of the computer games classification guidelines.

18 OFLC should have a greater and easier process for feedback from the Australian public. A national hotline number should be established for people to call and leave a verbal report on a film, DVD, computer game or literature about which they wish to complain or commend. Greater community involvement could empower people to play an enhanced role in the classification debate, be better educated as to the role of the OFLC and provide valuable information to the classifiers from the broad range of people they serve.

19 The Catholic Church in Australia is committed, within the framework of a liberal democracy, to promote classification which enables informed consent, the common good, subsidiarity, functionalism and human dignity.

20 Thank you for the opportunity to make a submission on behalf of Australian Catholic Bishops regarding this very important matter. If I or any of my colleagues or any official of the Catholic Church can provide further information or assistance, we will be happy to do so. We wish you well in your deliberations.

+Bishop Peter Ingham DD

Chair

Australian Catholic Council for Film and Broadcasting and
Bishop of Wollongong.