

Monday 11 May 2026



Modernising and Harmonising Classification Standards

Department of Infrastructure, Transport,
Regional Development, Communications,
Sport and the Arts

By online portal and by email to reform@classification.gov.au

Towards a harms-based classification framework

Thank you for this opportunity to provide comments on the Commonwealth's modernisation of Australia's classifications system.

Freeplay is Australia's home of experimental and independent gamemaking and we run the world's longest running independent games festival. We have debuted many of Australia's most successful games exports and provided a safe and supportive space for hundreds of artists to integrate gamemaking into their practice.

We agree that **the classifications system is outdated and in need of modernisation**. The use of "computer games" in the Act and guidelines is testament to that.

The way people access information has changed significantly since the 1990s. The internet—especially the proliferation of social media platforms and user-generated content platforms—has **made people accessing illicit content almost impossible to police**.

This has created a two-speed system where film, television and games that are distributed or sold through conventional and open means are subject to restrictive classifications processes and risk being censored or refused classification — while a huge amount of content people access every day is unsurveilled and unclassified.

This is true of "user generated" content like video sharing platforms and social media — and especially so of smaller or more niche versions that might be less prominent than YouTube and TikTok but nonetheless are discoverable

and watchable. Sites might also struggle to police their own content guidelines due to low internal capacity, while these guidelines themselves tend to be more defined by American morality frameworks than Australian ones.

In some senses, it is impossible to contain the online content ecosystem in any classification framework and we may have already moved towards a juncture where **classification acts as a “whitelist” of precleared content determined by the state to be appropriate for children** — rather than the absolute and exclusionary model the Act and codes contemplate.

We however believe that this modernisation should go further than merely responding to emerging online platforms. **Our classifications system should be narrowly and intensely focused on preventing real harms rather than on inconsistently enforcing a particular morality on adults.**

Recent reforms have shown a willingness from this government to consider this direction. The 2024 revisions to the games guidelines will ensure games that are marketed to or sold to children do not contain “loot boxes” or similar simulated gambling.

However, much of the framework retains this moralising attitude towards what material adults can see — in particular games. Games are held to a significantly higher standard of decency on the misguided belief that actively participating in illicit or immoral activities is more morally damaging than merely reading or watching it on a TV screen (Flew et al, 2020). This exaggerated and simplistic assumption about interactive media has resulted in a classification system that has **effectively banned games for the depiction of acts that would not even trigger a R rating for films.**

There is little compelling evidence to support having different classification schemes for films and games — particularly in a modern ecosystem where people can “binge” hours of unregulated content at home or on their phones.

As such, **we recommend a single unified classification framework for all screen content modelled largely on the existing guidelines for films.** We especially oppose special conditions for refusing classification for games that bans games that feature “*illicit or proscribed drug use related to incentives or rewards; or interactive drug use which is detailed and realistic*”.

A modern classification framework should prevent real harms being inflicted on children and vulnerable people — namely exposure to gambling or sexual violence, or the non-consensual depiction of real people in demeaning, explicit or violent ways that are not in the public interest — while making sure **adults can determine their own appetite for what content they access** provided they are not exposed non-consensually to explicit or gratuitous content in public.

We do not believe this should be left to industry self-regulation. There remains a role for governments in monitoring and enforcing standards that prevent harm. This is evidenced by the broad lack of compliance with the 2024 amendment to the classification scheme requiring games with “*in-game purchases linked to elements of chance*” receive a mandatory minimum classification of M (Carter et al., 2025).

This demonstrates how outdated the scheme is in the current digital climate, in that it does not account for platform-based distribution of games, or the sheer number of games which are released each day.

This is a problem of scale for the government to tackle. It cannot be solved through self-regulation.

While classification frameworks have finally caught up with lootboxes and online gambling, although imperfectly, the integration of data harvesting and generative AI systems in games create new risk vectors for the exploitation of children. We believe that **our classification framework should regulate the integration of generative AI systems in games, particularly where players could prompt dialogue or images in-game**. Games marketed for children should not contain embedded generative AI systems and those marketed at teenagers or adults must include appropriate guardrails.

Yours sincerely,

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References

Carter, M., Zhangshao, T., Hardwick, T., Egliston, B., & Xiao, L. Y. (2025). Investigating mobile games' compliance with Australia's 2024 mandatory minimum age classifications scheme for gambling-like mechanics. Available at SSRN: <https://dx.doi.org/10.2139/ssrn.5543999>

Flew, T., Cunningham, S., Gillett, R., Keogh, B., Lotz, A., Pappalardo, K., & Suzor, N. (2020). Digital Media Research Centre (DMRC) submission to the review of Australian classification regulation.