



Australian Government
Classification Review Board

20/28 September 2004

23-33 MARY STREET
SURRY HILLS, NSW

MEMBERS: Ms Maureen Shelley (Convenor)
The Hon Trevor Griffin (Deputy Convenor)
Ms Dawn Grassick
Mr Robert Shilkin

APPLICANT: The Australian Attorney-General
Not represented

INTERESTED PARTIES: Take 2 Interactive Pty Ltd (Take 2), Original Applicant
Represented by: Mr James Ellingford, Managing Director; Mr David Powell, Marketing Manager; Mr Leigh Harris, Assistant Coordinator; and Mr Simon Ramsey, Public Relations Manager, all of Take 2.

BUSINESS: To review the Classification Board's decision to classify the computer game *Manhunt* (the game) MA (15+) with the consumer advice 'Medium level animated violence'.

DECISION AND REASONS FOR DECISION

1. Decision

The Classification Review Board (the Review Board) refused classification to *Manhunt* for the reasons set forth below.

2. Legislative provisions

The *Classification (Publications, Film and Computer Games) Act 1995* (the Act) governs the classification of computer games and the review of classification decisions. Section 9 of the Act provides that computer games are to be classified in accordance with the National Classification Code (the Code) and the classification guidelines.

Relevantly, the Code in paragraph 1 of the Table under the heading ‘Computer Games’ provides that computer games that are unsuitable for a minor to see or play, are to be RC (refused classification).

The Code also states various principles for classifications, including that ‘adults should be able to read, hear and see what they want’ and that ‘minors should be protected from material likely to harm or disturb them’.

Three essential principles underlie the use of the 2003 *Guidelines for the Classification of Films and Computer Games* (the Guidelines), determined under s.12 of the Act:

- The importance of context
- Assessing impact (which includes making an assessment regarding whether the material encourages interactivity)
- Six classifiable elements – themes, violence, sex, language, drug use and nudity.

Section 11 of the Act requires that the matters to be taken into account in making a decision on the classification of a computer game include the:

- (a) standards of morality, decency and propriety generally accepted by reasonable adults; and
- (b) literary, artistic or educational merit (if any) of the computer game; and
- (c) general character of the computer game, including whether it is of a medical, legal or scientific character; and
- (d) persons or class of persons to or amongst whom it is published or is intended or likely to be published.

3. Procedure

On receipt of a valid application for review from the Attorney General of Australia, prompted by a request from the Western Australian Attorney General, the Review Board met to consider the application.

The Review Board watched a video of what the original applicant stated was the contentious material of the game *Manhunt*. The Review Board then observed a demonstration of the game through the interactive game play of the original applicant’s assistant coordinator Mr Leigh Harris. The original applicant made oral and written submission to the Review Board. The Review Board then met in camera to consider the application.

Finding that it had viewed insufficient game play to reach a decision, the Review Board then obtained copies of the game in PC and console format. Individual members then played or had demonstrated to them the game at their own homes over some several days. The Review Board reconvened on 28 September 2004 and, after discussion and consideration of the issues, determined in a 3-1 majority decision that the game should be refused classification as it contained material that was unsuitable for minors to play.

4. Evidence and other material taken into account

In reaching its decision the Review Board had regard to the following:

- (i) The Australian Attorney-General's application for review;
- (ii) The written and oral submissions of Take 2;
- (iii) The demonstration of the game by Take 2;
- (iv) The demonstration of a video of contentious material presented by Take 2 at the review hearing;
- (v) The playing of the game by Review Board members;
- (vi) The relevant provisions in the Act;
- (vii) The relevant provisions in the Code, as amended in accordance with s.6 of the Act; and
- (viii) The Guidelines.

5 Synopsis

The game is a stealth game where the central figure is condemned to death but is "saved" by a director, of what is said to be a snuff movie, so that he can kill a variety of gang members, which is the subject matter of the film.

The central figure has to kill gang members using a variety of implements including a plastic bag, a shard of glass, a variety of guns, a baseball bat, a chainsaw, a nail gun and other implements. The weapons become available, not necessarily in the above stated order, as the central figure "progresses" through the level of kills. The action culminates where the central figure has to kill the director with the chain saw to escape from the set of the snuff movie. In the course of the game the central figure has to save a homeless person and some family members from the gang members.

6 Findings on material questions of fact

The Review Board found in the majority that the game contains aspects or scenes particularly worthy of mention under various classifiable elements:

The game contains interactive game play of high level violence. Particular interactions of high-level violence include the dismemberment of the character Piggsy

by the removal of his “trotters” when he was hanging suspended and the killing of the director with the chainsaw and the prolonged and detailed visual depictions of his internal organs at his death.

The ability to continue “killing” any victim for an unlimited period of time including the ability to continue smashing the heads of victims until they shattered into pieces and were depicted spread on the floor was of high impact. Further, the ability to allow gang members to “kill” the central figure (the role of which is assumed by the game player) continuously and without limit is of high impact. This impact is increased by the “view” of the “kill”, which is shown with the “camera” focusing onto the character who is prone on the floor. The gang members can – without limit – continue to “kill” the central character (game player).

The Convenor of the Review Board played the game up to Level 4 – which took several hours to achieve – and allowed the gang members to “kill” the central character for five minutes. The “kill” was continuous and was continuously “refreshed”. Further the Convenor of the Review Board played the game and “killed” gang members and allowed the interactivity to continue for five minutes 30 seconds. The “kill” was continuous and was continuously “refreshed”.

It was the minority view that the impact of the scenes and the interactivity outlined above were of strong impact and could be accommodated by a MA15+ classification.

7 Reasons for the decision

Based on the information contained in sections two to six the Review Board determined, in the majority, that the impact of specific interactive game play scenes mentioned above and the ability to “kill” characters in the game for an unlimited period with the accompanying detail of gore of smashed heads, blood spatter and in some scenes dismemberment was of high impact. As such, the material was beyond that which minors should be able to play. As no classification is available restricting games to adults, as in the case of film and videos, the Review Board determined in the majority that the game should be refused classification

It was noted the Review Board members were of low-level skill in game play and that these interactions of high impact were available as part of the game play for inexperienced and low-level users.

It was a submission of the original applicant that game players did not play games in this way and that they concentrate on achieving the challenges of each level rather than dwelling on the details of “kills”. However, the Review Board is concerned with what a game enables players to achieve, and cannot make a determination based on what a game player may do or how game players may choose to play.

It was the minority view that the scenes and interactivity of the game were no more than strong and that the game could be accommodated within the classification MA15+

8 Summary

In the proceedings, the original applicant was requested to demonstrate the most contentious aspects of the game. It was noted by the Review Board that the original applicant did not include the scenes of high impact in the video demonstration nor did it demonstrate the unlimited time period available for “kills”. It would expedite the Review Board’s process if all contentious material were included in video demonstrations.

Whilst not concluding that such omissions were deliberate, the Review Board noted that it had to go to considerable lengths both through the prompting of the demonstrator to show scenes of higher levels of impact and through Review Board members playing the game for some hours each to satisfy itself that it had observed sufficient game play to be able to make a determination.

It would assist the Review Board in its decision making process if all contentious material could be demonstrated and if the Review Board could rely on demonstrators to include all such contentious material in their demonstrations.

In the absence of a classification restricting the game to adults, the Review Board determined in a 3-1 majority that the game should be refused classification (RC) as it contains interactive game play of high impact.