



# Australian Government

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## Classification Review Board

12 December 2013

23-33 MARY STREET  
SURRY HILLS, NSW

<b>MEMBERS:</b>	Ms Victoria Rubensohn (Convenor) Mr Peter Attard Dr Melissa de Zwart
<b>APPLICANT</b>	Minister for Justice as requested by the South Australian Attorney-General
<b>INTERESTED PARTIES</b>	IGEA, ACCM and Australian Family Association (WA Branch) (AFA)
<b>BUSINESS</b>	To review the Classification Board's decision to classify the computer game <i>Tom Clancy's Splinter Cell Blacklist</i> with the classification MA 15+ and consumer advice 'Strong themes and violence, Gaming experience may change online'.

### DECISION AND REASONS FOR DECISION

#### 1. Decision

The Classification Review Board (the Review Board) unanimously classified the computer game MA 15+ with the consumer advice 'Strong themes and violence, Gaming experience may change online.'

#### 2. Legislative provisions

The *Classification (Publications, Films and Computer Games) Act 1995* (Cth) (the Classification Act) governs the classification of computer games and the review of classification decisions.

##### *The Review Board*

Part 5 of the Classification Act outlines the provisions relevant to the Review Board and its procedures.

Section 42(1) of the Classification Act sets out the persons who may apply for review of a decision:

- (a) the Minister
- (b) the applicant for classification of the computer game, or the likely classification of the computer game under section 33
- (c) the publisher of the computer game, or
- (d) a person aggrieved by the decision.

Section 42(2) provides that if a participating Minister asks the Minister, in writing, to apply for a review of a decision, the Minister must do so.

Section 43 sets out the conditions regarding the manner and form of applications for review, including time limits. Under section 44, the Review Board must deal with an application for review in the same way that the Board deals with an application for classification of a computer game.

#### *Classification of Computer Games under the Classification Act*

Section 9, subject to Section 9A, provides that computer games are to be classified in accordance with the National Classification Code (the Code) and the classification guidelines. Section 9A states that a computer game that advocates the doing of a terrorist act must be classified RC.

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

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

#### *The National Classification Code*

Relevantly, the Computer Games Table of the Code under paragraph 3 provides that:

Computer games (except RC and R 18+ computer games) that depict, express or otherwise deal with sex, violence or coarse language in such a manner as to be unsuitable for viewing or playing by persons under 15 are to be classified MA 15+.

The Code also sets out various principles to which classification decisions should give effect, as far as possible:

- (a) adults should be able to read, hear, see and play what they want;
- (b) minors should be protected from material likely to harm or disturb them;
- (c) everyone should be protected from exposure to unsolicited material that they find offensive;
- (d) the need to take account of community concerns about:
  - (i) depictions that condone or incite violence, particularly sexual violence; and
  - (ii) the portrayal of persons in a demeaning manner.

## *The Guidelines*

Three essential principles underlie the use of the *Guidelines for the Classification of Computer Games 2012* (the Guidelines), determined under section 12 of the Classification Act:

- the importance of context
- the assessment of impact, and
- the six classifiable elements – themes, violence, sex, language, drug use and nudity.

A further consideration in classifying computer games is interactivity. Due to the interactive nature of computer games and the active repetitive involvement of the participant, as a general rule computer games may have a higher impact than similarly themed depictions of the classifiable elements in film, and therefore greater potential for harm or detriment, particularly to minors.

### **3. Procedure**

Three members of the Review Board met on Thursday 12 December in response to the receipt of an application from the Minister on 7 November 2013 to conduct the review of the computer game *Tom Clancy's Splinter Cell Blacklist*, which had previously been classified MA 15+ by the Classification Board. The Review Board determined that the application was a valid application.

The Review Board was provided a written submission from IGEA, ACCM and AFA.

The Review Board received an oral submission from Ron Curry and Joshua Cavaleri from IGEA.

The Review Board received an oral submission over the phone from Professor Elizabeth Handsley, Chair of the ACCM, on behalf of the ACCM. The Review Board also considered a supplementary written submission from Professor Handsley on behalf of the ACCM.

The Review Board viewed an extensive live demonstration of gameplay.

The Review Board then considered the matter.

### **4. Evidence and other material taken into account**

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

- (i) the Minister's application for review
- (ii) IGEA's written and oral submissions
- (iii) ACCM's written and oral submissions
- (iv) AFA's written submission
- (v) the computer game, *Tom Clancy's Splinter Cell Blacklist*; and
- (vi) the relevant provisions in the Classification Act, the Code and the Guidelines.

### **5. Background**

The Review Board noted the Board's decision report of *Tom Clancy's Splinter Cell Blacklist*.

## **6. Synopsis**

*Tom Clancy's Splinter Cell Blacklist* is a third-person, action-adventure shooter for the Xbox 360, Playstation and PC where the player assumes the role of Sam Fisher, a specialist agent leading a team of elite operatives known as the Fourth Echelon. Set in realistic, real world settings, the aim of this game is to use stealth military tactics to hunt down and kill a group of twelve terrorists known as The Engineers, who are responsible for a series of worldwide assaults. This is achieved through the successful completion of missions and side-missions. The game can be played in single and multiplayer modes and has online capabilities including open voice chat.

## **7. Findings on material questions of fact**

The Review Board found that the computer game contains aspects or scenes of importance under various classifiable elements:

(a) Themes – The game contains themes of the elimination of adversaries and survival through problem solving scenarios.

The impact of this element is no higher than strong and can be accommodated at the MA 15+ level.

(b) Violence – Strong violence is infrequent considering the gameplay focuses on stealth. The most impactful violence is featured in non-interactive and infrequent cut-scenes, which are viewed from mid to long distance.

These scenes include:

- i) the video-taped interrogation of a US soldier who is strung up and tortured then has his throat slit, with a small amount of blood spurting from the wound accompanied by gurgling sound effects.
- ii) The Secretary of Defence is shown being interrogated and threatened with a blade, then shortly after he is shown having had his fingers of his left hand implicitly removed.

There are three gameplay styles which reward different levels of activity. Players are rewarded for avoiding contact with adversaries, and encouraged to use stealth and strategy to succeed with their missions, rather than lethal weapons.

Execution kills are possible and there is minimal unrealistic blood splatter or wound detail. When the player is wounded there is unrealistic blood splatter upon the screen which disappears shortly after.

The impact of this element is no higher than strong and can be accommodated at the MA 15+ level.

(c) Sex – There was no sex in this game.

(d) Language – The game contained coarse language that can be accommodated at a lower level.

(e) Drug Use – There are some references to drug use which can be accommodated at a lower level.

(f) Nudity – There was no nudity in this game.

## **8. Reasons for the decision**

The Review Board unanimously decided that the impact of the classifiable elements is no higher than strong. The violence in the game is justified by the context of the theme of eliminating terrorist adversaries. Strong violence occurs infrequently and is separated by long periods of strategic avoidance of the enemy and stealth gameplay.

## **9. Summary**

Violence is permitted in the MA15+ context provided that is justified by context. The Review Board decided that the computer game should be classified MA 15+ and with consumer advice 'Strong themes and violence, gaming experience may change online'.