



**Australian Government**  

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**Classification Review Board**

**18 November 2013**

**23-33 MARY STREET  
SURRY HILLS, NSW**

- MEMBERS:** Ms Victoria Rubensohn  
Mr Peter Attard  
Dr. Melissa de Zwart  
Ms Fiona Jolly
- APPLICANT** Minister for Justice as requested by the South Australian  
Attorney-General
- INTERESTED  
PARTIES** IGEA, ACCM and Australian Family Association  
(WA Branch) (AFA)
- BUSINESS** To review the Classification Board's decision to classify the  
computer game *Gears of War: Judgment* with the classification  
MA 15+ and consumer advice 'Strong bloody 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 *Gears of War: Judgment* MA 15+ and consumer advice 'Strong bloody 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**

Four members of the Review Board met on Monday 18 November 2013 in response to the receipt of an application from the Minister on 7 November 2013 to conduct the review of the computer game *Gears of War: Judgment*, 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 by telephone from Professor Elizabeth Handsley, Chair of the ACCM, on behalf of the ACCM and a subsequent supplementary written submission from Professor Handsley on behalf of ACCM.

The Review Board viewed a lengthy live demonstration of gameplay and viewed recorded gameplay footage.

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, *Gears of War: Judgment*, 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 *Gears of War: Judgment*.

## **6. Synopsis**

*Gears of War: Judgment* is a military-styled, science fiction, third-person shooter game. The player, as Damon Baird, a member of Kilo Squad, engages in battle against a range of alien enemies, in particular the Locust Horde, in an attempt to save the remaining human inhabitants of the fictional Earth-like planet, Sera.

## **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 contained themes that can be accommodated at a lower classification.

(b) Violence – The game depicts unrealistic violence from a first person perspective against a range of alien enemies including humanoids, zombies, and giant centipedes. The player uses a range of exaggerated weaponry including guns, rifles, grenades, chainsaws and bayonets. Game-play includes opportunities to undertake close-range executions of a range of alien creatures which results in significant and unreal stylised blood splatter; ranging in colour from blue to deep red, which splashes onto the player's viewing screen, before quickly dissipating. After an alien's death their remains disintegrate and disappear. Whilst an attack on dead humans creates unrealistic blood splatter, no further post mortem damage occurs.

Although frequent, depictions of injury and blood are unrealistic and lacking detail.

In multiplayer mode, violence against fellow soldiers is possible; however this gameplay shows no more blood-splatter and gore than alien deaths.

The game contains violence that is strong in impact and justified by context. 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 the game.

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

(e) Drug Use – There was no drug use in the game.

(f) Nudity – There was no nudity in the 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 against a range of unrealistic enemies, although frequent, was unrealistic and stylised.

## **9. Summary**

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