



Australian Government

Classification Review Board

18 November 2013

23-33 MARY STREET
SURRY HILLS, NSW

MEMBERS:	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 <i>Killer is Dead</i> with the classification MA 15+ and consumer advice 'Strong bloody violence and sexual references'.

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 bloody violence and sexual references'.

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 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 *Killer is Dead*, 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 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 submissions
- (v) the computer game, *Killer is Dead*; 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 *Killer is Dead*.

6. Synopsis

Killer is Dead is a game set in a futuristic world where space travel is possible and people modify their bodies with robotics. The game is played through the perspective of Mondo Zappa, an executioner, who carries out a sequence of assignments, which require him to execute a range of dangerous fantasy characters, all of whom have non-human abilities.

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’s themes, which deal with the missions of an executioner in a futuristic and fantasy environment, can be accommodated within the MA 15+ classification.
- (b) Violence – The game depicts Mondo Zappa executing a range of targets. Targets are killed with hacking and shooting, as Mondo Zappa is able to transform his cybernetic arm into a range of weapons. When enemies are damaged they emit large but unrealistic sprays of blood and immediately disappear in a flash of light when they are killed.

Cut scenes and scenes with very limited interactivity (such as the execution of boss-type characters) contain more detail than general gameplay. In a dimly-lit cut scene, Mondo implicitly slices off a male’s cybernetic arm and the stump spurts blood in post action visuals. The player is prompted to select an option via the control options to execute the male, who is implicitly beheaded below screen. Blood sprays onto a nearby wall and, in post action visuals, the male’s decapitated body spurts blood.

A later scene depicts a fellow assassin, Damon, drinking a glass of wine after being attacked by Mondo. As Damon throws back his head to drink, blood seeps from his throat and then projectile-sprays from the implied wounds which cover his body. In another cut scene, a female’s body spurts blood as it transforms into a giant insect-like creature. The commencement of a later chapter includes a series of visuals that resemble the panels of a graphic novel. A male (who seemingly has the ability to transform into a tiger) slashes a group of enemies and their severed, bloody limbs fly through the air.

This same character when defeated by Mondo opts to commit suicide and asks Mondo for his assistance. He is seen to hold a dagger and thrust it towards his abdomen. He is then seen and heard to be moaning and in pain. He and Mondo are shown in silhouette as Mondo decapitates him. There is minimal visual graphic detail in this scene.

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. Two scenes contained sexual references that could be accommodated within a lower classification.
- (d) Language – There was no coarse language in the game.
- (e) Drug Use – There was one brief scene which depicted a character smoking what appeared to be an opium pipe. This was justified by context and able to be accommodated within a lower classification.

(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 and can be accommodated within the MA 15+ classification. As a hack and slash game featuring cyborg humans, the violence is strong, frequent and justified by context. The overall look of the game is a blend of graphic novel and Manga style which minimises the game's impact. Similarly, the violence depicted in the game is unrealistic (for the reasons outlined above i.e. inflicted on robots, cyborgs and other fantasy creatures, lack of realistic depictions of injury or death, unrealistic blood spray, and the disappearance of bodies post mortem in rays of light). The Review Board therefore considered that the impact of the violence is no higher than strong.

9. Summary

The Review Board decided that the computer game should be classified MA 15+.