



# Australian Government

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## Classification Review Board

19 November 2013

23-33 MARY STREET  
SURRY HILLS, NSW

<b>MEMBERS:</b>	Ms Victoria Rubensohn (Convenor) Ms Jane Smith Mr Peter Attard Dr Melissa de Zwart Ms Fiona Jolly
<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 (the Board) decision to classify the computer game <i>Deadly Premonition: Director's Cut</i> with the classification MA 15+ and consumer advice 'Strong themes and bloody violence'.

### 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 bloody violence'.

#### 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**

Five members of the Review Board met on Tuesday 19 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 *Deadly Premonition: Director's Cut*, 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 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, *Deadly Premonition: Director's Cut*
- (vi) the relevant provisions in the Classification Act, the Code and the Guidelines, and
- (vii) the Classification Board's report.

## **5. Background**

The Review Board noted the Board's decision report of *Deadly Premonition: Director's Cut*.

## **6. Synopsis**

*Deadly Premonition: Director's Cut* title is third person puzzle/shooter/ horror game, where the player controls a number of characters, particularly Detective York, an FBI Agent who is investigating a number of strange murders in a small town. During his investigations he encounters zombies, murderers and other strange characters.

## **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 a limited theme involving the suicide of Detective York's father, and ultimately York himself. The scenes depicting both suicides are strong in themes and justified in the context of the horror game storyline.

(b) Violence – The game contains violence primarily involving the killing of zombies but also including the killing of some non zombie characters (both villains and civilians). Scenes involving violent deaths of non zombie characters include: York and other local police discover a bloodied female strung up in a wire trap over a bathtub. She appears to be dead; her blood is shown running down the drain.

However, she regains consciousness and tries to speak. When George cuts a wire she screams and an elaborate trap is activated, whereby she is strangled by the trap. This scene is strong and realistic in the sense of being a depiction of a woman being killed.

A lengthy, staged sequence takes place in a clock tower as the player controls Emily. At the conclusion of this sequence, Thomas is attacked by a dog, which causes him to toss his knife in the air. The knife falls and lodges implicitly in Thomas' chest, which causes him to fall. He is explicitly impaled on a large hook, which creates a burst of blood spray. This occurs in mid-distance view and lacks detail.

The final scene shows Emily with a sapling protruding from her abdomen. She has blood on her abdomen and flowing down her legs. Emily begs York to kill her. This scene includes a flashback to York's own childhood, where York witnesses the death of his mother who had also been implanted with a red sapling by Keysan. York's father shoots himself in the head. This flashback is followed by York shooting himself in the head. This scene is strong but limited in the level of detail of the suicides.

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

(c) Sex – There is no sex in the game.

(d) Language – There is no coarse language in the game.

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

(f) Nudity – There is 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.

The Review Board considered that as a horror themed game, the violence is justified by context.

The Review Board considered that the violence is strong in that it involves frequent depictions of killing but is unrealistic in its depiction of zombies. The Review Board considered that the three scenes of violence towards non zombie characters were strong and realistic but in the context of the game were not frequent and not repetitive.

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+.