



# Australian Government

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## Classification Review Board

19 November 2013

23-33 MARY STREET  
SURRY HILLS, NSW

- MEMBERS:** Ms Victoria Rubensohn (Convenor)  
Ms Jane Smith  
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 *The Walking Dead* with the classification MA 15+ and consumer advice 'Strong themes and horror 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 horror violence'.

#### 2. Legislative provisions

The *Classification (Publications, Film 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 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 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 *The Walking 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 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 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, *The Walking Dead*
- (vi) the relevant provisions in the Classification Act, the Code and the Guidelines, and
- (vii) the Classification Board's report.

## **5. Synopsis**

*The Walking Dead* is based on the original comic book series of the same name and is a multi-platform, narrative-driven, role playing, horror-adventure game. Assuming the role of Lee Everett, a convicted murderer who helps to rescue and subsequently care for an orphaned girl, the player uses mouse and keyboard to manoeuvre through a post-apocalyptic world infested with zombies, and choose a path based upon various dialogue and action options, affecting the progress of the game.

## **6. 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 has a survival theme set in a post-apocalyptic, zombie infested world. The impact of this element is no higher than strong and can be accommodated at the MA 15+ level.

(b) Violence – The player manoeuvres his character through a post-apocalyptic American landscape infested by zombies, aiming to survive. The player must make choices, some morally ambiguous, which affect gameplay. Once the player has selected an action/choice, predetermined scenes play out and within this context; violence is depicted, including the following:

In one sequence, the player's character is bitten on the wrist by a zombie and must cut off the main character's lower arm in order to survive. Previous selected gameplay choices determine which character will then cut it off. In either choice, the arm is sawn off using a cleaver/saw. Most of the action is implicit; however, the last few depicted strokes show the saw blade moving through the lower arm, causing stylised blood to spill and pool upon the floor. Audible screams continue throughout this cut-scene.

Another sequence shows the player and the group of survivors finding a woman who has been bitten by zombies and does not want to live. A wrestle ensues and the infected woman holds the gun to her head and pulls the trigger. This is shown from a rear perspective, the unrealistic blood bursting from the side of her head.

In another sequence, the player finds a young boy zombie locked in a room and appearing starved, emaciated and weak. The player performs a mercy killing and has a choice of methods including the removal of the head or crushing of the head. A cut scene follows depicting the boy's head being squashed underfoot, before he is shot in the forehead, producing stylised blood splatter.

In another scene, there is an infected young boy sitting against a tree, who as a mercy killing is then shot in the head, displaying stylised blood splatter.

The game is rendered in a stylised, comic book fashion, featuring unrealistic depictions of blood and violence. The pace of gameplay is slow and the narrative involves relatively minimal player interaction which significantly mitigates the impact of violence depicted.

The impact of this element is no higher than strong and can be accommodated at the MA15+ level.

(c) Sex – There is no sex in the game but there are several sexual references in the narrative.

The impact of this element is no higher than strong and can be accommodated at the MA15+ level.

(d) Language – Coarse language is used throughout the game and can be accommodated at the MA15+ level.

(e) Drug Use – there are references to drug use and alcohol that are justified by context and can be accommodated at the MA 15+ level.

(f) Nudity – Nudity in the game is justified by context.

The impact of this element is no higher than strong and can be accommodated within a lower level.

### **7. Reasons for the decision**

The Review Board has decided that the impact of the classifiable elements is no higher than strong and can be accommodated at the MA15+ classification.

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

The Review Board considered that the violence is strong in that it involves frequent depictions of killing zombies and infrequent killing of infected humans. The Review Board considered however that the violence depicted in the game is stylised in comic book mode, unrealistic in that the zombies have a very unrealistic appearance, infected humans are victims infrequently and the nature of the violence and its after-effects is consistently unrealistic.

The Review Board considered that the fact that the periods of violence occur interspersed amongst non-violent periods of narrative game play reduces the overall impact of the violence.

The Review Board therefore considered that the impact of the violence is no higher than strong.

### **8. Summary**

The Review Board has decided that *The Walking Dead* should be classified MA15+ as it contains strong but unrealistic violence.