



Australian Government

Classification Review Board

2 December 2013

23-33 MARY STREET
SURRY HILLS, NSW

MEMBERS:	Ms Victoria Rubensohn (Convenor) 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>Deadpool</i> with the classification MA 15+ and consumer advice 'Strong bloody violence, crude humour and sexual references'.

DECISION AND REASONS FOR DECISION

1. Decision

The Classification Review Board (the Review Board) unanimously classified the computer game *Deadpool* MA 15+ with the consumer advice 'Strong bloody violence, crude humour 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

Four members of the Review Board met on Monday 2 December 2013 in response to the receipt of an application from the Minister on 7 November 2013 to conduct the review of the computer game *Deadpool*, 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 lengthy 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, *Deadpool*; 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 *Deadpool*.

6. Synopsis

Deadpool is a third person action shooter based on the Marvel Comic character of the same name. Assuming the role of Deadpool, the player battles a variety of human and mutant enemies whilst attempting to capture Chance White and Mr Sinister (dead or alive). The game has a comedic/tongue-in-cheek tone. Online capability includes leader boards for challenge missions and unlockable combat arenas.

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 main theme of the game is the attempt to create a game while being opposed by adversaries.

(b) Violence – The main classifiable element in this game is violence. The game involves many instances of unrealistic, comic-book style violence using a range of weapons, including swords, large sledge hammers, guns and rocket launchers. Fighting results in blood spray, spatter and chunks of flesh. Deadpool fights a variety of human and non-human opponents, including mutants and humans with super powers. There is a comedic tone throughout, presented in part by the multiple points of view expressed by Deadpool's multiple personalities and the fact that Deadpool speaks directly to the player, acknowledging throughout the fact that this is a game. Deadpool sustains significant bodily damage, including a scene where he is impaled on a spike, but due to his regenerative powers he recovers and removes himself from the spike. Dead enemies collapse to the ground and disappear after a few seconds.

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, however there are crude sexual references.

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

(d) Language – Strong coarse language is used frequently throughout the game and this can be accommodated within the MA 15+ classification.

(e) Drug Use – There are no instances of drug use in the game.

(f) Nudity – There is no nudity in the game.

8. Reasons for the decision

The Review Board considered that the game contains violence which is presented in a comedic and unrealistic fashion which is justified by the context of a superhero comic book story. The key protagonist is a comic book character who refers repeatedly throughout the gameplay to the fact he is a character in his own game. The violence is strong but is manifested in a stylised manner against a range of unrealistic foes.

9. Summary

Violence is permitted in the MA15+ context provided that it is justified by context. The context of this game is comic book violence. The Review Board considers that

the game can be accommodated within the MA15+ classification with the consumer advice 'Strong bloody violence, crude humour and sexual references'.