



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 (the Board) decision to classify the computer game <i>The Walking Dead: Survival Instinct</i> with the classification MA 15+ and consumer advice 'Strong horror violence, blood and gore'.

DECISION AND REASONS FOR DECISION

1. Decision

The Classification Review Board (the Review Board) unanimously classified the computer game *The Walking Dead: Survival Instinct* MA 15+ with the consumer advice 'Strong horror violence, blood and gore'.

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 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: Survival Instinct*, 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 and a supplementary written submission 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, *The Walking Dead: Survival Instinct*, 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 *The Walking Dead: Survival Instinct*.

6. Synopsis

The Walking Dead: Survival Instinct is a first-person shooter, action/survival game based on the television series, *The Walking Dead*. Set in a post-apocalyptic world infested with zombies (“walkers”). The game is a prequel to the series and the player assumes the role of Daryl Dixon who navigates his way across Georgia, USA, and undertakes a series of missions, confronting a variety of scenarios involving other survivors. He must evade or kill walkers whilst attempting to locate his brother Merle and reach the supposed safe-haven of Atlanta.

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 depicts a horror-zombie theme where the gamer aims to survive in a post-apocalyptic world infested with zombies. The impact of this element is no higher than strong and can be accommodated within the MA15+ classification.

(b) Violence – The game contains violence that is strong in impact and justified by the zombie horror genre. The game’s violence, which includes stylised depictions of blood and gore, is inextricably linked to its horror-zombie theme. The depiction of violence in the game is stylised and unrealistic.

The most frequent violence occurs as the characters kill the zombies. Generally the depictions of zombie killings are unrealistic and there is minimal and unrealistic blood splatter. The zombies’ bodies and body parts including blood detail do not remain in the environment.

The game does provide opportunity for special execution kills of zombies. The execution kills are more graphic and include front execution and rear execution mode of killing zombies:

- Knife jabbed into the eye or forehead and withdrawn with a blood burst
- Knife jabbed upwards beneath the chin with the blade seen protruding inside the zombie’s open mouth.

There are a number of instances of humans being killed which include:

- The shooting of Daryl’s father after he is attacked and infected by zombies. This includes a depiction of zombies implicitly eating Daryl’s father’s innards.

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

(c) Sex – No sexual activity is present in the game.

(d) Language – The impact of this element can be accommodated at the MA 15+ level.

(e) Drug Use – The game contains infrequent references to alcohol and drug use. The impact of this element can be accommodated at the MA 15+ level.

(f) Nudity – No nudity is present 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 at the MA 15+ 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 unrealistic in that the zombies have a very unrealistic appearance, and the nature of the violence and its after-effects is also 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.

9. Summary

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