Australian Government

Classification Review Board

3 July 2018

23-33 Mary Street
Surry Hills, NSW

Review of Classification Board's decision to classify computer game '*We Happy Few*'

Members: Fiona Jolly (Chair)
Sue Knowles
Peter Attard

Applicant: Gearbox Publishing LLC

Interested parties: Microsoft Pty Ltd

Business: To review the Classification Board's decision to classify the computer game *We Happy Few* which has been Refused Classification.

Decision and reasons for decision

1. Decision

The Classification Review Board (the Review Board) unanimously classified the computer game R 18+, with the consumer advice 'Fantasy violence and interactive drug use'.

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 film, or the likely classification of the film 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 Classification 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 the:

a)   standards of morality, decency and propriety generally accepted by reasonable adults, and
b)   literary, artistic or educational merit (if any) of the computer game, and
c)   general character of the computer game, including whether it is of a medical, legal or scientific character, and
d)   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 provides that:

Computer games (except RC computer games) that are unsuitable for viewing or playing by a minor are to be classified R 18+.

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
☐   assessment of impact, and
☐   six classifiable elements—themes, violence, sex, language, drug use and nudity.

3. Procedure

Three members of the Review Board met on 3 July 2018 in response to the receipt of an application from Gearbox Publishing LLC on 20 June 2018 to conduct the review of the computer game *We Happy Few*, which had previously been refused classification by the Classification Board. The Review Board determined that the application was a valid application.

The Review Board was provided a written submission from the Applicant.

The Review Board was provided written submissions from Microsoft Pty Ltd and 87 members of the general public.

The Review Board viewed a lengthy live demonstration of gameplay and viewed recorded gameplay footage.

The Review Board heard an oral submission from the Applicant.

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)   Gearbox Publishing LLC's application for review
(ii)   Baker Mckenzie's (representing Gearbox Publishing LLC) written and oral submissions
(iii)   written submissions received from:
      a.   Microsoft Pty Ltd, and
      b.   87 members of the general public (Appendix A)
(iv)   the computer game, *We Happy Few*
(v)   the relevant provisions in the Classification Act, the Code and the Guidelines, and
(vi)   the Classification Board's report.

5. Synopsis

We Happy Few is a single-player, action-adventure game set in an alternative-history 1964 after England lost World War II, in the population of a fictional dystopian town, Wellington Wells. It is a game of paranoia and survival, where inhabitants take happy pills to forget about the terrible things done in the war. In order to progress in the game, the player must appear to be a decent, proper, well-drugged citizen of Wellington Wells, while crafting materials needed to survive un-drugged in order to escape.

The player takes on the role of a number of different townsfolk throughout the game: Arthur Hastings, an archivist who wants to escape and find his brother; Sally Boyle, a chemist tasked with synthesizing Joy (the Government mandated happy pills) for the remainder of the 'upper crust' of society, who is looking for a way to escape to protect her baby; and Ollie Starkey, a character who wants to expose the truth about dwindling food supplies and the impending total collapse of all remaining infrastructure.

We Happy Few contains no online interactivity.

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 primary theme is of a village drugged to forget its horrific past.

      The impact of this element is no greater than high and can be accommodated at the R 18+ level.

(b)   Violence—The computer game contains frequent violence where characters attack or are being attacked. There is no graphic depiction of injury and blood splatter is minimal and unrealistic.

      The impact of this element is no greater than high and can be accommodated at the R 18+ level.

(c)   Sex—There are no depictions of sexual activity.

(d)   Language—The computer game contains strong coarse language.

The impact of this element is no greater than high and can be accommodated at the R 18+ level.

(e)   Drug Use—There is frequent use of a fictitious drug called Joy, taken by the majority of the game's characters. Use of this drug is interactive in that the main character(s) are put in scenarios where they can choose to take it. There are also incidental references to the use of other fictitious drugs.

The impact of this element is no greater than high and can be accommodated at the R 18+ level.

(f)   Nudity—There are no depictions of nudity.

7. Reasons for the decision

The premise of this computer game is for the playing characters to escape a fictional town where the inhabitants are in a state of Government mandated euphoria and memory loss. Although the non-playing characters appear to be happy due to their continual use of the Joy drug, the computer game quickly establishes that this state is undesirable and the playing characters are on a quest to avoid the use of the Joy drug.

The actual use of the fictitious drug as a game progression mechanic, questions the viability of such a gameplay decision at each stage/level. The character's action in taking the drug is usually the only viable option given and while it may enable the character to pass a stage/level of the game, the benefit is short term and is followed by a loss of memory and a reduction in health points, the depletion of the body and/or withdrawal symptoms.

In the Review Board's opinion, the use of the drug is not presented as an incentive nor does it constitute a reward for the player in achieving the aim of the computer game.

In the Review Board's opinion, the interactive drug use does not exceed high, therefore the computer game can be accommodated at R 18+.

8. Summary

In the Review Board's opinion, the use of the fictional drug Joy in the game *We Happy Few* is not presented as an incentive nor does it constitute a reward for the player in achieving the aim of the computer game.

In the Review Board's opinion, the interactive drug use does not exceed high, therefore the computer game can be accommodated at R 18+.

APPENDIX A—General public submissions received for *We Happy Few*

Curtis Williams
Jeremy Noonan
Tom Vuckovic
Lee Smith
Matthew Thomson
Phillip Hunt
Matt Cawston
Frank Erdogan
Thomas Brown
Aidan Clout
Eoghan Barry
Mark Gambino
Nicholas Cowell
Jonathon Wills
Alex Martin
Jamison Morris
Joseph Barker
Tanya Cumpston
William Lyon
Kieron Stoff
Kieron Verbrugge
Gavin Awyzio
Tim Biggs
James Paton
Daniel Griffin
Joshua Apter
Lauren Jones
Cameron
Christina Liddle
Austacker
Jesse Powell
Dean Walshe
Al Nairn
Kyle Jamieson
Aaron Floky
Sean Nichols
Joshua Alan Warnock
Jordan Mace
Ian Hendry
Jayden King
Patrick Clifford
Andrew Blankley
Thomas Morgan
Michael Brock
Ben Byron
Justin Butler
William Murphy
Josh Chandler
Chris Lawn
Von Meerman

Tony Besselink
Jamie Smeets
Craig Swallow
Marc Catania
John Grayson
Kyle Brown
Michael Nicolson
Erin Sayers
Megan Charlton
Kain Eckford-Harders
Joel Tunbridge
Steven Gadd
Patrick Hanrahan
Luke
Samuel Giannakakos
Jake
Gregory Hager
Matt Geary
Christopher Baker
Thomas King
Peter Bohning
Andrew Boisen
Anthony Evans
DEMKRATY
Triston S
Corey Unwin
Mitchell Solomon
Michael Barnett
Donna Barker