



Australian Government

Classification Review Board

5 December 2013

23-33 MARY STREET
SURRY HILLS, NSW

MEMBERS:	Ms Victoria Rubensohn (Convenor) Mr Peter Attard Dr Melissa de Zwart
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>Borderlands 2: Add-On Content Pack</i> with the classification MA 15+ and consumer advice 'Strong violence, Gaming experience may change online'.

DECISION AND REASONS FOR DECISION

1. Decision

The Classification Review Board (the Review Board) unanimously classified the computer game *Borderlands 2: Add-On Content Pack*, MA 15+ with the consumer advice 'Strong violence, Gaming experience may change online'.

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

Three members of the Review Board met on Thursday 5 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 *Borderlands 2: Add-On Content Pack*, 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 extensive live play of the game 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, *Borderlands 2: Add-On Content Pack*; 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 *Borderlands 2: Add-On Content Pack*.

6. Synopsis

Borderlands 2: Add-On Content Pack (also titled *Borderlands 2 Expansion Pack - Captain Scarlett and her Pirate's Booty and Mister Torgue's Campaign of Carnage*) is a modified version of the previously classified game *Borderlands 2*. The game expands the map of Pandora and visits a new environment with various enemies and characters, including Motor Mama, Bikers and Badassaurus. It provides the player with a number of optional missions, requiring the player to find objects and interact with various characters. The characters include humans, humanoids, mutants, robots and aliens.

This game has online capability in the form of online multiplayer mode.

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 this game is action adventure comprising the completion of various missions in a futuristic and fantasy environment. There is a cartoonish element of humour throughout the adventures. The impact of these themes can be accommodated within the MA 15+ classification.

(b) Violence – The player is tasked with completing various missions, some of which involve killing non-player characters. Weapons include guns, rocket launchers, grenades and other explosives. It is also possible to inflict damage on non-player characters through environmental features such as exploding barrels, fire and electricity. Most of the action takes place at mid-distance. Blood spray appears on the screen but this disappears after a few seconds. Dead bodies are seen on the ground and post mortem damage is possible but slight in effect.

The depictions of violence, whilst frequent, are unrealistic, lack wound detail and mostly occur at a distance. The impact of the violence is strong and can be accommodated at the MA 15+ level.

(c) Sex – The game contains some sexual references, which can be accommodated within the MA15+ level.

(d) Language – The game contains coarse language, some of which is bleeped out. This can be accommodated within the MA 15+ classification.

(e) Drug Use – There are some references to alcohol which can be accommodated within a lower level.

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

8. Reasons for the decision

The main classifiable element of the game is violence. The Review Board concluded that the violence depicted in the game lacks realistic detail, is shown from a distance and is justified by context. The impact of the violence is no higher than strong and therefore the game can be accommodated within the MA 15+ classification.

9. Summary

Violence is permitted in the MA 15+ context provided that it is justified by context. The purpose of this game is the completion of various missions in an alien and cartoon-like environment which is inhabited by a range of strange and unlikely characters. Thus the overall context of the game is unrealistic and violence that occurs is justified within this context.