



Australian Government

Classification Review Board

Date:	13 May 2021
Members:	Sue Knowles (Chair) Peter Price AM Adam Davy
Applicant:	Zaum Studio OU
Interested parties:	none
Business:	To review the Classification Board's decision to classify the computer game <i>Disco Elysium—The Final Cut</i> , RC (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 **'high impact themes, coarse language and drug references'**.

2. Legislative provisions

The *Classification (Publications, Computer game 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 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 National Classification Code (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
- 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 11 May 2021, in response to the receipt of an application from Zaum Studio on 16 April 2021, to conduct the review of the computer game, *Disco Elysium – The Final Cut*, which had previously been classified **RC (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 viewed the computer game.

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) Zaum Studio application for review
- (ii) Zaum Studio written and oral submissions
- (iii) the computer game, *Disco Elysium – The Final Cut*
- (iv) further information requested from the applicant to support their submissions
- (v) the relevant provisions in the Classification Act, the Code and the Guidelines, and
- (vi) the Classification Board's report.

5. Synopsis

Disco Elysium is a game that has been available since 2019 on online platforms, contains online interactivity in the form of integration with the streaming platform Twitch, which allows streaming viewers to vote on dialogue options. The game also contains in-game purchases in the form of purchases of objects.

Disco Elysium – the Final Cut is the version under consideration by the Classification Review Board. It is a single player isometric fantasy role-playing game set in a fictional world called Elysium in which the player assumes the role of an amnesiac detective charged with solving a murder mystery.

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—there are pervasive themes related to the narrative elements of addiction and alcoholism.
The impact of this element is no higher than high and can be accommodated at the R 18+ level.
- (b) Violence—there is moderate violence justified by narrative context
The impact of this element is no higher than moderate and can be accommodated at the M level.
- (c) Sex—there is implied sexual activity not linked to incentives or rewards
The impact of this element is no higher than strong and can be accommodated at the MA 15+ level.
- (d) Language—there is frequent strong coarse language, often used aggressively
The impact of this element is no greater than high and can be accommodated at the R 18+ level.
- (e) Drug Use—there is actual drug use that is not detailed and realistic and not linked to incentives or rewards.
The impact of this element is no higher than high and can be accommodated at the R 18+ level.
- (f) Nudity
This element is not present in the game.

7. Reasons for the decision

In the Review Board's view, this game warrants an R 18+ classification, as in accordance with item 2 of section 4 of the Code, it is unsuitable for viewing or playing by a minor. Under the Computer Games Guidelines, at R 18+, themes and language have virtually no restriction. Drug use is permitted, however it should not be related to incentives or rewards.

The primary means of interaction with the game is audio and text-based, while the visual aspect is secondary and stylised. Due to the primary interactive vehicle, and the complex and nuanced representation of the subject matter which tailors the storytelling to a mature audience, the Review Board considers the appeal of the game to be skewed to an adult audience.

The themes are related to the detective investigating a murder while also attempting to manage his own alcohol addiction, and getting his life back together after his substance abuse. The themes and drug references are inextricably linked.

The language includes frequent strong coarse language which is often used aggressively, leading to a high cumulative impact, which can be accommodated at the R 18+ classification.

The game provides depictions of the consumption of a drug labelled "speed" and other terminologies. In the Review Board's opinion, this game provides disincentives related to drug-taking behaviour, to the point where regular drug use leads to negative consequences for the player's progression in the game. The game mechanic is designed to disincentivise and penalise increased consumption of drugs. The drug use is depicted at a distance through an isometric perspective, and is depicted in a stylised form, largely through text, accompanied by simplistic illustrations which depict the drug product. Players may choose for the character to consume drugs and alcohol but the act of consumption is not explicitly depicted. After the consumption of drugs, visual effects on screen implicitly depict the effects of the drug, and there are subsequent changes to character statistics, including negative outcomes.

The Review Board notes that the game contains sexual references which can be accommodated at a lower classification.

8. Summary

In the Review Board's opinion, *Disco Elysium – The Final Cut* has sufficient disincentives to drug use to enable it to be accommodated within the **R 18+** classification with consumer advice of '**high impact themes, coarse language and drug references**'.