

Schedule of documents – Freedom of information request no. 13/145

Document no.	Date	Size	Description	Decision on access	Exemption
1	July 2013	3	KochMedia application for review	Released with deletions	Personal privacy (s47F(1))
2	July 2013	17	Submission from KochMedia re: classification of the computer game <i>Saints Row IV</i>	Released in full	N/A
3	29/072013	4	Board Decision Report for <i>Saints Row IV</i>	Released with deletions	Personal privacy (s47F(1))
4	25/07/2013	1	Submission from interested party 1	Refused release	Personal privacy (s47F(1))
5	23/07/2013	1	Submission from interested party 2	Refused release	Personal privacy (s47F(1))
6	25/07/2013	1	Submission from interested party 3	Refused release	Personal privacy (s47F(1))
7	25/07/2013	1	Submission from interested party 4	Refused release	Personal privacy (s47F(1))
8	23/07/2013	1	Submission from interested party 5	Refused release	Personal privacy (s47F(1))
9	23/07/2013	1	Submission from interested party 6	Refused release	Personal privacy (s47F(1))



Australian Government
Classification Review Board

**Instructions for completing the
Application for review (Classification Act) form**

The attached form is the approved form to apply to the Classification Review Board (the Review Board) for a review of a decision of the Classification Board made under the *Classification (Publications, Films and Computer Games) Act 1995* (the Classification Act).

To apply to the Review Board for a review of a Classification Board decision made under the *Broadcasting Services Act 1992*, please use the Application for review (Broadcasting Services Act) form.

Time limit

An application by the Minister may be made at any time.

For any other application, if this form is lodged more than 30 days after the applicant received notice of the Classification Board's decision, please attach a letter explaining why the Review Board should hear your application out of time.

Part 1 – Decision to be reviewed

Type of decision

The Review Board can review decisions of the Classification Board. Decisions are defined in section 5 of the Classification Act. The most common type of decision reviewed is the classification given to a publication, film or computer game.

Part 2 – Applicant for review

The following persons may apply to the Review Board for a review of a decision:

- (a) the Minister
- (b) the original applicant
- (c) the publisher of the material, or
- (d) a person aggrieved by the decision.

A person aggrieved

If you apply for a review as 'a person aggrieved by the decision', please attach to the form a letter explaining why you are 'a person aggrieved' within the meaning of section 42 of the Classification Act.

Part 3 – Prescribed fee – \$10,000

The prescribed fee for a review of a Classification Board decision is \$10,000. The prescribed fee must accompany your application for review, unless you are applying for a fee waiver.

Fee waiver

You may apply in writing to the Convenor for a waiver of the prescribed fee. For information on what to include in a fee waiver application, see subsection 91(1A) of the Classification Act and the *Classification (Waiver of Fees) Principles 2008*. Attach your application to this form.

Lodging your application

When lodging your application, please ensure that you:

- ☐ complete all relevant parts of the form
- ☐ pay the prescribed fee or attach an application for a fee waiver
- ☐ if applicable, attach your out of time explanation
- ☐ if applicable, attach a written explanation of why you are 'a person aggrieved'.

You may wish to contact the Secretary to confirm receipt of your application.

Enquiries

For further information, including details on review procedures, please visit www.classification.gov.au or call the Review Board Secretary on (02) 9289 7100.



Australian Government
Classification Review Board

Application for review (Classification Act) form

This is the approved form to apply to the Classification Review Board for a review of a decision of the Classification Board under the *Classification (Publications, Films and Computer Games) Act 1995*.

Part 1 – Decision to be reviewed

Title	SAINTS ROW IV
	<input type="checkbox"/> film <input checked="" type="checkbox"/> computer game <input type="checkbox"/> publication
Type of decision	<input checked="" type="checkbox"/> classification <input type="checkbox"/> other (please name):
Date of decision	19 June 2013

Part 2 – Applicant for review

Name (person or organisation)	Koch Media GmbH		
Contact person (if applicant is an organisation)	S47F(1)		
Position title	Consultant		
Postal address	S47F(1)		
Postcode		Phone	S47F(1)
Mobile	S47F(1)	Fax	
Email	S47F(1)		
Date you were notified of the classification.	19/06/2013		
Were you the original applicant?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	
Are you the publisher of the material concerned?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	
Are you 'a person aggrieved by the decision'?	<input type="checkbox"/> yes (explanation attached)	<input checked="" type="checkbox"/> no	
Signed:	Date:		

Part 3 – Prescribed fee – \$10,000

<input type="checkbox"/> cheque attached	<input type="checkbox"/> debit from classification account
<input type="checkbox"/> EFTPOS – in person only	<input type="checkbox"/> electronic funds transfer
<input type="checkbox"/> fee waiver application attached	<input type="checkbox"/> Minister – no fee payable
<input checked="" type="checkbox"/> credit card. Cardholder's name S47F(1)	
Numbe S47F(1)	Expiry date: S47F(1)
Cardholder's signature S47F(1)	Lodgement Stamp 9 (Martinsried) 62182 Pfaffenberg/Ansbach Deutschland Tel. +49 99 212 453 Fax +49 99 212 45 100 www.kochmedia.com

Lodge form and payment

By post Convenor, Classification Review Board, Locked Bag 3, Haymarket NSW 2010
By fax (02) 9289 7101
By email crb@classification.gov.au
In person Level 5, 23-33 Mary Street, Surry Hills NSW 2010
 Further information: www.classification.gov.au or call the Review Board Secretary on (02) 9289 7100

Office use only

Classification file number:	Date received:
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Notice under Information Privacy Principle 2 of the *Privacy Act 1988*

The Attorney-General's Department is collecting the information on this form to process an application for review of a decision of the Classification Board. This is authorised by s 43(1) of the *Classification (Publications, Films and Computer Games) Act 1995*.

The Department gives some or all of this information to the Classification Review Board and, under s 43(4) of the Act, must notify the original applicant.

Submission to the Classification Review Board regarding the classification of the computer game *Saints Row IV*

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PART 1 - BACKGROUND

Introduction

This submission is in four parts. Part One is simply background and introductory information including a summary of the classification issues and a synopsis of the game. Part Two consists of an assessment of the classification of the game *Saints Row IV* against the requirements of the *Classification (Publications, Films and Computer Games) Act 1995*, the *National Classification Code* and the *Guidelines for the Classification of Computer Games*. Part Three examines the Classification Board's RC decision and how there may have been errors in that decision. Part Four is a further summary of the submission.

Summary

Saints Row IV and the *Saints Row* series are part of a genre known as open world or sandbox games. The series combines elements of action, adventure and vehicular gameplay. The player can freely roam the virtual world on foot or by use of vehicles and make use of an array of weapon and mêlée based combat.

In *Saints Row IV* the classifiable element of Violence is high in impact, and the game is therefore unsuitable for persons under 18 years. It should be classified R18+ with consumer advice that warns the player about violent content.

Other content elements are present in the game at lower impact levels:

- Themes – General criminal/illegal activity and alien invasion are the background themes to the gameplay. Other more impactful themes are not explored in the game.
- Sex/Sexual References – There are a few sexually suggestive lines of dialogue used by non-player characters in the game.
- Language – Coarse language is used throughout the game by non-player characters and the player character also uses scripted coarse language
- Drug Use/Drug References – As some of the missions are based around criminal activity, there are some references to drugs and drug use. One mission involves the player character and his allies tracking down a shipment of alien drugs.
- Nudity – Character clothing options include no clothing at all. Breast and genital details are obscured by pixilation. There is some breast nudity in magazines and on posters.

The violence in *Saints Row IV* is against opponents in a virtual world created by invading aliens. The player and his allies are placed in the virtual world in a manner parallel to the way humans are plugged into "The Matrix" in the film series of that name. The stress of placing the player character and his allies in a virtual world is designed to cause them to break and suffer under the ministrations of the alien leader. The game is the fourth major instalment of a story franchise about a group of gang members fighting to survive and gain status in a corrupt (and fictional) world. The franchise is very "tongue-in-cheek" and parodies other popular games (such as the Grand Theft Auto series, and other popular culture memes). The game includes many references to famous and infamous scenes and characters in film. All of the three previous games in the *Saints Row* franchise have been classified MA15+.

The game does not present anything new or unique to the gaming experience. Previous titles in the series and many other titles in the genre, which have been classified MA15+, have similar or identical gameplay elements – including references to drug use and violence.

In addition, the violence and drug use are well justified by the context of a storyline where the player battles in a virtual world to escape and defeat an alien invasion and save the world.

The Classification Board made a decision regarding *Saints Row IV* that is inconsistent with a number of other decisions on similar games in the genre. The inconsistent decision appears to have been made, at least in part, due to a failure by the Classification Board to utilise all of the procedures available to it, resulting in a failure to grasp the impact and context of the violence and drug use/references within the game.

This was also attributable in part to the language used in the original submission which was prepared by a native German speaker, resulting in particular translations of game concepts and activities which may have given a more literal and directive perspective on gameplay elements than would be strictly accurate or observable to the game player.

Synopsis of Saints Row IV

Saints Row IV is an Open World/Sandbox computer game for the Personal Computer, Playstation 3 and Xbox 360.

Saints Row IV is the latest game in the Saints Row series, with the original title released in 2006.

Saints Row is set in the fictional city Stilwater, located in the state of Michigan. The player character is inducted into the 3rd Street Saints gang after they save his life, and assists the Saints in eliminating three rival gangs that control the city. During the game, the other Saints members look towards the player character, considering him their new leader.

Saints Row 2 is set five years after *Saints Row*; the player character awakes from a coma in a prison hospital having survived a yacht explosion at the end of *Saints Row*. After escaping the prison, the player character saves Johnny Gat before his execution and together they begin to revive the 3rd Street Saints and, through a course of events, reclaim Stilwater from three new gangs that have had the city under their control. The game culminates in the Saints once again running Stilwater.

In *Saints Row: The Third* the player again controls the leader of the 3rd Street Saints, who have grown from their humble roots as a street gang into a worldwide crime group. The story centres around the conflict between the Saints and the Syndicate, a rival crime group who seek to take advantage of the Saints' influence. Though the first two *Saints Row* games were set in the fictional city of Stilwater, *Saints Row: The Third* is set in a new city named Steelport. Steelport is run by three gangs, much like Stilwater was in *Saints Row* and *Saints Row 2*, yet these gangs—Morning Star, the Deckers and the Luchadores—are all under the control of the Syndicate. Later on in the game, a Division of the Military known as S.T.A.G. is called to Steelport by authorities in an attempt to eradicate all of the gangs in the city.

Saints Row IV is a direct sequel to *Saints Row: The Third*. It is set in a fictional Washington, D.C. and simulated Steelport. Five years after the end of *Saints Row: The Third*, the leader

of the Third Street Saints is elected President of the United States. It's not long before an alien invasion occurs and the Protagonist (player) and the Saints are kidnapped by aliens known as the Zin and their leader Zinyak, The Player is transported to a virtual version of Steelport where he can use super powers to fight against the Zin empire.

PART 2 – ASSESSMENT OF THE CLASSIFICATION OF SAINTS ROW IV

2.1 Legislative Requirements

The *Classification (Publications, Film and Computer Games) Act* 1995 (the Act) governs the classification of computer games and the review of classification decisions. Section 9 of the Act provides that computer games are to be classified in accordance with the National Classification Code (the Code) and the classification guidelines.

Three essential principles underlie the use of the *Guidelines for the Classification of Computer Games* (the Guidelines), determined under s.12 of the Act:

- The importance of context;
- The assessment of impact; and
- The six classifiable elements – themes, violence, sex, language, drug use and nudity

The *National Classification Code* requires classification decisions to give effect, as far as possible, to the following principles:

- a) adults should be able to read, hear and see 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.

Section 11 of the 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

2.2 Assessment – Section 11 of the Act

The game is the fourth major instalment of a story franchise regarding the activities of a street gang seeking to gain supremacy in a fictional city. In this instalment, the player character has been elected president and together with his cohorts, he must save the world from an alien invasion. It fits very comfortably within the existing open world/sandbox genre of games, and does not present anything new or unique to the gaming experience.

Previous titles in the series, and many other titles in the genre, have similar or identical gameplay elements – particularly regarding the classifiable elements of violence and drug use.

In considering the “persons or class of persons to or amongst whom it is published or is likely to be published”, there are two views.

Firstly, gamers who are likely to purchase and/or play the game will not differentiate this game from many similar classified games currently available in Australia. As stated above, the game does not introduce any new or unique elements, or any more graphic depictions of violence or drug use than exist in games that are already available.

In terms of likely players, research¹ commissioned by the Interactive Entertainment Association of Australia and undertaken by Bond University indicates that in all three genres (action, adventure & racing) covered by open world/sandbox games, most players are in the 36-50 year age group – followed by 26-35 year olds and then by 16-25 year olds. As noted above, *Saints Row IV* contains violent content and drug use that is entirely consistent with other current titles in the genre, and the age range of players who will play the game is entirely consistent with the requirements of the R18+ classification.

Secondly, the broader community is aware of the existence of these games in the Australian marketplace and in Australian homes. Generally the community has great confidence in the ability of the Classification Board and Classification Review Board to make quality decisions about the classification of computer games. This has been shown in research commissioned by the former Office of Film and Literature Classification (OFLC)² and by the Attorney General's Department³ and in research from industry⁴ and academic⁵ sources. In addition there has always been a very low number of complaints regarding the classification of computer games, indicating that both Boards generally get it right. For example, in 2007-08 the Classification Board received 169 complaints⁶ regarding the classification of specific computer game titles, and only one complaint was regarding content in a computer game classified MA15+ being too high for the category.

Therefore, in terms of the content of computer games, including *Saints Row IV*, people likely to purchase or play *Saints Row IV*, and the broader Australian community, are comfortable with this level of classifiable elements being present in an R18+ computer game.

2.3 Assessment – National Classification Code

The principles of the Code, particularly those regarding protecting children and community concerns about depictions of violence, are well served by the restricted classification categories such as MA15+ and R18+. As discussed above, *Saints Row IV* contains violence

¹ Brand J, Borchard J & Holms K., 2008, IA9 Interactive Australia 2009, The Centre for New Media Research, Bond University, Gold Coast, Qld.

² OFLC, 2002, Australian Consumer's Usage & Attitudes towards Classification. Market Research Final Report

³ Galaxy Research for the Australian Government Attorney General's Department, 2007, Classification Decisions and Community Standards 2007 Report.

⁴ Brand J, 2006, Interactive Australia 2007, The Centre for New Media Research, Bond University, Gold Coast, Qld.

⁵ Durkin K and Aisbett K, 1999, Computer Games and Australians Today, Office of Film and Literature Classification, Sydney, NSW

⁶ Classification Board and Classification Review Board, 2008, Classification Board and Classification Review Board Annual Reports 2007-08, AGD, Surry Hills, NSW

and Drug Use that is entirely consistent with that contained in existing games in Australia. These games are not available for persons aged under 15 to purchase, and the community is generally very satisfied that its concerns are being addressed through quality classification decisions.

2.4 Assessment – Guidelines

The following is a description and assessment of the game's content under the six classifiable elements.

Themes

Description

The game is built around a gang of criminals undertaking their usual activities in a virtual world, so that they can escape the simulation and defeat aliens that have invaded Earth.

These themes are explored in an "upbeat" world full of humour and parodies of pop-culture. Whilst the basic themes are somewhat powerful and could create a dark and forbidding atmosphere, the game is quite light-hearted and the themes are not explored in detail. There is an overall moderate sense of threat or menace, and the themes are central to the storyline.

Assessment

The overall thematic impact is moderate and therefore not recommended for players under 15 years old, and can be accommodated in the M classification.

Violence

Description

The player and his/her crew are thrown into simulations (like The Matrix, their bodies are stored in pods and their minds are connected to a simulation). These simulations are populated by simulated humans, who look, sound, and act like humans except occasionally they glitch - as a reminder they are simulations they deform, flash in and out of existence on occasion, etc. Violence against simulated humans is accompanied by an appropriate scream, blood effect, and sound effects. Examples of types of violence:

As noted above, the player fights simulated humans in the virtual reality created by the aliens through much of the game. In the opening level, the player fights "real world" human terrorists.

The player will often engage in combat with aliens, cyborgs, and occasionally strange creatures such as a monstrous oversized soft drink can or a mutant man-cat

Player actively controls weapons that are used to:

- Catch people on fire
- Inflate people's heads to the point of exploding (like a balloon)
- Suck people into black holes
- Bludgeon people

- Shoot people

Players actively control super powers that are used to:

- Freeze people and shatter them into pieces
- Catch people on fire
- Send people flying forcefully into objects
- Electrocute people
- Hold a person in stasis and suck out their life force
- Cause a nuclear explosion, destroying all people in its wake
- Ram people over
- Shrink people down to a size where they can proceed to be stepped on
- Throw dangerous objects into people

Players actively control vehicles that are used to:

- Run people over
- Shoot turret weapons at people
- Shoot flames out at people

Violence against simulated humans also occurs in cutscenes and special scripted scenes in missions where the player is an observer rather than a direct participant.

Vehicle violence is not as common in *Saints Row IV* as it was in previous Saints Row games, but it still occurs. The player can enter a vehicle and ram it into other vehicles or living things on the street. There are also vehicles that can fly, such as UFOs and helicopters. These vehicles feature weapons such as lasers and missiles which can be used to destroy small pieces of the city and the things living in it. Some missions contain special vehicle sequences:

- The player mans "power armor", a suit which contains special weapons such as a rush melee attack and missiles
- One vehicle can shoot flames out the side, harming anything near it
- The player also pilots a statue of liberty sized statue of a large man which he uses to beat up the soft drink can monster

Blood can be seen pooling under dead bodies and on walls, this disappears after time. Blood splatters can be seen when an enemy is shot, these disappear more quickly than the blood pooling. Blood can be seen on the ground where people land from a fall, this disappears after a short time, similar to the blood splatters.

The level of "gore" in *Saints Row IV* is limited. Blood splatters can contain "chunks" but they are temporary and will not remain beyond the length of the effect.

Cyborg enemies can be severed in half and will fight until their upper half is destroyed.

Some weapons will cause the enemy to explode in a burst of blood. No corpse, body parts, or blood are left behind.

The violence is frequent throughout the game. It is generally unrealistic and over-the-top. For example, the player can attack several protagonists, and while they shoot at the player (often hitting him) the player keeps going and kills all of his enemies.

The context is as described above - a matrix style simulation involving human players and non-player characters. The graphics are quite unrealistic, and the actions of the characters are highly stylised.

Sexual Violence

The player can obtain a weapon that is redeemed via a DLC (Downloadable Content) code called the Rectifier probe. When used, the player pushes the weapon at an opponent and the weapon appears to impale the opponent and then launch them into the air.

In the context of an alien invasion in a game where pop culture is attacked remorselessly, the Rectifier probe weapon is clearly meant to suggest the use of the classic “alien anal probe”. While it is not clearly depicted, and the term ‘anal probe’ is not used at all in the game, it is suggested that the Rectifier probe is inserted into the opponent, although it is depicted as a three-pronged ‘grabbing’ device, and might as easily be interpreted as grabbing the opponent. The point of impact is pixelated, and it is unclear exactly what is occurring. The action implies that the weapon has been used to impale the opponent and then launch them into the air – but no insertion is shown, and opponents remain fully clothed with no depiction of damage. Opponents launched by the weapon produce a trail of stars, further underlining the fantastical nature of the weapon.

Assessment

The violence in the game is typical of violence in most open world/sandbox titles currently available in the Australian market.

The violence is highly stylised and completely unrealistic, but it occurs frequently in the game.

The Rectifier probe weapon suggests sexual violence rather than implies it. The detail of the action is pixelated – so any conclusions about what is happening are largely in the mind of the player/observer.

It can be argued that the notion of inserting a weapon into a person’s anus and then launching them into the air is a depiction or implication of sexual violence, but it is clear from the context that this is not included in the game to imply sexual violence.

The context of this element of gameplay is one of a laugh at alien abduction conspiracy theories. Many alien abduction theories and stories related in popular culture include references to (or more commonly jokes about) being “probed” by the abducting aliens. So in a comedy story about fighting an alien invasion, it is only natural that the characters should stumble across an alien probe.

The use of the Rectifier probe is not sexual violence. It is a silly and childish “bottom” joke, and typical of much of the humour in the Saints Row franchise.

Whilst the violence does not include a lot of detail and it is justified in the context of the alien invasion/simulated world storyline, the frequency results in an overall high impact.

Sex

Description

The player character will be able to proposition each of the crew (males, females, and a robot) which will include audio lines and animations that are sexually suggestive, but do not depict any simulated sexual activity.

The sexually suggestive content is very infrequent, humorous and incidental to gameplay.

The sexually suggestive content does not impact the game's progression in any way (not required to get 100% complete and will not unlock any additional content).

Assessment

The sexual references are simply some suggestive byplay between the player character and his/her crew. They lack detail and are very infrequent. The overall impact is moderate. Sex and Sexual References in the game can be accommodated at the M classification.

Language

Description

Coarse language is used throughout the game. Of the 247,395 words in the game, the number of uses of coarse language is:

- Fuck - 1149 times (0.46%)
- Shit - 1475 times (0.6%)
- Asshole - 225 times (0.09%)
- Bitch - 178 times (0.07%)
- Dick - 29 times (0.01%)
- Pussy - 13 times (0.005%)

The language is used naturalistically in the setting of the "gangland" style game. In some instances, the coarse language forms part of the aggressive interplay between characters in the game.

Assessment

Aggressive coarse language is infrequent, and it is generally not exploitative or offensive. The frequency of the "fuck" language results in an overall strong impact. Coarse language in the game can be accommodated at the MA15+ classification.

Drug Use

Description

There are some verbal references to a fictional drug called "LOA Dust" that was initially brought up in *Saints Row 2*.

In one mission/level the player enters Shaundis' (a Saint) simulation where she relives the death of Johnny Gat (from *Saints Row 3*). The player fights his way to Johnny, but the simulation falls apart and the player is placed in a new part of the simulation where a version of Shaundi from *Saints Row 2* is being attacked by DJ Veteran Child. The player kills DJ Veteran Child (who multiplies) with a gun created to delete his code. As an optional follow up to this mission, both Shaundis are in the Steelport simulation at once. They bicker when SR2 Shaundi says she wants to do drugs. They seek out a shipment of "alien narcotics".

The player character can "smoke" the narcotics – this is briefly depicted by the character holding a broken glass bulb near their face and implicitly lighting it by flicking a lighter, although neither the lighter nor smoke are depicted. Shortly after the player character says

“...my powers feel limitless”. The player already has superpowers. Depending on how the player spends money earned in the simulated world, the player character can buy different superpowers as they progress. Specifically, the “alien narcotic” may provide the player character with unlimited stamina (allows the character to use the ‘sprint’ ability without a timer). However, the player may have already purchased this superpower through the abilities menu or gained the power through earlier side missions. If the ability/superpower has not been gained elsewhere, the effect from the “alien narcotic” is temporary. If it has been previously won or purchased, there is no effect. During the rest of this mission players will see strange things (hallucinations that appear as distortion/glitch effects). The player character and the two Shaundi characters use some dialogue that includes drug references, such as “... it really has been too long since you’ve smoked up”.

Assessment

The game takes place in a criminal underground setting. This setting is made unrealistic through the inclusion of an alien invasion and a Matrix style virtual world. Typical of Saints Row games, the player hunts down drug dealers. In this case, the player and his allies “smoke” some “alien narcotics”. This is shown through an undetailed and brief visual. The characters make some comments about having “unlimited powers”, but in reality the benefits from the “alien narcotics” are either non-existent, acquired elsewhere in the game, or at the very best – a temporary extension of an existing power.

There is no interactive drug use. Whilst there are some parallels between the depictions and descriptions in the game and real world illicit drugs, these connections would need to be made by a mature or adult person with an understanding of drug use. The terms used in the game have a stronger parallel to magic potions used in popular science fantasy. The links between “drug use” and incentives and rewards are intangible. Any suggested bonus from using the “alien narcotics” can be found elsewhere in the game.

Whilst the drug use is not interactive and not related to incentives and rewards, it does require a mature outlook to differentiate between the “alien narcotics” and real world drugs. A mature outlook is required, and this element could be accommodated in the MA15+ classification.

Nudity

Description

During player creation, the player will see their character standing in just their underwear. Players will have the chance to remove all clothing from their character while they play the game. The players genitalia will be covered with a mosaic censor bar if the appropriate clothing is removed. Players will never be able to view what is behind the mosaic, but there are no “hidden” animations of genitals - the pixelation IS the animation.

The player character and Matt Miller will both appear naked and covered in goo throughout one mission each (different missions) - the mosaic censor bar will be present for those instances.

Several cinematics and locations in the game will feature a woman’s breasts on the cover of a magazine and on some posters (same image for all of them).

Assessment

The nudity is of animated characters and is largely obscured and completely incidental to gameplay. The only depiction of unobscured nudity is breast nudity in a magazine and posters used as background / stage setting imagery. The overall impact is moderate.

2.5 Assessment Summary

This assessment summary is based on the requirements of the Act, the Code and the Guidelines, together with an analysis of the content of the game, made in the context of the Australian community's attitudes towards content of this nature, including content currently available in a number of MA15+ classified games.

Saints Row IV is the latest instalment in a well established franchise that pokes fun at the open world gangland setting popularised in other games and in film.

The violence in *Saints Row IV* is highly unrealistic, but it occurs frequently. Whilst the setting is clearly established as "virtual" and completely fantastical, the frequency of the violence results in a high impact. There is no sexual violence in the game.

There are some references to "alien narcotics" in the game, including brief and very infrequent non-interactive depictions of "drug use", creating a strong impact.

The relatively frequent use of coarse language in the game also has a strong impact.

Other classifiable elements have a lesser impact, or are not present in the game.

As the classifiable element of Violence is high in impact, the game is unsuitable for persons under 18 years. It should therefore be classified R18+ with consumer advice that warns the player about the violent content.

PART 3 – ANALYSIS OF THE CLASSIFICATION BOARD’S RC DECISION

3.1 Classification Board’s statement of “Reasons for the Decision”

In its report, the Classification Board provided a number of reasons for the RC decision. Those reasons are analysed below.

Sexual Violence

The game includes a weapon referred to by the Applicant as an “Alien Anal Probe”. The Applicant states that this weapon can be “shoved into enemy’s backsides”. The lower half of the weapon resembles a sword hilt and the upper part contains prong-like appendages which circle around what appears to be a large dildo which runs down the centre of the weapon. When using this weapon the player approaches a (clothed) victim from behind and thrusts the weapon between the victim’s legs and then lifts them off the ground before pulling a trigger which launches the victim into the air. After the probe has been implicitly inserted into the victim’s anus the area around their buttocks becomes pixelated highlighting that the aim of the weapon is to penetrate the victim’s anus. The weapon can be used during gameplay on enemy characters or civilians.

The Board states that “the lower half of the weapon resembles a sword hilt and the upper part contains prong-like appendages which circle around what appears to be a large dildo which runs down the centre of the weapon”. The description is partially accurate. The centre of the weapon can conceivably be described as looking like a large dildo, but it could also be described as looking like a missile, a tongue, a fence post or a thermos flask. Describing it as appearing to be “a large dildo” reads too much into the visual depiction of the weapon. This concept appears to be in the mind of the player/viewer rather than clearly depicted on screen.

The Board concludes its assessment of “sexual violence” with the following statement:

In the Board’s opinion, a weapon designed to penetrate the anus of enemy characters and civilians constitutes a visual depiction of implied sexual violence that is interactive and not justified by context and as such the game should be Refused Classification.

In this assessment the Board has missed the fact that the Rectifier probe weapon is not explicitly described in the game as an anal probe. However, it is clearly meant to parody the anal probes described in science fiction and related comedy – contextualising and justifying the use of the weapon.

The highly stylized depictions of the weapon’s use and the obscured visuals are not “visual depictions of implied sexual violence”. The interactivity of the action is also questionable. The player can hit the correct button to “fire” the weapon, but the resulting visuals are not player controlled.

It should also be noted that the Rectifier probe weapon is not included in the game. The weapon is available separately as a DLC. This is an add-on as described in Section 5A (2) of the Act. The DLC is available for purchase or redemption from online. The “game code” for the weapon is included in the original game, but the player must purchase an activation code separately for it to be accessible.

Drug Use

In detailing its decision regarding drug use, the Board states:

Smoking the "alien narcotics" equips the player with "superpowers" which increase their in-game abilities allowing them to progress through the mission more easily.

This broad statement is subsequently explored in more detail.

One character describes that the drug, referred to during the mission as an "alien narcotic", will "enhance abilities on top of giving you a really wicked buzz".

... Within moments [of using the "alien narcotic"] the player begins to feel the effects of the drug, commenting "(my) powers feel limitless", "(I) feel like every muscle inside me is going to burst" and "holy crap we have superpowers".

In all fictional stories – particularly science fiction ones – characters will say things that exaggerate what is actually going on. This may be a flaw in the character, or it may be a story telling technique used to attract the reader/viewer/player's attention. In classifying the computer game, it is necessary to separate the depictions and descriptions of classifiable elements from any hyperbole used by characters or the story teller.

After killing the dealer the player is depicted implicitly smoking from what appears to be a small glass pipe.

The device or object used by the player character does not appear to be a "small glass pipe". It is shown as a broken glass bulb that the character implicitly holds a lighter to (although the actual lighter is not shown). Whilst the depictions are similar to those that might be expected if the character was using a glass pipe or similar smoking paraphernalia familiar to the viewer, the depiction does not show a glass pipe.

The player then embarks on a mission to locate and kill an enemy character and is depicted using superpowers which include increased speed and jumping abilities.

The player does embark on the rest of the mission to hunt down and kill the enemy. The player can also use superpowers during this mission. The superpowers described "increased speed and jumping abilities" are not obtained through the use of the "alien narcotic", and are already in use by the player prior to the mission. As noted above, the player may gain increased stamina from the narcotic, but this ability can be gained in other ways – and in normal gameplay a player will have already gained this ability.

The Board draws the following conclusion about the "drug use":

In the Board's opinion, there is insufficient delineation between the "alien narcotic" available in the game and real-world proscribed drugs. The Board notes that the label "narcotics" is commonly assigned to describe a class of real-world drugs that include such proscribed substances as cocaine and heroin. In addition, the means by which the drugs are obtained (from a street dealer) and the method of administration (smoked using a small glass pipe) parallel real-world

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scenarios and, when used, the drug provides quantifiable benefits to a player's character. This game therefore contains drug use related to incentives and rewards and should be Refused Classification.

As noted above, the device used by the player character is not a "small glass pipe". The Board states that "the drug use provides quantifiable benefits", but fails to quantify them. This is understandable, because in terms of gameplay, there are no quantifiable benefits to using the "alien narcotics". The other statements drawing links between the "alien narcotics" and real world drugs are quite subjective, but understandable. However, they are small elements that are used to shore up a fragile argument.

3.2 Materials Provided to the Classification Board to Support the Application for Classification

The above analysis of the Board's decision indicates that it is perhaps a flawed decision. However, the error was not necessarily created by the Board's failure to correctly apply the guidelines, but rather created from their failure to require higher quality materials and information from the applicant.

The applicant for the classification of *Saints Row IV*, Koch Media, is not based in Australia and does not operate an office in Australia and nor does it employ trained Authorised Computer Games Assessors. This puts the applicant at a distinct disadvantage in terms of providing sufficient and pertinent information to allow the Board to make a quality decision.

Under section 17 of the Classification (Publications, Films and Computer Games) Act 1995, the application must be:

- ...
- (e) accompanied by a document setting out:
 - (i) the title of the game; and
 - (ii) the year of production; and
 - (iii) the name of the publisher; and
 - (iv) the country of origin; and
 - (v) a description of game play.

In practice, the vast majority of computer game applications are accompanied by an Authorised Assessor Report. Whilst section 17 of the Act only requires the assessment prepared by the authorised person to include "a recommended classification of the game" and "consumer advice appropriate to the game", the forms approved by the Director also include provision for a "description of gameplay". This is a very practical mechanism to ensure that applicants place all of the relevant information into one document accompanying the application form. In fact it is so practical and convenient that regular applicants use the assessor form as their "document setting out ... a description of gameplay" for games that are likely to be classified MA15+ or 18+ - classification categories that cannot be recommended by an assessor. The form even has a statement on the front page indicating that this practice is acceptable and even encouraged.

The "description of gameplay" provided by the applicant is a simple document with the title "SR IV Gameplay Description". Over two pages the content (in terms of content that is described as "classifiable elements" under the Australian National Classification Scheme) is briefly described. This is followed by very brief descriptions of each mission.

The Gameplay Description does not include enough details for the Classification Board to make a quality decision. The document clearly uses extensive hyperbole taken from promotional and advertising material. This is a common mistake made in many applications for classification. Most Authorised Assessors employed in the Australian computer game industry only do assessment work as a minor part of their jobs. Most are from marketing and PR roles. The Board and Classification Branch training staff spend a lot of time and effort teaching and correcting assessors when they use marketing language designed to create interest and excitement instead of clear and detailed descriptions of actual gameplay.

Koch Media has not had access to the high quality guidance provided by the Board and the Classification Branch. This is evident when reading the “gameplay description” that lacks detail and references terms not included in the game. As noted above, further impacting on this problem is that fact that the language used in the original submission was prepared by a native German speaker, resulting in particular translations of game concepts and activities which may have given a more literal and directive perspective on gameplay elements than would be strictly accurate or observable to the game player.

The Classification Board should have declined to deal with the application as incomplete or insufficient. After validating a poorly written application, the Classification Board has been “forced” to make incorrect assumptions. This has resulted in an incorrect classification decision.

3.3 Summary Analysis of Classification Board’s Reason for the RC Decision

The Classification Board made a decision regarding *Saints Row IV* that makes assumptions in the analysis of the content of the game. Those assumptions were in part incorrect. However, the Board was required to make those assumptions because it failed to reject a poorly written application. The Board should have taken into account that the applicant is unfamiliar with the Australian National Classification Scheme, and either declined to deal with the application, or provided customer service to assist the applicant in providing better quality information.

PART 4 – SUBMISSION SUMMARY

This submission to the Classification Review Board provides a clear assessment that the computer game *Saints Row IV* includes content that warrants an R18+ classification.

There is no sexual violence in *Saints Row IV*. There is a “joke” weapon (available by download only and not included in the game being classified) that parodies the classic alien probe. However the depictions seen when this weapon is used are obscured and do not include detail. This element of gameplay is silly, childish crude humour – not implied sexual violence.

The use of “alien narcotics” in one mission in the game can arguably have some resonance with real world drug use. However any rewards and incentives are at best intangible, and in reality non-existent or virtually non-existent.

The Classification Review Board is required by the Act to make a fresh classification decision – classifying the game against the requirements of the Act, Code and Guidelines. In addition to an assessment against the legislative framework, this submission has made some analysis of the classification decision of the Classification Board, with the purpose of discovering how that Board may have come to a decision that does not accurately reflect the content of the game. The purpose of this analysis is not to criticise the Classification Board, but rather to examine possible flaws in the application and classification process that may have resulted in an “incorrect” classification decision.

In conclusion, the computer game *Saints Row IV* contains violent content that is high in impact and unsuitable for persons under 18 years. The game should be classified R18+.



Australian Government
Classification Board

File No: T13/1528

Decision Report

Classification decisions are made in accordance with the Classification (Publications, Films and Computer Games) Act 1995 (the Act), the National Classification Code and the Classification Guidelines.

Production Details:

Title:	SAINTS ROW IV
Alternate titles:	
Publisher:	DEEP SILVER
Programmer:	DEEP SILVER VOLITION
Production Company:	
Year of Production:	2012
Duration:	VARIABLE
Version:	ORIGINAL
Format:	MULTI PLATFORM
Country/ies of origin:	USA
Language/s:	EFIGS
Application type:	CG2
Applicant:	KOCH MEDIA GMBH

Dates:

Date application received by the Classification Board: 13 May 2013

Date of decision: 19 June 2013

Decision:

Classification: RC

Consumer advice:

Synopsis:

This open-world action game, for the XBOX 360, is the fourth in the Saints Row series and is a direct sequel to Saints Row: The Third. In this instalment players control the leader of the Third Street Saints, who has been elected as the President of the United States after it comes under attack from an alien race. Players navigate open world environments and complete missions with the main objective being to destroy the Zin alien empire.

Reasons for the Decision:

In making this decision, the Classification Board has applied the Classification (Publications, Films and Computer Games) Act 1995 (the Classification Act), the National Classification Code (the Code) and the Guidelines for the Classification of Computer Games 2012 (the Guidelines).

In the Board's view this game warrants an 'RC' classification in accordance with item 1(a) of the computer games table of the National Classification Code:

"1. Computer games that:

(a) depict, express or otherwise deal with matters of sex, drug misuse or addiction, crime, cruelty, violence or revolting or abhorrent phenomena in such a way that they offend against the standards of morality, decency and propriety generally accepted by reasonable adults to the extent that they should not be classified;" will be Refused Classification.

Computer games that exceed the R 18+ classification category will be Refused Classification. At the R 18+ classification, the Guidelines state:

"Implied sexual violence that is visually depicted, interactive, not justified by context or related to incentives or rewards is not permitted"; and

"Drug use related to incentives and rewards is not permitted".

The Guidelines also state that computer games will be Refused Classification if they contain "illicit or proscribed drug use related to incentives or rewards".

The game includes a weapon referred to by the Applicant as an "Alien Anal Probe". The Applicant states that this weapon can be "shoved into enemy's backsides". The lower half of the weapon resembles a sword hilt and the upper part contains prong-like appendages which circle around what appears to be a large dildo which runs down the centre of the weapon. When using this weapon the player approaches a (clothed) victim from behind and thrusts the weapon between the victim's legs and then lifts them off the ground before pulling a trigger which launches the victim into the air. After the probe has been implicitly inserted into the victim's anus the area around their buttocks becomes pixelated highlighting that the aim of the weapon is to penetrate the victim's anus. The weapon can be used during gameplay on enemy characters or civilians.

In the Board's opinion, a weapon designed to penetrate the anus of enemy characters and civilians constitutes a visual depiction of implied sexual violence that is interactive and not justified by context and as such the game should be Refused Classification.

The game contains an optional mission which involves the player obtaining and smoking drugs referred to as "alien narcotics". Smoking the "alien narcotics" equips the player with "superpowers" which increase their in-game abilities allowing them to progress through the mission more easily. The mission requires players to locate and kill a drug "dealer" to "score something to boost (them) up for killing". During the mission onscreen prompts guide the player to "Go to deal location" and "Get drugs". One character describes that the drug, referred to during the mission as an "alien narcotic", will "enhance abilities on top of giving you a really wicked buzz". After killing the dealer the player is depicted implicitly smoking from what appears to be a small glass pipe. The drugs they obtain from the first dealer do not achieve the desired effects and the player locates and kills a second dealer. After killing this dealer the player is again depicted implicitly smoking from a small glass pipe. Within moments the player begins to feel the effects of the drug, commenting "(my) powers feel limitless", "(I) feel like every muscle inside me is going to burst" and "holy crap we have superpowers". The player then embarks on a mission to locate and kill an enemy character and is depicted using superpowers which include increased speed and jumping abilities.

In the Board's opinion, there is insufficient delineation between the "alien narcotic" available in the game and real-world proscribed drugs. The Board notes that the label "narcotics" is commonly assigned to describe a class of real-world drugs that include such proscribed

substances as cocaine and heroin. In addition, the means by which the drugs are obtained (from a street dealer) and the method of administration (smoked using a small glass pipe) parallel real-world scenarios and, when used, the drug provides quantifiable benefits to a player's character. This game therefore contains drug use related to incentives and rewards and should be Refused Classification.

Decision:

This game is Refused Classification.

Classification Board use only

Names of panel members constituted for decision:

S47F(1)

Details of opinions (including minority views):

Unanimous

A senior panellist has confirmed that the application considered was valid under the Act.

A senior panellist has confirmed that all members constituting the Board for this decision have considered the application and that this Decision Report is a true and accurate reflection of the Board's decision and any minority opinions.

Decision signed off by a senior panellist.

Decision signed off by DirectorDate/...../.....

(required for all enforcement applications, commercial RC decisions and non-ISP ACMA RC decisions)