

**A N N U A L R E P O R T**

**OF THE**

**SOUTH AUSTRALIAN CLASSIFICATION**

**COUNCIL**

For the  
Year Ended 30 June 2007

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Submitted to the Honourable the Attorney-General  
pursuant to Section 90 (1) of the  
Classification (Publications, Films and Computer Games) Act 1995

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# ANNUAL REPORT of the SOUTH AUSTRALIAN CLASSIFICATION COUNCIL

for the Year Ended 30 June 2007

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*The Honourable Michael Atkinson, MP, Attorney-General for South Australia,*

Sir,

Pursuant to the provisions of Section 90 (1) of the *Classification (Publications, Films, Computer Games) Act 1995*, the South Australian Classification Council respectfully submits this report, to be laid before both Houses of Parliament, on its activities for the year ended 30 June 2006.

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## **COUNCIL MEMBERSHIP**

Three members of the Council constitute a quorum.

During the year the Council comprised the following members:

A legal practitioner, Ms Julie Redman, LLB (Chairperson);

A person skilled in the field of child psychology, Mr Michael Dawson B.A., DipEd, Registered Psychologist (MAPS);

A person with wide experience in education, Father Phillip Marshall B.A. (Hons)

Three other people who possess, in the opinion of the Governor, other proper qualifications to participate in the deliberations and functions of the Council:

Mr Anthony Durkin LLB

Rev Doctor Robert Iles B.Ed., L.Th., Dip.R.E., M.A., Ph.D. (1/7/2006 - 17/9/2006)

Barbara Biggins (OAM, B.Sc, Grad Dip Lib, AALIA)

Ms Katherine O'Neill B.A. (Hons), LLB (Hons)

## **Registrar**

Ms Wilhelmina Chapman of the Attorney-General's Department.

## **RELATIONSHIP BETWEEN THE COMMONWEALTH CLASSIFICATION BOARD AND THE SOUTH AUSTRALIAN CLASSIFICATION COUNCIL**

The Commonwealth *Classification (Publications, Films and Computer Games) Act 1995* came into effect in January 1996. The Act provides for the classification of publications, films, and computer games by the Commonwealth Classification Board in accordance with the criteria set in the National Classification Code and classification guidelines.

Classification decisions made by the Board are adopted by South Australia but may be reviewed under the State *Classification (Publications, Films and Computer Games) Act 1995*. The South Australian Classification Council or the Minister may classify a publication, film or computer game despite the fact that it is classified under the Commonwealth Act. Such a classification has effect to the exclusion of any classification under the Commonwealth Act.

The classification criteria in the State Act are identical to the criteria applied by the Commonwealth Board to ensure that decisions are made on the same basis at both State and Commonwealth levels. Despite this there may still be a difference between the two bodies because the Council is comprised of South Australian residents and endeavours to consider the standards accepted by the South Australian community in particular.

## **APPLICATION OF CRITERIA TO BE APPLIED BY THE COUNCIL PURSUANT TO SECTION 19 OF THE ACT**

The Council must comply with section 19 of the *Classification (Publications, Films and Computer Games) Act 1995*, which states:

19. The matters to be taken into account by the Council or the Minister in making a decision on the classification of a publication, film or 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 publication, film or game; and
  - (c) the general character of the publication, film or game, including whether is of a medical, legal or scientific character; and
  - (d) the persons or class of person to or amongst whom it is published or is intended or likely to be published.

Classification decisions are 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 a person in a demeaning manner.

## **ACTIVITIES OF THE SOUTH AUSTRALIAN CLASSIFICATION COUNCIL**

### **Costs**

The Council met six times in 2006 - 2007. Its expenditure for the year was \$3,900.

### **Inquiries received from the general public in relation to censorship in SA**

During 2006-2007 a number of queries were received relating to censorship in its broad sense. A number of the inquiries related to matters outside the jurisdiction of the South Australian Classification Council. In those cases, people requesting information were directed to the appropriate organisation that could assist them.

Below is a table of all inquiries received in 2006-2007.

<b>Inquiries Received</b>	<b>NO RECEIVED</b>
Complaint about advertising	7
Query about classification of a computer game	1
Query about consumer advice	1
Query about classification of films/video/DVD	2
Complaint about merchandise	2
Query about classification of publications	1
Query about sale of computer game	1
Complaint about TV content	2
Query about <i>Classification (Publications, Films and Computer Games) Act 1995</i>	1
Query about copyright	2
Information about censorship	1
<b>TOTAL</b>	<b>21</b>

### **Review of Classifications**

#### **1. Publications**

Council considered one publication:

- Zoo Weekly  
Council classified the magazine Unrestricted M- Not recommended for readers under 15 years.  
See Appendix A for the Council's Report about Zoo Weekly

#### **2. Films**

The Council considered four films:

- Jindabyne  
Council declined to classify the film. The film retained its M classification.  
See Appendix B for the Council's Report about 'Jindabyne'.
- 2:37  
Council declined to classify the film. The film retained its R18+ classification.  
See Appendix C for the Council's Report about '2:37'.
- Shortbus  
Council declined to classify the film. The film retained its R18+ classification.  
See Appendix D for the Council's Report about 'Shortbus'.
- 300  
Council declined to classify the film. The film retained its M15+ classification.  
See Appendix E for the Council's Report about '300'.

### **3. Computer Games**

The Council did not consider the classification of any computer games.

## **THE CLASSIFICATION OF THEATRICAL PERFORMANCES BOARD**

Under the *Classification of Theatrical Performances Act 1978* members of the South Australian Classification Council are also members of the Classification of Theatrical Performances Board.

### **APPLICATION OF CRITERIA TO BE APPLIED BY THE BOARD PURSUANT TO SECTION 11 OF THE ACT**

The Board must comply with section 11 of the *Classification of Theatrical Performances Act 1978*, which states:

11. (1) In considering questions as to whether a theatrical performance is offensive, or suitable or unsuitable for children, the Board shall have regard to standards of morality, decency and propriety that are generally accepted by reasonable adult persons.

11. (2) In performing its functions under this Act the Board shall have due regard to the nature of the theatrical performance under consideration and to all other relevant factors that bear upon the classification or conditions that should be assigned to, or imposed in respect of, the theatrical performance.

## **ACTIVITIES OF THE CLASSIFICATION OF THEATRICAL PERFORMANCES BOARD**

The Board did not consider any theatrical performances.

## **COMMUNITY LIAISON SCHEME**

The Community Liaison Scheme (CLS) is a joint State, Territory and Australian Government initiative designed to support the operation of the cooperative national classification scheme. CLS staff provide an education service to industry in each State and Territory involved in distributing, advertising, selling, hiring or exhibiting classified products. These include films, DVD/video, certain publications and computer games. CLS also provides advice and assistance to law enforcement agencies.

Through a program of compliance checks and strategic projects aimed at industry sectors, the CLS works with business so that accurate and timely classification information is available to consumers of classified material, and in particular to those who wish to make informed decisions about the products consumed by those in their care. CLS staff undertake individual checks of retail outlets in all States and Territories, identifying problems and providing advice on how to comply with the legislative requirements of the national classification scheme. Outlets visited include cinemas, DVD and computer game retailers, video hire stores, service stations, newsagents and restricted premises. Where breaches of classification laws are detected, CLS officers generally deal with these by educating the retailer, exhibitor or distributor concerned or, if appropriate, reporting the matter to police.

In the 2006-07 financial year, CLS staff spent 15 working days in South Australia, undertaking approximately 90 site visits in the Adelaide metropolitan area and south east regional towns.

CLS also handles enquiries and complaints from industry and members of the public in relation to classification issues as well as referrals from States and Territories and other government agencies.



## **CLASSIFICATION INFORMATION**

### **South Australian Classification Council Website**

The South Australian Classification website outlines the classification system, answers some common questions and explains how to complain about offensive material. The address is '[www.sacentral.sa.gov.au/agencies/cpb](http://www.sacentral.sa.gov.au/agencies/cpb)'.

### **Australian Government Classification Website**

This site located at '[www.classification.gov.au](http://www.classification.gov.au)' contains information about the operation of the National Classification Scheme in Australia. It includes information about

- The Classification Board
- The Commonwealth Act and Regulations
- Guidelines for the Classification of Publications
- Guidelines for the Classification of Films and Computer Games
- Classification Database
- Decisions of the Classification Review Board
- Notice of calls for public submissions on classification matters
- Annual reports of the Classification Board and Classification Review Board.

There is also general information for both consumers and industry.

### **Relevant Acts**

The South Australian *Classification (Publications, Films and Computer Games) Act 1995* may be accessed at '[www.legislation.sa.gov.au](http://www.legislation.sa.gov.au)'.

The Commonwealth *Classification (Publications, Films and Computer Games) Act 1995* may be accessed at '[www.austlii.edu.au/au/legis/cth/consol\\_act/](http://www.austlii.edu.au/au/legis/cth/consol_act/)' or through the Australian Government Classification website

## APPENDIX A

### Classification of Zoo Magazine published by EMap Australia

#### **Background**

The Council met on 4 October 2006 to consider a complaint made about the August 28, 2006 issue of *Zoo Magazine*. The complainants were concerned that the magazine was being sold to children and that its contents were unsuitable to such readership.

#### **Complaint**

Specifically, the complaint focused upon matters of a violent content and alleged sexual content, inclusive of that material printed on the cover of the magazine.

The magazine is currently unrestricted in respect of its classification.

An unrestricted classification encompasses a wide range of material. It is not likely to include material that would offend a reasonable adult to the extent that it should be restricted.

The Council had regard to the matters set out in s.19 of the *Classification (Publications, Films and Computer Games) Act 1995* ('the Act') and considered the impact of the contents of the magazine together with its cover and felt that it was of moderate impact which impact had a cumulative affect.

Upon due consideration the Council was not moved to reclassify the publication so as to restrict it.

In light of the sexual content and the moderate levels of dealings with violent matters, the Council felt that the publication ought to henceforth be required to carry a consumer advice label, being Classification Marking 1(b) confirming that it is unrestricted but recommended for mature readers and not recommended for persons under 15 years.

The Council considered the appropriate duration of such an adjustment to the classification status of the publication and, pursuant to s.19A of the Act, the requirement to include an advisory that the publication is recommended for mature readers is to apply to all future publications in the 'Zoo' series of magazines.

## APPENDIX B

### Classification of the film 'Jindabyne' by Ray Lawrence

#### **Complaint**

The Council received a complaint about the film 'Jindabyne' (author Ray Lawrence, producer April Films, classified M by the Office of Film and Literature Classification on 1 June 2006). The complainant, a doctor, expressed concern that:

1. scenes in this film could cause a heart attack or stroke or other serious health problem to unsuspecting viewers. For example, the complainant suggested that an elderly person watching it might die from shock or a pregnant woman could have a miscarriage due to the stress from watching this film. The complainant suggested that there could be deaths due to audiences watching some of the grisly scenes;
2. the way in which the woman was murdered would be traumatic for any abused woman or her family or families of murdered women; and
3. the film could lead to some copy-cat actions or effects on disturbed people including any youth with psychiatric problems.

The Council first examined three critical reviews of the film and noted the absence of any comment of this kind or any expression of concern about the violence in the film. The Council also established that there had been no complaints of this type, or any complaints, to the Office of Film and Literature Classification, about this film. Nonetheless, noting the seriousness of the complaint and the professional opinion offered by the complainant, the Council decided to view the film, which it did on 31 July 2006.

#### **Film content**

The film is set in the present day in the rural community of Jindabyne. It examines the effects on family and social relationships in the town when a group of local fishermen discover the body of a murdered woman but defer reporting it to the authorities in order to enjoy their fishing trip. The film opens with the events leading up to the murder, but it does not depict the murder. Rather, the viewer first sees the encounter between the victim, who is driving alone on a country road, and the murderer, who deceives her into stopping her vehicle, and later sees the victim's body being dumped from the back of a truck into the river. This scene is sufficiently detailed to make clear that this is the same woman and that she has now been killed by the man she had met, but the scene is brief and does not dwell on the detail of her injuries.

The body is seen again, later in the film, when found by the fishermen in the river near their camp. Two of the men in turn approach the floating body and examine it by turning it over and back again. The depiction of the body in these scenes is more protracted but again the injuries are not dwelt on. The fishermen resolve the problem by tying the body to the riverbank but thereafter leave it alone.

The only actual depictions of violence in the film occur when (a) the protagonist in an outbreak of temper grabs and shakes his wife and later his mother in the course of a domestic dispute and (b) a friend of the protagonist unexpectedly punches him in the face in the course of a family barbecue.

### **Council deliberations**

The Council noted that although there is a clear sense of menace when the victim is approached by the murderer and induced to stop her car, there is no depiction of violence between the victim and the murderer. The scenes in which the body is shown indicate only the aftermath of this violence. They are not gratuitous but are integral to the film and the depictions of the body are no more than are necessary for the viewer to understand the plot. The other scenes of violence were, in the Council's view, equally distressing if not more so in that they showed deliberate aggression within close relationships.

The Council noted that, for an M classification, the impact of the violence must be no higher than moderate. An M rating denotes that the film is not recommended for viewers under 15. Commonly, murder-mystery films in which the actual killing is not shown are classified M or lower. The mere inclusion of scenes of the body of a murder victim will not necessarily take the film beyond the M category. By contrast, the MA15+ classification accommodates strong-impact violence. Examples of films with MA-level violence include *The Passion of the Christ*, *Once Were Warriors*, *Saving Private Ryan*, *The Silence of the Lambs*, *L.A. Confidential* and *Collateral*.

The Council noted that 'Jindabyne' is realistic and of serious intent, which may increase the impact of any violence compared with the impact of similar violence in a film that seeks merely to entertain. Nonetheless, the Council judged that the scenes complained of were of no higher than moderate impact. The Council has no medical expertise, but, judging as lay persons, the Council did not think the grievous consequences predicted by the complainant were likely to result. The Council did not consider that the violence in 'Jindabyne' was of comparable impact with that in the MA15+ films mentioned.

The Council includes a psychologist who expressed the view that:

*Given the nature of the violence portrayed and the context of the film's style which implies rather than explicitly portrays the violence, I believe that there is little chance of either "copycat" behaviour or trauma reactions in the vulnerable people specified in the complaint.*

The Council noted the partial nudity of the dead body and the recurrence of coarse language in the film but did not consider that these classifiable elements would take the film out of the M category. The film does not contain any other classifiable elements, such as sex or drug use.

The consumer advice attached by the Classification Board warns of moderate coarse language and moderate violence. The Council judged those warnings to be sufficient.

### **Conclusion**

The Council resolved not to classify the film 'Jindabyne'.

## APPENDIX C

### Classification of the Film '2.37'

#### **Background**

On 4 October 2006, the Council considered a complaint forwarded to the Attorney General about the recent Australian Film '2.37'.

The film had been given an *R18+* rating by the Office of Film and Literature Classification (Commonwealth) and the complaint forwarded to the Honourable Attorney expressed the view that the film, in dealing with significant issues such as teenage suicide deserved a wider audience.

Particularly the complainant asserted that the film amounted to a "powerful condemnation of teen suicide" and that, given the *R* classification, it was unfortunate that teenagers under 18 were unable to see and appreciate the movie. The complainant felt that the viewing of the movie by such a class of viewers "may save lives".

In its own considerations as to classification, the national Office of Film and Literature Classification felt that the impact of the classifiable elements in the film was high and, in that context, the Classification Office had classified the film *R 18+*. The film deals with eating disorders, bullying, fitting in in a school context, pregnancy, homosexuality and drug use. Interwoven through these strong themes were themes which in the view of the national body were of a high impact, including incest, rape and suicide.

#### **Applicable Law and Guidelines**

The *Classification (Publications, Films and Computer Games) Act 1995*, sets out the matters to be taken into account in classification:

*'19. The matters to be taken into account by the council or the Minister in making a decision on the classification of a publication, film or 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 publication, film or game; and*
- (c) the general character of the publication, film or game, including whether it is of a medical, legal or scientific character; and*
- (d) the person or class of persons to or amongst whom it is published or is intended or likely to be published.'*

The National Classification Code requires that:

*'Classification decisions are 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 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) *portrayal of a person in a demeaning manner.'*

### **Council Deliberations**

In viewing and considering the film, the Council was not of the view that, as an alternative to the present *R18+* classification, the film might instead be classified *RC* (Refused Classification).

As the Council understood the specifics of the subject complaint, the complainant was concerned that an alternative and lesser classification had not been assigned to the film. Specifically, the Council considered the appropriateness or otherwise of reclassifying the film to *MA15+*, also a restricted classification.

The Council was particularly concerned about the final sequences of the film focusing upon the suicide of one of the young female characters. The high impact and the way that this scene was dwelt upon, when allied with the conveyed responses of other characters to such event gave the Council concern especially in respect of paragraph (b) of the National Classification Code principles, as mentioned hereabove.

The themes of rape, and rape in the context of incest, and of suicide were dealt with by a high impact way, not otherwise relieved by context. Particularly, the dealing with the theme of suicide, and particularly youth suicide, was spoken of by another character in the film as an act to be viewed positively. Further, few if any options for the troubled teens, other than suicide, were presented.

The Council noted that the film was no longer in cinematic release but was imminently to be released on DVD. Given the high impact nature of the fore-mentioned depictions and strong themes, on balance, the Council unanimously expressed the view that no re-classification of the film was appropriate and that the classification assigned by the national board, of *R18+*, was appropriate. Pursuant to s.17(i)(b) of the Act, the Council declined to classify the film.

## APPENDIX D

### Classification of the film 'Shortbus'

#### **Background**

The Council received a complaint from a viewer of the film 'Shortbus', concerned because:

- the film contained offensive pornographic images
- the film depicted unprotected sexual activity
- there was no adequate warning of the film's content.

The film had been classified R18+ by the national Classification Board on 6 September 2006, with the consumer advice 'High level sex scenes, Actual sexual activity'. This was a majority decision of the Board: the minority would have classified the film RC on the grounds of actual sexual activity, violence and fetishes.

The Council viewed the film and held a meeting to consider the complaint on 30 November 2006.

#### **Film content**

The film follows the overlapping lives of a group of young people living in New York in the present day, examining their emotions and relationships, which are depicted particularly through their sexual experiences. The title refers to a sex club where various encounters take place among them. The film includes several scenes of realistically-simulated or actual sexual activity, including domination. It also depicts an attempted suicide involving drug use.

#### **Applicable law and guidelines**

The *Classification (Publications Films and Computer Games) Act 1995* sets out the matters to be taken into account in classification:

19. *The matters to be taken into account by the Council or the Minister in making a decision on the classification of a publication, film or 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 publication, film or game; and*
  - (c) *the general character of the publication, film or 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 requires that:

*Classification decisions are 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 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 a person in a demeaning manner.*

The Code further states that the category R18+ contains '*films (except RC films and X films) that are unsuitable for a minor to see*'. Films classified R include those the impact of which does not exceed high. The R18+ guideline as to the classifiable element sex states:

*Sexual activity may be realistically simulated. The general rule is 'simulation yes, the real thing, no'.*

The category X18+ contains films (except RC films) that:

*(a) contain real depictions of actual sexual activity between consenting adults in which there is no violence, sexual violence, sexualised violence, coercion, sexually assaultive language, or fetishes or depictions which purposefully demean anyone involved in that activity for the enjoyment of viewers, in a way that is likely to cause offence to a reasonable adult; and*

*(b) are unsuitable for a minor to see.*

The category RC contains films 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 or propriety generally accepted by reasonable adults to the extent that they should not be classified.*

### **Council deliberations**

The film contains some violence in the form of fighting among the characters, some nudity and some coarse language. Themes include suicide, sexuality and relationship breakdown. The Council did not consider that any of these elements would be likely to result in a classification higher than R18+. The Council noted that the principle classifiable element to be weighed in considering whether the film was correctly classified R18+ was sex.

In considering the impact of this element in its context, the Council noted that the film is aimed at an adult audience. Many of the depictions of sexual activity appear to be simulated. As for those that appear to be real, it was considered that their inclusion amidst the many scenes of simulation did not substantially increase the impact of those scenes on an adult audience. The Council also thought that the impact of these scenes was reduced because they are mostly brief and not detailed and because of the generally comedic context of the film.

The Council noted that the complainant had found the sexual depictions in this film offensive. It noted that it is a principle of classification that, in general, adults should be able to see what they want. In and of itself, the potential to offend some adults will

therefore not necessarily result in a film's being classified higher than R18+. The Council also noted the complainant's concern that the film depicts unprotected sex. The Council did not consider that to be relevant to classification.

The Council further noted the complainant's concern that there had been nothing in the advertising of the film to alert her to its strong sexual images and that she would not have gone to see it if she had known its content. That is of concern. An important aim of classification is to protect members of the public from exposure to unsolicited material that they may find offensive. This is usually achieved by ensuring that viewers are properly informed about the film's content, through the classification itself and the attached consumer advice. In the present case, the Board had attached advice warning viewers of high-level sex scenes and actual sexual activity. The Council noted that unfortunately in this case the advice had not reached the complainant. Had it done so, it is likely that the advice would have achieved its purpose, in that the complainant would have chosen not to see the film. This cannot, however, found an argument that the film is incorrectly classified.

Overall, the majority of the Council judged that the South Australian public is adequately protected by the R18+ classification together with the consumer advice attached by the national Classification Board. It therefore determined not to classify the film for South Australia.

## APPENDIX E

### Classification of the film '300' by Zac Snyder

#### **Complaint**

The Council received a complaint from a viewer of this film who said:

*Yesterday (6/4/07) I went and saw the movie '300'. I had seen the previews for it as well as knew the story and thus, expected it to be gory. Because of this I was not expecting what I got. I believe that if the movie was solely violent then the MA15+ would be acceptable for myself as a seventeen year old. However after seeing the movie I was disappointed when aside from violence there were also sex scenes and nudity which I did not expect. I think these scenes make the classification of this movie unacceptable as children can enter the movie if they are with a parent, which was the case in the cinema I was in. I believe this movies rating should be reviewed and reassessed as I believe teenagers my age and younger should not be subjected to these forms of extremes.*

The Council was concerned that the viewer had been taken by surprise by some of the film's content. An important consumer-protection purpose of film classification is to ensure that viewers have a good idea of what to expect when they make the decision to view the film. The Council was also concerned that content that this viewer felt to be 'extreme' was not reflected in the consumer advice. It therefore decided to view the film.

#### **Synopsis**

The film, set in 480 B.C., depicts the battle of Thermopylae where 300 Spartan soldiers are said to have fought against a much larger Persian army.

#### **Current classification**

The film is currently classified MA15+ in Australia. This means that children aged 15 and over may lawfully view or hire the film unaccompanied, but those under 15 cannot attend a screening or hire the film unless accompanied by a parent or guardian.

In the United Kingdom, the film was classified 15, meaning that no-one younger than 15 may see it in a cinema or rent or buy it on video or DVD. In New Zealand, the classification decision was 'Objectionable except if the availability of the publication is restricted to persons who have attained the age of 16 years'. In the United States, the MPAA advisory classification is 17, meaning that persons under that age are required to be accompanied by a parent or guardian. The MPAA advice is 'graphic battle sequences throughout; some sexuality and nudity'.

The Council noted that the film is classified MA15+, the Classification Review Board, on appeal by the distributor, having overturned the original R18+ decision of the Classification Board. The consumer advice warns viewers of 'Strong computer-generated battle violence; death and war themes'. Neither the advice nor the Review Board's published reasons mentions sex scenes or nudity. The classifiable elements noted by the Review Board were themes (warfare and death) and violence (battle scenes).

### **Matters to be considered in classification**

1. The *Classification (Publications Films and Computer Games) Act 1995*, s. 19, says:

*The matters to be taken into account by the Council or the Minister in making a decision on the classification of a publication, film or 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 publication, film or game; and*
- (c) the general character of the publication, film or 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. Section 18 says:

*Publications, films and computer games are to be classified by the Council or the Minister in accordance with the National Classification Code and the national classification guidelines.*

### **Council deliberations**

#### **Public standards of morality, decency and propriety**

The Council thought that the South Australian public would be very concerned about films that promote or incite violence, particularly sexual violence, and would be moderately concerned about films that use violence in an entertainment context. The level of concern about the latter might depend on factors such as how realistically the violence is portrayed, whether the violence is personal and whether distancing devices are used. The Council thought that the public is relatively unconcerned about the depiction of nudity or simulated consensual sexual activity in legally-restricted films, where it is justified by context.

#### **Artistic merit**

Reviews of the film differ as to its artistic merit. The Sydney Morning Herald critic said:

'It is violent enough to make you shudder and close enough to fascist art to make your skin crawl.' The Washington Post described the film as 'clueless ... a visually overblown document with an IQ in the lower 20s'. The Age commented that 'ham-fisted historical epics can still make for great entertainment'. The BBC Movies reviewer said 'It's going to be widely ridiculed and rightly so, because viewed with the slightest critical distance it becomes extremely funny, but taken on its own terms - as Greek myth meets Looney Tunes - it's a kind of masterpiece'.

The Council did not judge that the artistic merit of the film was such as to exert an influence on its classification.

**General character**

The film intends to entertain. It has no medical, legal or scientific character.

**Likely or intended audience**

The film is made for teenage to adult viewers and does not seek to appeal to younger children.

**Code and Guidelines**

Under the Code, classification must take account of community concern about depictions that condone or incite violence and about the portrayal of persons in a demeaning manner. Minors should be protected from material likely to harm or disturb them. A film that is unsuitable for any minor to see is classifiable R18+. A film that depicts or deals with matters of sex or violence in such manner as to be unsuitable for viewing by persons under 15 is classifiable MA15+.

The Guidelines elaborate on the Code. The difference between the R18+ category and the MA15+ category is one of impact: strong impact material belongs in MA15+ and high impact material requiring restriction to adults only belongs in R18+. In the MA15+ category, both violence and nudity should be justified by context. Sexual activity may be implied. In the R18+ category, violence and nudity are permitted and sexual activity may be realistically simulated.

**Discussion**

The Council noted that the main contentious aspect of the film is, as described by the Review Board, battle violence. Much of the film is taken up with a portrayal of the resistance offered by the Spartan army to the Persian invasion. Factors that increase the impact of this violence include the degree of detail in the depictions of the injuries and deaths, as well as the use of slow motion and the sheer duration of the battle scenes. Nonetheless, the Council did not judge that the impact of the violence was higher than strong.

First, the film lacks psychological depth. Motivation is shallow and the characters remain flat. Sympathy is not evoked and displays of emotion between the characters are few and unconvincing. The story aspect of the film is simply designed as a frame for its main focus, the detailed portrayal of the battle. Thus, the violence has no interpersonal quality and, although sometimes gruesome, has no real sense of menace or threat. Second, much of the battle action comprises fantasy special effects, for example, the presentation of various monsters to be defeated by the heroes. The fighting is stagy and ritualistic. All this lowers the impact of the violence, giving a sense that this is merely a cartoon come to life.

The Council thought the film wholly unsuitable for younger children but did not think the impact of the violence was such that those aged 15 and over should be excluded. They and their parents are likely to be well aware of the content of the film from the consumer advice ('strong computer-generated battle violence; death and war themes) as well as from promotional material.

As to the matters complained of, the Council noted that the film does contain consensual sex scenes, an implied rape and some brief nudity. Both sex and nudity

are classifiable elements and depending on impact will influence the film's classification and may necessitate consumer advice.

These scenes are not protracted or detailed and can be justified in the context of the story. The Council did not agree with the complainant's comment that they were 'extremes'. In this case, the Council judged that the impact of these elements in their context was no higher than strong (and probably only moderate) and would not result in the film's being classified higher than MA15+.

The Council considered whether the consumer advice should be changed to warn viewers that the film contains sex scenes and some nudity. It noted that the warning attached by the Motion Picture Association of America does so. In Australia, however, it is usual for the consumer advice to point to those matters that have led to the classification decision rather than to attempt to list all the classifiable elements. For example, the film *Saving Private Ryan*, also classified MA15+ for its realistic depictions of battle, carries the consumer advice 'graphic war scenes' but does not warn about the coarse language also occasionally used in the film, perhaps because that does not, of itself, contribute to the MA15+ classification.

The Council thought that the impact of these elements in their context was such that no specific warning of this content was required.

### **Conclusion**

The Council decided not to alter either the classification of the film or its consumer advice.

