



Australian Government
Classification Review Board

10 April 2006

23-33 MARY STREET
SURRY HILLS, NSW

- MEMBERS:** The Hon Trevor Griffin (Deputy Convenor)
Mrs Gillian Groom
Ms Kathryn Smith
- APPLICANT:** Twentieth Century Fox Film Distributors Pty Ltd (Fox), original applicant for classification, represented by Mr Paul De Carvalho (Manager Specialty Films), Mr Chris Smith (National Print Controller) and Mr John Dickie (Consultant).
- BUSINESS:** To review the Classification Board's decision to classify the film *River Queen* MA 15+ (Mature Accompanied) with the consumer advice 'Strong violence'.

DECISION AND REASONS FOR DECISION

1. Decision

The Classification Review Board (the Review Board), in a unanimous decision, classified the film *River Queen* (the film) M (Mature), with the consumer advice 'Moderate combat violence'.

2. Legislative provisions

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

Relevantly, the Code in paragraph 4 of the Table under the heading "Films" provides that:

Films (except RC films, X 18+ films and R 18+ films) that depict, express or otherwise deal with sex, violence or coarse language in such a manner as to be unsuitable for viewing by persons under 15

are to be classified MA 15+. In addition:

Films (except RC films, X 18+ films, R 18+ films and MA 15+ films) that cannot be recommended for viewing by persons who are under 15

are to be classified M.

The Code also sets out various principles to which classification decisions should give effect, as far as possible. Section 11 of the Act requires that the matters to be taken into account in making a decision on the classification of a film 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 film; and
- (c) the general character of the film, 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.

Three essential principles underlie the use of the *2005 Guidelines for the Classification of Films and 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.

3. Procedure

The Review Board convened on 10 April 2006 to determine the validity of the application for review from Fox, received on 13 March 2006, view the film and consider the substance of the application. Three members of the Review Board, and two representatives from Fox, viewed the film *River Queen* at the Review Board's meeting on 10 April 2006.

The Review Board received an oral submission from Mr John Dickie on behalf of Fox, in addition to the written submission provided. Mr Paul De Carvalho and Mr Chris Smith attended on behalf of Fox. The Review Board then adjourned to consider the matter.

4. Evidence and other material taken into account

In reaching its decision the Review Board had regard to the following:

- (i) Fox's application for review
- (ii) Fox's written and oral submissions
- (iii) The film

- (iv) The relevant provisions in the Act
- (v) The relevant provisions in the Code
- (vi) The Classification Board's report
- (vii) The *Guidelines for the Classification of Films and Computer Games 2005*.

5. Synopsis

River Queen is a fictional tale of love and hardship set against the backdrop of the New Zealand land wars. The movie tells the story of Sarah O'Brien, an Irish immigrant who has recently moved to New Zealand. While there, she finds herself placed in the middle of a conflict between European settlers and the Maori attempting to protect their land from occupation by colonists. Sarah's loyalties are split when her half Maori young son goes missing, kidnapped by the Maori of the boy's deceased father.

6. Findings on material questions of fact

The Review Board found that the film contains aspects or scenes of importance, under various classifiable elements:

(a) Violence

At approximately 11 minutes Sarah's young son is shown being seized from behind with a hand being clamped over his mouth and then being carried away. The act is in context;

At approximately 15 minutes a Maori village is burnt at night by soldiers and there is a general melee of soldiers and Maori;

At approximately 17 minutes the Maori grandfather is shot and is seen to fall – the handgun is seen and the shot is heard but there is no wound or blood depicted;

At approximately 54 minutes a Maori messenger is shot, impliedly in the back while he is off screen;

At approximately 62 minutes a young lame Maori boy is struck with an axe- the striking and killing is implied, occurring off screen and there is no wound or blood shown;

At approximately 69 minutes a bayonet is thrust into a shoulder and there is a fleeting blood spurt;

At approximately 70 minutes a soldier (a friend of Sarah's) is shot and is bayoneted in the shoulder but there is no close-up of the wound;

At approximately 73 minutes Boy is seen to raise an axe and impliedly strike a soldier;

At approximately 76 minutes there is a bloody scene of a bullet being removed from a soldier and the wound cauterised with a red-hot poker, accompanied by screams, but while there is a measure of realism the scene is not prolonged;

At approximately 93 minutes Boy is shown strung up by his arms from a crane but while a Maori pleads for the boy's life the boy shows little emotion. In the same scene, the Maori, as an act of good faith in return for Boy's release, grabs an axe and brings it down to cut off his trigger finger which is seen falling onto the wooden floor, but with little detail in subdued light; and

At approximately 103 minutes Boy is shown tattooing Sarah's chin in what appears to be a realistic depiction of Maori technique and style, with some blood but apparently by traditional methods.

Identifying these scenes alone shows that the specific acts of violence occur in context. In addition, they show that much of the action and the consequences for the victims appears off-screen and is implied. While the battle scenes show gun flashes and are accompanied by gunfire sounds as well as the noises and sound effects one would ordinarily associate with pitched battles, much of the injury and killing action is implied and techniques for heightening the visual impact, such as blood spurts and close-ups of injuries, have not been used.

The Review Board concluded that, as a whole, the violence was moderate and justified by context.

(b) Sex

There are two scenes in which the classifiable element of sex is relevant but, in the context of the film where violence is the predominant classifiable element, the Review Board was of the view that consumer advice was not necessary with respect to sex.

At approximately 41 minutes the ill young Maori chief appears to be hallucinating and there is a brief camera shot from above of him and a woman kneeling facing each other, bodies touching. No breasts or genitals are displayed and there is no significant movement.

At approximately 67 minutes there is a similar scene from above the couple but this time the woman's breasts are shown but the genital areas of both are covered. There is discreetly implied sexual activity.

Both scenes are filmed in low light.

(c) Nudity

At approximately 51 minutes a sick Maori is helped into the river where he is immersed 3 times under the ministrations of Sarah and as part of a healing procedure. He is shown naked wading into the river, but from a back view only, and after his immersion is shown wading out of the river with a camera shot from the waist up. In both instances, no genitalia were visible.

At approximately 64 minutes there is a fleeting distance shot of a group of young women dancing, several with bare breasts.

At approximately 75 minutes an Irish soldier has been injured and his body stripped. He is shown being lifted onto his feet and there is a full shot of his naked body from the rear.

The Review Board was satisfied that these scenes were not offensive, were justified by context and did not warrant consumer advice.

7. Reasons for the decision

There is a number of war or combat scenes but they are justified by the historical context. They are moderate in impact. There is limited use of techniques which otherwise would result in higher impact. Much of the direct action which results in injury or death to victims is implied and occurs off screen.

8. Summary

The Review Board determined that *River Queen* should be classified M (Mature), with the consumer advice “Moderate combat violence”.

The Review Board's decision was unanimous.