



Australian Government

Classification Review Board

8 December 2009
23-33 MARY STREET
SURRY HILLS, NSW

MEMBERS: The Hon Trevor Griffin (Acting Convenor)
Ms Helena Blundell
Dr Melissa de Zwart
Mr Alan Wu

APPLICANT Madman Entertainment

INTERESTED PARTIES None

BUSINESS To review the Classification Board's decision to classify the film *The Loved Ones* R 18+ (Restricted) with the consumer advice 'High impact violence'.

DECISION AND REASONS FOR DECISION

1. Decision

The Classification Review Board (the Review Board) classified, by majority, *The Loved Ones* MA 15+ (Mature Accompanied) with the consumer advice 'Strong horror violence; strong themes.'

2. Legislative provisions

The *Classification (Publications, Film and Computer Games) Act* 1995 (the Act) governs the classification of films and the review of classification decisions. Section 9 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 5 of the Table under the heading 'Films' provides that:

‘Films (except RC films and X 18+ films) that are unsuitable for a minor to see’ are to be classified R 18+, and
‘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+.

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 publication, film or computer game; and
- (c) the general character of the publication, film or 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.

Three essential principles underlie the use of the *Guidelines for the Classification of Films and Computer Games 2005* (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

A Four member panel of the Review Board met on 8 December 2009 in response to the receipt of an application from Madman Entertainment on 20 November 2009.

The Review Board viewed the 35mm version of *The Loved Ones*.

The Review Board considered written and oral submissions from Holding Redlich Law Firm, acting on behalf of Madman Entertainment.

The Review Board then considered the matter.

4. Evidence and other material taken into account

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

- (i) the application for review from Madman Entertainment
- (ii) a written submission from Holding Redlich on behalf of Madman Entertainment and oral submissions by representatives of Holding Redlich
- (iii) the film *The Loved Ones*

- (iv) the relevant provisions in the Act, the Code and the Guidelines, and
- (v) the Classification Board's report

An email received from a member of the public regarding the film was noted by the Review Board.

5. Synopsis

This film, in the horror genre, follows the story of Brent who is invited by Lola to the end of year school dance. He rejects Lola's offer as he is already going with Holly and then is abducted by Lola's father. He awakens to find himself dressed in a tuxedo and tied to a chair in Lola's home. He is subjected to various tortures.

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) Themes – The principal themes of envy/ jealousy, revenge, dysfunctional families, death and self-harm are no higher than strong in impact and, in the view of the Review Board, can be accommodated in a classification lower than R 18+.

(b) Violence – The film falls clearly within the horror genre. It contains numerous depictions of violence typical of horror movies created both through visual and sound effects. These violent scenes are interspersed with non-violent scenes, which are either humorous such as Mia and Sac at the school dance, or quiet such as cuts to Holly reading a card from Brent, which serve to break the build up of tension. Thus, although there is an escalation to the violence, it is not prolonged or unrelenting.

The two key scenes which were the focus of the Review Board's discussion were the repeated hammering of Brent's feet to the floor with knives (at approximately 39 minutes) and the use of the drill by Lola and her father to drill a hole in Brett's forehead (at approximately 57 minutes). The knife scene largely implied, rather than depicted, blows to the knives being driven through Brent's feet into the floor and ended with the humorous reference to the final blow as 'This one's for the Kingswood'. The drill scene (being the longer of the violent scenes) also included humorous elements with the build up to Lola's first attempt to drill a victim, being defused both by the drill slipping and by the plea to her father to make the drill hole bigger.

Both of the protagonists had elements that made them figures of derision or humour rather than creating a sense of control and dominance. Despite the fact that we are shown a number of previous victims, there is a sense that Brent may be able to overcome his torturers. This also serves to minimise the overall sense of threat and menace. Much of the violence is implied and although there is copious blood and blood splatter this would be expected by the target audience.

The majority of the Review Board was of the view that the impact of the violence was no higher than strong.

(c) Language – There is some coarse language but in the view of the Review Board, it can be accommodated in a classification lower than R 18+.

(d) Sex – There are two primary instances within this classifiable element, both in cars, which imply sexual intercourse – a bare female breast on one occasion and bare torsos in another. All instances of the element, in the view of the Review Board, can be accommodated in a lower classification.

(e) Drug Use – Throughout the film, there are instances of drug-taking, mainly smoking marijuana joints, but there is an instance of alcohol being consumed to excess. They are justified by context and can be accommodated within a lower classification.

(f) Nudity – Nudity is low in impact and can be accommodated in a lower classification.

7. Reasons for the decision

Majority view

The majority of the Review Board was of the view that the impact of the violence was no more than strong and is properly described as horror violence with the film itself being in the horror genre.

The violence was mostly implied; individual explicit scenes were brief and were swiftly relieved by scene changes without depictions of violence.

The themes were briefly touched on, but were incidental to the overall storyline and their impact was therefore no higher than strong.

Minority view

A minority of the Review Board was of the view that the film was unsuitable for viewing by minors and that the acts of violence, when taken together, were high in impact. The minority view therefore was that the film should be classified R 18+.

8. Summary

In a majority decision, the Review Board has determined that *The Loved Ones* contains classifiable elements that are no higher than strong in impact and therefore is classified MA 15+ with the consumer advice ‘Strong horror violence; strong themes’.