



Australian Government

Classification Review Board

26 September 2007
23-33 MARY STREET
SURRY HILLS, NSW

MEMBERS: Ms Maureen Shelley (Convenor)
The Hon Trevor Griffin (Deputy Convenor)
Ms Kathryn Smith

APPLICANT: Roadshow Entertainment represented by:
Mr John Dickie, Consultant
Ms Leanne Emerson, Operations Manager, and
Mr Richard Lyle, Chief Classification Officer, Channel 9

**INTERESTED
PARTIES:** None

BUSINESS: To review the Classification Board's decision to classify the film *Sea Patrol Series 1 M*, with the consumer advice 'Moderate themes, Moderate violence'.

DECISION AND REASONS FOR DECISION

1. Decision

The Classification Review Board (the Review Board) classified *Sea Patrol Series 1 M*, with the consumer advice 'Action themes, Infrequent moderate violence'.

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 Films table provides that:

Films (except RC films, X18+ films, R18+ films and MA15+ 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 *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

Three members of the Review Board met on 26 September 2007 in response to the receipt of an application from Roadshow Entertainment (the applicant) on 13 September 2007.

Each member of the Review Board panel viewed the film separately in the days preceding this meeting.

The applicant made a written submission. The Review Board also received oral submissions from the following persons on behalf of the applicant:

- Mr John Dickie, Consultant
- Ms Leanne Emerson, Operations Manager, Roadshow Entertainment, and
- Mr Richard Lyle, Chief Classification Officer, Channel 9.

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) Roadshow Entertainment's application for review
- (ii) Roadshow Entertainment's written and oral submissions
- (iii) The film *Sea Patrol Series 1*
- (iv) The Classification Board's report, and
- (v) The relevant provisions of the Act, the Code and the Guidelines.

5. Synopsis

This film consists of 13 episodes of the Australian television series, *Sea Patrol*, dealing with the often risky and sometimes dangerous missions of the Royal Australian Navy Patrol Boat Service.

6. Findings on material questions of fact

The Review Board found that the film contains aspects or scenes of importance under the classifiable elements of themes and violence. There were no notable aspects under the elements of sex, drug use, nudity or coarse language.

(a) **Themes** – included matters of serious medical emergencies, death and dead bodies, attempted suicide, attempted murder, dangerous smugglers, a terrorist threat, hostage taking, children in danger. In a number of episodes the themes are merged with the scenes under violence.

Specifically the following scenes were noted by the Review Board as having moderate impact:

Episode 1: At approximately 20 minutes an emergency operation is performed on a woman who has been found on a beach, paralysed and having difficulty breathing. Although not a qualified doctor, Swain has to perform an emergency tracheotomy. He is clearly nervous about doing this and instructions are relayed over a radio device. The woman is clearly distressed as the camera focuses on her face showing her eyes rolling in fear. One seaman gently covers her eyes with his hand and the female officer holds her hand, as Swain lays a scalpel against her neck. The incision is implied off screen but blood is shown on the scalpel. A tube, being part of a pistol, protrudes from her neck, implying it has been inserted into the incision to allow her to breathe.

The woman is taken back to the ship. There are close-up and over-head views of her bandaged neck with the tube protruding and her scared face. At approximately 33 minutes the woman stops breathing and is given resuscitation and CPR a number of times but dies. The female officer cries. It is the first time she has seen a dead person.

Episode 3: A rope is pulled in over the side of a boat revealing, as the surface of the sea is broken, that it is tied to the leg of a dead man.

Episode 4: Two crew members are stung by the deadly Irukandji jelly fish. At approximately 9 minutes a seaman is seen convulsing and then collapsing. He survives, but the other, who has been expected to recover, dies at approximately 34 minutes. There is a close up view of his eyes open after he has stopped breathing. The crew is shocked by this unexpected death.

Episode 10: A father has absconded with his two children in an unseaworthy boat. He is divorced from their mother who intends to take them with her when she remarries and leaves Australia to live in America. He is distressed and feels a failure. He stands outside the guard railings of HMAS Hammersley and as crew members are trying to talk to him he jumps off the ship and swims away from it. His children are not

present. He is rescued but is depressed and says he wants to be dead. On arrival in harbour he is taken away by two men in a black van and his children run to reunite with their mother.

Episode 12: On a computer screen, a threat to cause mass poisoning to a number of Australian tourists is viewed. Photos of people, varying in age (children and adults) and including families, are shown with a voice-over stating that within 24 hours these people will be found dead. The HMAS Hammersley searches for an answer as time runs out.

(b) **Violence** – included use of weapons (guns, machete) against persons, threat of violence with guns, explosions, hostage taking, attempted murder.

Specifically the following scenes were noted by the Review Board as having moderate impact:

Episode 5: At approximately 26 minutes a foreign illegal fisherman holds a machete to his neck while looking at a photo of his children and showing distress as he speaks in a foreign language which the crew watching do not understand, until one of the crew translates that he is scared his boss will kill him if he leaves the boat.

Episode 7: At approximately 39 minutes a woman, visibly upset, points a gun at the neck of a crew member. A close up of the gun against his neck is shown.

Episode 8: At approximately 35 minutes a soldier is preparing to detonate an unexploded sea mine on the beach. The area is cordoned off and the beach cleared, but a young boy runs towards his ‘cubby’ near the mine. The soldier cannot hear the alarm of one of the Navy officers because his radio is turned off in preparation for the detonation. This female officer is seen running in slow motion towards him while on the other side of the cordon a sailor is running towards the boy yelling at him. The boy ignores the warning and runs into his ‘cubby’ which is next to the sea mine which is about to be detonated. The sailor is seen following the boy into the cubby and then running out with him in his arms as the cubby goes up in smoke following the explosion. The officer runs over to the sailor and boy who are lying unmoving on the sand. They prove to be okay as the navy team surrounds them with concern.

Episode 10: At approximately 16 minutes a man is found in crocodile-infested mangroves, unconscious, with a bloody leg. A crew member states he has been mauled by a croc, and another crew member suspects he has been left to die intentionally.

At approximately 20 minutes crew members are searching for a distressed father and his two children. The crew members run with guns as the father is seen running with his children in the muddy crocodile-infested mangrove. The father turns as they yell at him. He points a rifle at the crew members who have automatic rifles. He threatens them with the rifle . . . that he is not afraid to use it. The children stand behind their father and are not seen clearly. As the crew member asks him to give up his gun the other crew member fires his gun. They turn to see a crocodile’s head in the water. The father looks very shocked and distressed, and the children run to the safety of the crew members.

Episode 11: At approximately 20 minutes a man points a gun at a crew member and another man points a gun at him from the other side. The crew member is taken hostage and is forced to join the men in a Zodiac which leaves the ship. A crew member is implicitly shot as they leave the ship, to prove they are not bluffing about killing the hostage.

At approximately 27 – 29 minutes a gun is pointed at the head of the crew member. At approximately 31 minutes the crew member is tied to a pole in the hold of a sinking boat. Water is pouring in from above. He begs the man, who he had befriended, to tie him loosely but he seemingly does not and leaves. There is a close up of his hands struggling to get free and his distressed face. He has flashbacks to his time with his pregnant wife. At approximately 32 minutes the water is up to his chin and he is spitting it out – again a close up of his restrained hands under water. The water is up to his mouth and he has an image of his wife beckoning him into the water. The water is over his head . . . he appears unconscious . . . a close-up of his hands shows them to be still. He is rescued as the water is nearly to the roof.

Episode 12: At approximately 29 minutes a man holds a woman as he points a gun at the captain and Executive Officer Lieutenant, and then pushes the gun into the side of the female hostage, stating “not bluffing, I’ll kill her.” The two men grapple with the gun and each other. At approximately 30 minutes there is the sound of a gun shot and we see the female officer drop to the floor. As the two men continue to struggle there is the sound of a gun shot and the hostage taker slumps to the floor, dead. The female officer is seen to have blood on her arm but she tells them it is just a graze and looks brave.

7 Reasons for the decision

The Review Board found the treatment of themes to have a moderate sense of threat or menace, justified by the context of The Royal Navy Patrol Boat Service. The impact of the themes was higher than mild, covering a wide range of situations including hostage taking, medical emergencies, and children escaping potential danger, which involved a level of tension, urgency and danger. The treatment of these incidents did not generally have a low sense of threat or menace as required in the PG classification, and as such cannot be recommended for persons under 15 years of age.

The Review Board found the impact of the violence to be moderate, justified by the context of The Royal Navy Patrol Boat Service, which gave it a realistic aspect. The considerable attention to detail to make the portrayals as accurate as possible with current navy procedure was not considered to reduce to below moderate level the impact of the themes and violence. Although the incidents of moderate violence are infrequent, given the length of the series, they did have a significant impact on the tone of the series, making it more than mild.

While the Review Board classifies material on a non-comparable basis it was noted that the series had been shown on television rated PG but in the time slot of 8.30pm which is usually a time slot for M rated material. The Review Board noted the applicant’s submission that this timeslot had been given for programming and not classification reasons.

8 Summary

The Review Board determined that the impact of the classifiable elements in the film could be accommodated in the M classification. The impact of the violence and themes was considered moderate, and justified by the overall context of the film. The Review Board's decision to classify *Sea Patrol Series 1* M with consumer advice 'Action themes, Infrequent moderate violence' was unanimous.